

the resolution of the board of county commissioners at their first meeting after the taking effect of this act for the year 1921 and at their January meeting in each succeeding year, shall be retained by the county treasurer and placed to the credit of the permanent highway maintenance fund of said county.

SEC. 3. This act is necessary for the immediate preservation of the public peace, health and safety, for the support of the state government and its existing public institutions and shall take effect immediately. Emergency.

Passed the Senate February 26, 1921.

Passed the House March 2, 1921.

Approved by the Governor March 16, 1921.

CHAPTER 96.

[S. B. 220.]

MOTOR VEHICLES.

AN ACT relating to the use of the public highways and the rights and remedies of persons thereon, providing for the licensing of motor vehicles and collecting, distribution and expenditure of fees therefor, fixing penalties for violations thereof, and repealing Chapter 153 of the Laws of 1913 and Chapter 142 of the Laws of 1915.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Except as otherwise provided by law this act shall be controlling: Scope of act.

(1) Upon the registration and numbering of motor vehicles;

(2) Upon the use of motor vehicles upon the public highways;

(3) Upon penalties for the violation of any of the provisions of this act.

SEC. 2. The words and phrases herein used, unless the same be clearly contrary to or inconsistent with the context of the act or section in which used, shall be construed as follows:

"Motor vehicle" defined.

(1) "Motor vehicle" shall include all vehicles or machines propelled by any power other than muscular, used upon the public highways for the transportation of persons, freight, produce or any commodity, except traction engines temporarily upon the public highway, road rollers or road making machines, and motor vehicles that run upon fixed rails or tracts; [tracks]

"Automobile" defined.

(2) "Automobiles" shall mean the ordinary four-wheeled motor vehicles, and shall be synonymous with the term "motor vehicle" except as otherwise herein provided;

"Motor cycle" defined.

(3) "Motor cycle" shall mean a motor vehicle of two or three wheels intended for the carrying of one, two or three persons, or operated by one person for the carrying of parcels or packages;

"Auto stage" defined.

(4) "Auto stage" as distinguished from "automobile" shall mean a motor vehicle used for the purpose of carrying passengers, baggage and freight on a regular schedule of time and rates: *Provided, however,* That no motor vehicle shall be considered an auto stage where the whole route traveled by such vehicle is within the corporate limits of any incorporated city;

"Motor truck" defined.

(5) "Motor truck" shall mean any motor vehicle designed or used for the transportation of commodities, merchandise, produce, freight or animals;

"Trailer" defined.

(6) "Trailer" shall mean any vehicle which is attached to a motor vehicle for the purpose of being drawn or propelled by such motor vehicle;

"Public highway" defined.

(7) "Public highway" or "public highways" shall include any highway, state road, county road, public street, avenue, alley, driveway, boulevard or other place built, supported, maintained, controlled

or used by the public or by the state, county, district or municipal officers for the use of the public as a highway, or for the transportation of persons or freight, or as a place of travel or communication between different localities or communities;

(8) "Local authorities" shall include the officers of counties, cities or towns or other municipal subdivisions of the state having control, power or authority over any of the subject matter embraced in this act;

"Local authorities" defined.

(9) "Peace officer" or "peace officers" shall be taken to mean any officer or officers authorized by law to execute criminal process or to make arrest for the violation of the statutes generally or of any particular statutes relative to the public highways of the state;

"Peace officer" defined.

(10) "Dealer" shall be taken to mean any person, firm or corporation engaged in the sale of new or second-hand motor vehicles;

"Dealer" defined.

(11) "Privately owned" shall include all motor vehicles not operated for hire, and shall include hearses, ambulances, or any other motor propelled vehicle used exclusively in connection with the conduct of funerals.

"Privately owned" defined.

(12) "For hire" shall be taken to mean all motor vehicles other than auto stages, used for the transportation of persons, for which transportation remuneration of any kind is received, either directly or indirectly.

"For hire" defined.

(13) The word "Operator" wherever used in this act shall be held to mean any person who operates or drives a motor vehicle.

"Operator" defined.

SEC. 3. The secretary of state, acting through the county auditors of the several counties of the state of Washington as hereinafter provided, shall have the general supervision of the issuing of motor vehicle licenses and of the collecting of fees therefor and shall have full power to do all things necessary

Supervision of fees and licenses.

and proper to carry out the provisions of this act; he shall have the power to appoint a deputy or deputies and such clerk or clerks as may be required from time to time, and may purchase all materials and make all expenditures as may be necessary hereunder.

It shall be the duty of the secretary of state to make and furnish to each county auditor, and to such persons as may be in any manner responsible for the collecting of the motor tax as hereinafter provided for, a tabulated list of all motor vehicles of the privately owned class, except motor cycles, giving the make, model, year, shipping weight as given by the manufacturer and setting opposite each description the license fee charged therefor.

Unlawful
acts
enumerated.

SEC. 4. (1) It shall be unlawful for any person under the age of fifteen (15) years to operate or drive any motor vehicle upon the highways of this state, except when accompanied by parent or guardian.

(2) It shall be unlawful for any person under the age of eighteen (18) years to operate or drive a motor truck having a capacity load of four tons or more.

(3) It shall be unlawful for any person under the age of twenty-one years to operate or drive a motor vehicle while being used for the transportation of persons for hire: *Provided, however,* Upon application to the Director of Licenses a special permit may in his discretion be given to a person under the age of twenty-one years.

Application
and showing
by applicant
for motor
vehicle
license.

SEC. 5. Application for a motor vehicle license shall be made to the secretary of state on blanks to be furnished by him. Such application shall be made by the owner of the vehicle, or his duly authorized agent, over the signature of such owner or agent, and he shall certify that the statements therein are

true to the best of his knowledge. The application must show:

(1) Name and address of the owner of the vehicle.

(2) Trade name of the vehicle, the model, year, type of body, factory number and motor number thereof.

(3) The power to be used, whether electric, steam, gas or other power.

(4) The purpose for which said vehicle is to be used and the nature of the license required.

(5) The rated carrying capacity of such vehicle, which in cases of auto for hire, auto stages or auto stage trailers shall be the adult seating capacity thereof and in cases of motor trucks or trailers shall be the rated capacity load as given by the manufacturer: *Provided*, That no license shall be issued on a truck or trailer for less than the rated carrying capacity as given by the manufacturer: *Provided, further*, That if the secretary of state is unable to obtain the rated carrying capacity of any particular make or model of truck or trailer he may, by general rules and regulations adopted and published from time to time, prescribe the method of ascertaining such rated carrying capacity and proof thereof by certificate, affidavit or otherwise.

(6) The weight of all automobiles for private use, which shall be determined by the shipping weight thereof as given by the manufacturer: *Provided, however*, That if the secretary of state is unable to obtain such shipping weight on any particular make or model of automobile he may by general rules and regulations adopted and published from time to time prescribe the method of ascertaining such weight and the proof thereof by certificate, affidavit or otherwise which shall accompany the application for license when the same is forwarded to the secretary of state and the owner of the vehicle

shall pay the license fee in accordance with weight shown on such certificate, affidavit or other proof.

(7) The weight of all automobiles for hire, auto stages and motor trucks, which shall be determined in such manner and proven by certificate, affidavit or otherwise as may be prescribed by general rules and regulations adopted and published from time to time by the secretary of state.

The certificate, affidavit or other proof of weight of automobiles for private use, automobiles for hire, auto stages and motor trucks prescribed by the secretary of state as hereinbefore provided for must be attached to and accompany the application for license which is forwarded to the secretary of state. The secretary of state is hereby forbidden to accept any application for a license unless such certificate, affidavit or other proof of weight as provided for herein is furnished him at the time the application is made and the fee paid in accordance with the weight given upon such certificate, affidavit or other proof: *Provided, however,* That in determining the weight of vehicles as provided for in this section no fraction of 100 pounds shall be taken into consideration, but where such fraction occurs the fee shall obtain upon the next lowest 100 pounds.

(8) Such other information as shall be required by the secretary of state.

(9) Application for dealers license shall be made direct to the secretary of state upon blanks to be furnished by him, accompanied by the fee as hereinafter provided. Such application shall be made by the dealer or his authorized agent and he shall certify that the statements therein are true to the best of his knowledge.

The application must show :

(A) Name under which business is conducted.

(B) Location of business (street, city or town and county).

Application
and showing
by applicant
for dealer's
license.

(C) Name and address of all owners or persons having an interest in the business, except that in case of a corporation the name and address of the two principal officers will be sufficient.

(D) Name and make of all new vehicles handled.

(E) Whether or not used cars are handled.

(F) A certificate to the effect that the applicant is a *bona fide* dealer in motor vehicles, with an established place of business at the location given, such certificate to be signed by the chief of police or town marshal. (If an incorporated city or town), by the sheriff of the county (if not in an incorporated city or town).

(G) Such other information as shall be required by the secretary of state.

SEC. 6. Upon receipt of such application accompanied by the proper fee, the county auditor shall give one copy to the applicant, retain one for the county files, and immediately forward the original, together with the proper fee, to the secretary of state. The county auditor shall, at the expense of the county issuing the same, furnish the applicant with a temporary number printed upon durable cardboard, which number shall be displayed always on the vehicle and shall entitle the licensee to operate the same for a period of thirty days from and after the date of such application. Immediately on receipt of the state license and permanent number plates, such temporary number shall be returned to the county auditor.

Filing
application.

All temporary number plates shall contain the name of the county issuing the same, together with the date of such issuance; the letters "Wn." and the year in which such license shall expire; and shall be displayed upon said vehicle in the same relative position as is hereinafter provided for the displaying of the permanent number: *Provided*, That the secre-

Temporary
number
plates.

tary of state may at his option furnish to the county auditor temporary permits of such design as he may determine which may be used instead of the temporary number above provided for, which temporary permits, when furnished shall be used under such rules and regulations as the secretary of state may determine.

Issue of
license.

SEC. 7. The secretary of state shall, upon receipts of the application for a motor vehicle license accompanied by the required fee, place the original application on file in his office and thereupon issue to such applicant a license for such motor vehicle, stating therein the number to be displayed on such motor vehicle, as hereinafter provided, and authorizing the use of such vehicle upon the public highways for and during the current calendar year: *Provided*, That if such application is received during the month of December in any year a license shall be issued therefor, which license shall be valid up to and including December 31, of the ensuing calendar year.

Transfer of
licenses to
other
vehicles.

SEC. 8. No license shall be transferred from one person to another person, but may be transferred from one vehicle to another vehicle, when duly authorized by the secretary of state on application therefor, accompanied by the proper fee, and in case such vehicle to which it is desired to have such license transferred requires a greater fee than the vehicle for which the original license was issued, the applicant shall accompany such application with the additional amount required to cover the difference between the license fees for the two ratings. A license may be transferred from one classification to a different classification upon application to the secretary of state and the payment of the difference between the license fee originally paid and the fee provided by this act for the class to which the transfer is made, together with an additional transfer fee

of one dollar (\$1.00) : *Provided*, That no refund shall be made if the fee fixed by this act for the class of vehicle to which such transfer is made be less than the fee originally paid: *Provided, however*, The original license and the number plates must be returned at the time application for transfer is made.

SEC. 9. A license to be valid must have endorsed thereon the signature of the owner (if a firm or corporation the signature of one of its officers, or other duly authorized agent), must be enclosed in a suitable container and attached to the steering post or upon the instrument board of the vehicle for which it was issued, at all times. The said container shall have a cover of transparent material through which the certificate may be inspected as to the information shown thereon, including the signature of the owner. Any person in charge of such vehicle shall upon demand of any of the local authorities or of any peace officer or of any representative of the secretary of state's office permit an inspection of the same. Upon application supported by affidavit of loss or destruction of a license and upon payment of the fee required therefor, a duplicate copy thereof shall be issued.

Duty to carry license.

SEC. 10. A dealer's license and a pair of distinctive number plates shall be issued to an actual dealer for any and all motor vehicles owned, handled, or dealt in by him and for the fees hereinafter specified, but shall not be used upon any motor vehicle while the same is being operated for hire, or for the transportation of any produce, freight or commodity unless the same is for the actual use of the dealer owning the vehicle so transporting such produce, commodity or freights: *Provided, however*, That no motor vehicle transporting any produce, commodity or freight under a dealer's license shall exceed one ton in carrying capacity: *Provided, further*, That nothing in this section shall be construed to prohibit

Demonstration license to dealers.

the use of a motor vehicle of under one ton capacity from rendering assistance to, or transporting necessary supplies to, a motor vehicle which has become disabled.

Such number plates, or duplicates thereof, shall be displayed on every motor vehicle by such dealer whenever the same is operated or driven upon any public highway in this state: *Provided*, That whenever a dealer shall maintain a branch or sub-agency, he shall apply for a separate registration for such branch, or sub-agency, and shall pay therefor the fee hereinafter provided for an original dealer's license.

Rights of
non-
residents
of state.

SEC. 11. The provisions of the foregoing sections relative to registration of motor vehicles and display of license numbers and licenses shall not apply to a motor vehicle owned by a non-resident of this state, other than a foreign corporation doing business in this state: *Provided*, That the owner thereof has complied with the laws of the foreign country, state, territory or federal district of his residence relative to registration of motor vehicles and the display of license numbers thereon as required thereby. The provisions of this section, however, shall be operative as to a motor vehicle owned by a non-resident of this state only to the extent that under the laws of the foreign country, state, territory or federal district of his residence, like exemptions and privileges are granted to motor vehicles duly registered and licensed under the laws of and owned by residents of this state.

Number
plates
furnished by
secretary of
state.

SEC. 12. The secretary of state shall furnish to such licensee of a motor vehicle two number plates containing the number to be displayed on such vehicle as hereinafter provided. The number shall be in block numerals and of such size as the secretary of state may determine, and shall be preceded by the letters "Wn" and by the last two numerals of the year in which such license shall expire, and such

number plate, if issued to a dealer, shall contain the word "Dealer." The secretary of state may put such other mark or character on such plates or fix the color of same as he may determine, to properly identify the kind of license issued. Such plates shall be obtained by the secretary of state on competitive bids.

SEC. 13. Immediately upon the sale of any motor vehicle and prior to the date of delivery of the same the vendor shall remove his license and number plates therefrom and shall immediately send the secretary of state a statement of such sale, showing the date thereof, the name and address of the purchaser and the name and motor number of the vehicle.

Removal of number plates in case of sale.

SEC. 14. Upon the loss or defacement or destruction of any number plate or plates or when for any reason the letters or figures upon the number plate or plates become illegible or in such a condition to be difficult to distinguish, application supported by affidavit setting forth such fact must be made to the secretary of state for new plates. The application must be accompanied by the fee of \$2.00, together with the original license certificate. Upon receipt of the same the secretary of state shall cancel such number and issue a new license certificate and number plates bearing the next consecutive unassigned number. The secretary of state shall forward to all chiefs of police of incorporated cities and towns, to the sheriffs of the various counties of the state at least once each month a list of all number plates so cancelled: *Provided, however,* That the above provision shall not apply to dealer's plates.

Duplicate plates in case of defacement or loss.

SEC. 15. All fees herein authorized to be collected shall be as follows unless otherwise provided:

Schedule of fees.

ANNUAL FEES.

MOTOR CYCLES.

All \$6.00

AUTOMOBILES.

AUTOMOBILES FOR PRIVATE USE.

Weighing 1,500 pounds or less.....	\$10.00
Weighing 1,500 pounds or more \$10.00, and 60 cents per hundred weight for all excess over 1,500 pounds.	

AUTOMOBILES FOR HIRE.

Weighing 1,500 pounds or less, \$20.00, and, in addition thereto at the rated carrying capacity, per person....	3.00
Weighing more than 1,500 pounds, \$20.00, and 60 cents per hundred weight for all excess over 1,500 pounds, and in addition thereto, at the rated carrying capacity, per person	3.00

AUTO STAGES.

Weighing 1,500 pounds or less, \$25.00, and, in addition thereto, at the rated carrying capacity, per person....	3.00
Weighing more than 1,500 pounds, \$25.00, and 60 cents per hundred weight for all excess over 1,500 pounds, and in addition thereto at the rated carrying capacity, per person	3.00

AUTO STAGE TRAILERS.

Weighing 1,500 pounds or less, \$10.00, and at the rated carrying capacity per person.....	3.00.
Weighing 1,500 pounds or more, \$10.00, and 60 cents per hundred weight for all excess over 1,500 pounds, and in addition thereto at the rated carrying capacity per person	3.00

MOTOR TRUCKS.

Weighing 1,500 pounds or less.....	10.00
Weighing more than 1,500 pounds and not to exceed 6,500 pounds	10.00
(And 40 cents per hundred weight for all in excess of 1,500 pounds and in addition thereto 40 cents per hundred weight at the rated carrying capacity.)	
Weighing more than 6,500 pounds, \$10.00, and 50 cents per hundred weight for all in excess of 1,500 pounds and in addition thereto 50 cents per hundred weight at the rated carrying capacity.	

Trailers used as trucks shall be classified and rated as, and shall pay the same fees as hereinbefore provided for motor trucks of like weight and capacity.

DEALERS' LICENSES.

Dealers in motor cycles.....	10.00
Dealers in all other motor vehicles regardless of weight..	50.00
Additional dealers' license plates, bearing same number except motor cycle dealers' licenses.....	10.00

GENERAL FEES.

Duplicate license certificates, each.....	\$1.00
Dealers' duplicate plates, each.....	5.00
Transfer of motor vehicle licenses, each.....	1.00

Provided, It shall be unlawful for any private or corporation car to carry passengers for hire, except that this provision shall not apply to private automobiles that shall be operated for hire for a period of one week or less and for which a special permit so to operate shall have been obtained from the county auditor. The fee for any such permit shall be for each automobile the sum of five dollars (\$5.00).

At the time any application for a license or a transfer of license is made to the county auditor as provided elsewhere in this act, the applicant shall pay to the county auditor the sum of twenty-five cents for each application, in addition to the license fee provided for in this section, which fee shall be paid to the county treasurer in the same manner as other fees, collected by the county auditor and credited to the county current expense fund.

SEC. 16. For all motor vehicle licenses issued between the first day of September and the 30th day of November of any year only one-half the rate named in section 15 shall be charged.

Fees for partial year.

SEC. 17. Motor vehicles and trailers owned by the State of Washington, or by the counties, county game commissions, cities and school districts therein, and used exclusively by them, and all motor vehicles owned by the United States Government, and used exclusively in its service, shall be exempt from the payment of the license fees herein provided: *Provided, however*, Such vehicle shall be registered as prescribed in this act and shall display upon the machine the number plates assigned by the secretary of state, and, except in case of the federal govern-

Exemption from license.

ment, shall pay for such number plates a fee of one dollar (\$1.00).

Disposition
of fees.

SEC. 18. There is hereby created in the state treasury a state fund to be known as the "motor vehicle fund," and a state fund to be known as the "primary highway maintenance fund." All fees collected by the state treasurer, as herein provided shall be paid into the state treasury and placed to the credit of the motor vehicle fund, from which shall be paid or transferred annually:

First: One-half of the amount appropriated for the biennium for the motor vehicle department in the director of licenses' office for the issuing of licenses;

Second: The amount required to be repaid to the counties entirely surrounded by water;

Third: The sum of one million four hundred thousand dollars (\$1,400,000), which shall be transferred and placed to the credit of the primary highway maintenance fund;

Fourth: The balance remaining in the motor vehicle fund after the payments and transfers hereinabove provided for shall be applied annually to paving and general road construction of the state primary highways as provided by appropriation.

The moneys in the primary highway maintenance fund shall annually be distributed, paid, used and transferred as follows:

First: To each city of the first or second class in the state in which there are streets forming a part of the route of any primary state highway through such city, there shall be remitted by the state auditor, by warrant drawn on the state treasurer and payable from the primary highway maintenance fund, a sum equal to five hundred dollars (\$500) per mile for each mile of primary highway in such city, to be expended for the maintenance and improvement of streets therein;

Second: To each city of the third or fourth class in which there are streets forming a part of the route of any primary state highway through such city, there shall be remitted by the state auditor, by warrant drawn on the state treasurer and payable from the primary highway maintenance fund, a sum equal to three hundred dollars (\$300) per mile for each mile of primary highway in such city, to be expended for the maintenance and improvement of the streets forming a part of primary highways therein; *Provided*, The Director of Public Works may give the city or town authorities permission to expend said maintenance money upon the other city or town streets;

Third: To each of the counties in the state in which are located primary highways there shall be credited a sum equal to three hundred dollars (\$300) per mile for each mile of primary highway which is now or may hereafter be constructed on permanent location according to state specification;

Fourth: Any balance that may remain in the primary highway maintenance fund after making the payments and credits hereinabove provided for shall be credited to the several counties, other than counties entirely surrounded by water, in proportion to the amounts of money paid into the permanent highway fund by the several counties.

The moneys credited to the several counties, other than counties entirely surrounded by water, or so much thereof as may be necessary, shall be expended by the boards of county commissioners of the several counties under the direction of the director of public works, for the maintenance of the primary highways within the respective counties.

Any unexpended balance of the moneys placed to the credit of any county as above provided, which may remain at the end of any calendar year, shall be transferred to the permanent highway fund and

placed to the credit of the county to be expended in the manner provided by law: *Provided*, That if it shall appear to the satisfaction of the director of public works at any time prior to the end of the calendar year, that after providing for all necessary maintenance of primary highways in the county for the year, there will remain surplus funds to the credit of the county, he may certify such fact to the state treasurer, stating definitely the amount of money that will not be needed for maintenance, and such amount shall thereupon be transferred to the permanent highway fund and placed to the credit of the county to be expended in the manner provided by law.

All primary highways and streets, in order to come under the provisions of this act for maintenance purposes, must be of a character equal to the standard of permanent highway construction. The director of public works through and by means of the division of highways shall determine what streets in cities and towns form a part of the route of any primary highway and shall, between the fifteenth day of February and the fifteenth day of March of each year, certify in triplicate, one copy to the state treasurer, one copy to the county commissioners of each such county and one copy to the clerk of each city affected by the provisions of this act, the number of miles of such constructed highways within such county, city or town forming a part of the route of a primary highway.

The powers and duties vested by this act in the director of public works shall be exercised and performed by the highway commissioner until such time as the director of public works shall be appointed, qualified and exercise and assume the duties of his office.

SEC. 19. The authorized number plates of each motor vehicle shall be attached conspicuously at the

front and rear of such vehicle and in such manner that they can be plainly seen and read at all times. Each number plate shall hang in a horizontal position at a distance of not less than one foot nor more than four feet from the ground, and each number plate shall be kept clean so as to be plainly seen and read at all times.

It shall be unlawful to display upon the front or rear of any motor vehicle any number plate other than those furnished by the secretary of state or to display upon any motor vehicle any such number plates which have in any manner been changed, altered or disfigured, or have become illegible.

SEC. 20. It shall be unlawful for any person, firm or corporation to operate any vehicle of four wheels or less over and along the roads in this state whose gross weight including load is more than 24,000 pounds, or any vehicle having a greater weight than 22,400 pounds on one axle, or any vehicle having a combined weight of over 800 pounds per inch width of tire upon any wheel concentrated upon the surface of the highway (said width of tire in the case of solid rubber tires to be measured between the flanges of the rim): *Provided*, That in special cases vehicles whose weight including loads exceeds those herein prescribed, may operate under special written permits, which must be first obtained and under such terms and conditions as to time, route, equipment, speed and otherwise as shall be determined by the director of licenses if it is desired to use a state highway; the county commissioners, if it is desired to use a county road; and the city or town council, if it is desired to use a city or town street; from each of which officer or officers such permit shall be obtained in the respective cases. *Provided*, That no motor truck or trailer shall be driven over or on a public highway with a load exceeding the licensed capacity: *Provided, further*, Upon the conviction of

Limitations
on gross
weight of
vehicle.

any person, for a second violation of the provisions of this section, the court or judge before whom such conviction is had, may in its or his discretion, in addition to the imposition of any penalties provided by law, suspend the license provisions for said truck for a period of thirty days, and upon a third conviction, the court or judge may in its or his discretion, in addition to the imposition of any penalties provided by law, suspend said license covering the vehicle involved in such violation for a period of three months.

Use of
exhaust
muffler.

SEC. 21. Every motor vehicle using an internal combustion engine, shall use an exhaust muffler, and the same shall not be cut out or disconnected.

Exhibition
of lights.

SEC. 22. Every motor vehicle operated or driven upon the public highways of this state shall exhibit during the period from one-half hour after sunset to one-half hour before sunrise and at all times when fog or other atmospheric conditions render the operation of said vehicle dangerous to traffic or the use of the highways, at least two head-lamps, one on each side of said vehicle showing white or yellow tinted lights visible at least five hundred feet or more in advance of said vehicle. Such motor vehicle or any trailer attached thereto shall have attached to the rear not less than one lamp showing a red light visible at least two hundred feet in the rear of such vehicle, and the same light or additional light casting white rays of sufficient strength on the rear number plate thereof, so that such number plate may be easily read at a distance of at least sixty feet: *Provided*, That motor cycles shall be required to carry only one light in the front thereof, which shall show white or yellow tinted rays visible at least five hundred feet in advance of such motor vehicle: *Provided*, *further*, That it shall be unlawful to display any light showing red to the front of any motor vehicle. Every motor truck, the body of which exceeds six

(6) feet in width shall exhibit during the hours of darkness, in addition to the above required lights, a white light on the left side of the machine defining the limit of the body of the machine or the overhanging load, if any there be, and beyond the outside thereof, the said light shall be so fixed or carried that the light therefrom may be seen both from the front and rear of said motor truck. Every motor truck, automobile or trailer carrying a load which projects over the rear end three feet or more shall be required to display a red flag by day and a red light by night, on the extreme rear end of such overhanging load. No person shall install or use a light of more than twenty-seven candle power in any motor vehicle headlamp equipped with a reflector. It shall be unlawful to use on a motor vehicle of any kind operated on the public highways of this state any lighting device of over four candle power equipped with a reflector, unless the same shall be so designed, deflected or arranged as to deflect or diffuse the light and to produce sufficient light to reveal objects at least one hundred and fifty feet ahead thereof and ten feet on either side of the center line of said vehicle measured at a distance of ten feet in front thereof and in such manner that the beam of light therefrom, when measured seventy-five feet or more ahead of the lamps shall not rise above forty-two inches from the level surface on which the vehicle stands under all conditions of load.

The term "Beam of light" shall be construed to mean the reflected rays of light which are projected approximately parallel to the optical axis of the reflector.

"Beam of light" defined.

A light shall be deemed "diffused" when produced by a headlamp which has the entire surface of the glass front etched, ground, sand blasted or so formed that the light emitted therefrom is entirely dispersed.

"Diffused" defined.

Spot lights.

The above provisions of this act shall not apply to spot lights but all spot lights shall, while in use upon the highways of this state, be so directed that the beams of light therefrom shall strike the roadway at a point at least six (6) feet to the right and not more than seventy-five (75) feet in front thereof when approaching a vehicle.

In any prosecution under this act, the candle power indicated on the headlight bulb from any electric headlamp shall be and constitute *prima facie* evidence of the light candle power of such headlamp.

All vehicles, other than motor vehicles, when operated upon the highways between one-half hour after sunset and one-half hour before sunrise and at all times when fog or other atmospheric conditions render the operation of said vehicles dangerous to traffic or the use of the highways, shall display on the left side of said vehicle a white light which must be visible from the front and rear for a distance not less than two hundred (200) feet in either direction.

It shall be unlawful to sell or offer for sale, or have in possession with intent to sell, any vehicle of any kind for operation on the public highways of this state equipped with any lighting device of over four candle power with a reflector unless such lighting device shall conform to the provisions of the preceding paragraphs of this section.

Brakes.

Sec. 23. Every motor vehicle operated or driven upon the public highways of this state, shall be equipped with two sets of independently operated brakes, either of which shall be sufficient to control the vehicle at all times: *Provided*, That motor cycles shall only be required to have one brake capable of controlling the same at all times.

Signalling device.

Sec. 24. Every motor vehicle shall be provided with a suitable bell, horn or other signalling device which shall be rung or blown as a signal or warning

to any person or whenever there is danger of collision or accident.

SEC. 25. Every owner or operator of any motor vehicle so constructed or loaded as to prevent an unobstructed view directly to the rear, used on the public highways of this state, shall equip such motor vehicle with a mirror or other device to enable the driver thereof to have such a clear and unobstructed view of the rear as will enable him to obey the "rules of the road" when overtaken by any other vehicle.

Mirror
required
when.

SEC. 26. All vehicles operated on the highways of this state which are so constructed that hand and arm signals given by the driver are not visible at the rear of said vehicle, must be equipped with a suitable mechanical or electrical device approved by the secretary of state capable of giving unmistakable signals as to the intention of the driver to stop or turn such vehicle.

Hand and
arm signals.

SEC. 27. It shall be the duty of every person operating a motor vehicle on the public highways of this state to drive the same in a careful and prudent manner. It shall be unlawful for any person to operate or move any motor vehicle at a rate of speed faster than thirty miles per hour, or, within any corporate limits of any city or town, at a rate of speed faster than twenty miles per hour, or, over or across any street intersection within the corporate limits of any city or town, or within one hundred yards of any school house, on school days between eight o'clock in the morning and five o'clock in the evening, at a rate of speed faster than twelve miles per hour, or in any case at a rate of speed that will endanger the property of another or the life or limb of any person. It shall be unlawful to operate any motor truck equipped with pneumatic tires over or along the highways of this state at a greater rate of speed than twenty-five miles per hour; or any motor truck of a gross

Rate of
speed.

weight including load as hereinafter provided equipped with solid rubber tires at a greater rate of speed than the following :

4,000 pounds and under.....	25 miles per hour
Over 4,000 pounds and up to 8,000 pounds.....	20 miles per hour
Over 8,000 pounds and up to 12,000 pounds.....	18 miles per hour
Over 12,000 pounds and up to 16,000 pounds.....	16 miles per hour
Over 16,000 pounds and up to 20,000 pounds.....	14 miles per hour
Over 20,000 pounds and up to 24,000 pounds.....	12 miles per hour

It shall be unlawful to operate or drive any motor vehicle used for carrying passengers for hire and having a capacity for more than ten passengers at a speed faster than twenty-five miles per hour, on and over any unpaved highway.

Rules of the road enumerated.

SEC. 28. It shall be the duty of every person using the highways of this state to observe the "rules of the road" as hereinafter prescribed :

1. Vehicles and persons, driving or riding any animals proceeding in opposite directions shall pass to the right giving one-half of the road to each.

2. Vehicles proceeding in the same direction on overtaking another vehicle or overtaking any person riding or driving any animal shall pass to the left: *Provided, however,* A variance in good faith from the rules herein relating to the turning to the left of a vehicle when overtaking another vehicle, or any person riding or driving an animal, going in the same direction where the exigencies of the situation permit, shall not subject the offender to arrest under the criminal provisions of this act; but it shall be unlawful for any person to pass any moving vehicle or animal overtaken unless he has a clear view ahead of not less than two hundred yards.

The overtaking vehicle shall maintain its speed until clear of the vehicle or animal overtaken and the vehicle or animal being overtaken shall turn to the right and give one-half of the road, and shall not increase its speed while being passed.

4. The signal of an intention to pass shall be given by one blast or stroke of the horn, bell, whistle, gong or other signalling device.

5. Should the overtaking vehicle then not give way, three such blasts or signals shall be given, and upon the failure to comply therewith, the overtaking vehicle may at the next suitable place safe for both vehicles go by without further signal.

6. Drivers, when approaching highway intersections, shall look out for and give right-of-way to vehicles on their right, simultaneously approaching a given point: *Provided, however,* That street and interurban cars and emergency vehicles shall have the right-of-way at all times at such highway intersections.

7. Pedestrians on the public highways between the period from one-half hour after sunset to one-half hour before sunrise shall travel on and along the left side of said highway, and the pedestrians upon meeting an oncoming vehicle shall step off the travelled portion of the highway.

8. It shall be the duty of every person operating or driving any motor or other vehicle, or riding or driving any animal along or over any public highway when approaching any curve of such highway where for any reason a clear view for a distance of three hundred yards cannot be had, to hold such vehicle under control and to give signals with frequent blasts or strokes of a horn, whistle, bell, gong or other signalling device, and to keep to the extreme inside of all curves to the right and upon the extreme outside of all curves to the left.

SEC. 29. It shall be the duty of every person operating or driving any motor or other vehicle or riding or driving any animal along or over any public highway and approaching any intersection of a street, road or highway, with the intention of turning thereat to the right, to keep to the extreme right,

Turning at
intersections
of streets,
etc.

and with the intention of turning thereat to the left to proceed to and beyond the center of the intersection before turning. And it shall be the duty of every such person about to turn from a standstill or while in motion to give a timely signal indicating the direction in which he intends to turn as follows: If he intends to turn to the left he shall extend his arm in a horizontal position for a reasonable length of time; if he intends to turn to the right he shall extend his arm with the forearm raised at right angles for a reasonable length of time; and every such signal shall commence at a point not less than fifty feet before the turn is made. And it shall be the duty of every person so operating or driving any motor or other vehicle or riding or driving any animal along or over any public highway and intending to stop, to extend his arm and move it up and down in a vertical position for a reasonable length of time before stopping. Mechanical devices capable of producing signals as to the intention of the driver to stop or turn such vehicle and approved by the secretary of state may be used.

Precautions
in passing
or being
passed.

SEC. 30. It shall be the duty of every person in charge of any vehicle or animal moving along and upon any public highway to keep such vehicle or animal as closely as practicable to the right hand boundary of such highway so as to allow more swiftly moving vehicles reasonably free passage to the left. And it shall be the duty of every person operating a motor vehicle upon any such highway, on receiving a signal given by raising the hand from a person riding, leading, or driving in the opposite direction any animal or animals to bring such motor vehicle immediately to a stop and remain stationary so long as may be reasonable, to allow such animal or animals to pass; and if travelling in the same direction as any such animal or animals, to use reasonable caution in passing the same; and in case any such ani-

mal appears to be badly frightened or the person operating such motor vehicle is signaled so to do, he shall cause the motor of such vehicle to cease running so long as shall be reasonably necessary to prevent accident and insure the safety of others.

SEC. 31. It shall be the duty of every person operating or driving any vehicle, when overtaking or passing any street car or interurban car that has stopped at a street intersection, to bring such vehicle to a full stop before passing such street car or interurban car, and not to proceed while any person or persons are getting on or off or are about to get on or off said car, unless the driver of such vehicle can maintain a distance of at least six feet between said vehicle and the running board or lower step of such car.

Overtaking
or passing
electric cars.

SEC. 32. The racing of motor vehicles on the public highways is hereby forbidden: *Provided, however,* Local authorities may designate and set aside certain portions of the public highways for limited periods to be used for speed trials or speed contests, but only in case the entire distance is fully and sufficiently patrolled.

Racing on
public
highways.

SEC. 33. It shall be the duty of every person operating or driving any motor or other vehicle along or over any narrow way in any park, pass or defile, to fully comply with all regulations requiring vehicles to proceed in one direction only as the sign-boards and regulations upon such narrow ways, passes and defiles shall indicate. The direction in which all vehicles shall so proceed may be determined by the park commissioners in parks and by the county commissioners or other legally constituted authorities with respect to narrow passes and defiles within their respective jurisdictions, and when so declared shall be so conspicuously marked with signs as to indicate

Compliance
with local
regulations.

the rules and regulations in regard thereto and the direction in which all vehicles shall so travel.

Securing
motive
power while
standing
upon public
highway.

SEC. 34. It shall be unlawful for any person using any motor vehicle upon any public highway of this state to leave the same standing unsecured or without having its motive power, if any, so secured that the same cannot be operated so as to move the vehicle without some act on the part of the owner or operator or other person.

Permitting
vehicle to
stand on
traveled por-
tion of high-
way.

SEC. 35. It shall be unlawful for any person to leave any vehicle standing upon the main traveled portion of any highway of this state: *Provided*, That this provision shall not apply to any vehicle so disabled as to prohibit the moving of the same. And it shall be unlawful for any person to leave any disabled vehicle standing on any traveled portion of any highway of this state at any time between one-half hour after sunset and one-half hour before sunrise without having a red light displayed on the rear end of such vehicle at the side thereof nearest the center of the highway.

Use of gong
or siren
whistle.

SEC. 36. It shall be unlawful for any person to use on any motor vehicle any gong or siren whistle unless such vehicle is used as an ambulance or is operated by a police department, fire department, or patrol wagons, ambulances, fire patrols, fire engines, and fire apparatus shall, in all cases, with due regard to the safety of the public, have the right of way, all provisions of this act to the contrary notwithstanding, but such right of way shall not protect the driver of any such vehicle from the consequences of the arbitrary exercise of such right or from liability for injuries wilfully inflicted.

To comply
with orders
of traffic
officers.

SEC. 37. It shall be the duty of every person operating or driving any motor or other vehicle or any animal upon any public highway where any authorized officer, marshal, constable, or policeman

displaying his star or badge is at the time discharging the duty of regulating and directing traffic in his locality, to obey all signals of such officer directing such driver to take a certain direction or to stop or to otherwise proceed for the safety of the public, and to comply with all orders of such officer.

SEC. 38. Drivers of all motor vehicles carrying passengers for hire on any of the public highways of this state outside the incorporated limits of any city or town, shall bring said vehicles to a full stop within fifty feet of any unguarded grade crossing of any railroad or interurban track before crossing the same.

Drivers of
for hire
vehicles to
stop at track
crossings.

SEC. 39. It shall be duty of every person operating or driving any motor or other vehicle or riding or driving any animal upon the public highway and coming in contact with any pedestrian, vehicle or other object on such highway, to stop and render such aid and assistance as may be required, and in case of injury to any person or damage to any vehicle or property, it shall be the duty of the driver of either vehicle, or any occupant thereof, to furnish the driver of the other vehicle or any occupant of such vehicle or any witness to the accident, or in case of an injured pedestrian to such pedestrian or witness, the license number of his vehicle, the true name and address of the owner, the name and address and the license number of the driver, and the name and address of each occupant of such vehicle; and it shall likewise be the duty of any witness of any such accident to furnish to the driver or occupant of any such vehicle or to any other person concerned in said accident, upon request, his name and address; and it shall be unlawful for either party to a collision, whether resulting from a mistake in judgment or arising from accident, to move away from the place of such collision without complying with this section. None of the

Must stop
and render
aid in case of
accident.

information required 'by this section to be given shall be construed as fixing liability or fault or negligence of either party, but shall be a means of identification of the facts and circumstances only.

Report by
one causing
accident.

SEC. 40. It shall be the duty of every person operating or driving any vehicle upon the public highway, within twenty-four hours after causing injury to any person or damage to any vehicle or property, to report the same to the chief of police or mayor of the city or town, or to the sheriff of the county in which the accident or collision occurred, giving the information obtained as provided in the preceding section.

Power of
cities or
towns to
regulate
speed.

SEC. 41. No city council or other governing authorities of any city or town shall have the power to pass or enforce any ordinance, rule or regulation requiring a slower rate of speed than that specified in this act at which vehicles may be operated along and over the public highways of such city or town or regulating the use of roads, streets and highways thereof contrary to or inconsistent with the provisions of this act; and all such ordinances, rules and regulations now in force are hereby declared to be void and of no effect: *Provided, however,* That on any portion of any road, street or highway where on account of sharp curvature, highway construction or repairs, excessive traffic, or other permanent or temporary causes, it is deemed inadvisable for vehicles to operate at the maximum speed allowed by this act, the governing authorities of such city or town, or the county commissioners on highways outside cities and towns, may regulate such speed by order, rule or regulation hereafter adopted: *Provided,* Such order, rule or regulation shall regulate all vehicles alike, and shall not limit the speed in any case to less than ten miles per hour, and the governing authorities or the board of county commissioners shall cause to be posted at either end

of such portion of said highways, signs of sufficient size to be easily readable, setting forth the speed allowed and stating by whose order said regulations are made, and thereafter it shall be unlawful for any person to violate any such order, rule or regulation.

SEC. 42. Any person, who shall make falsely any statement herein required to be made or who shall obtain any license by any misrepresentation or deceit, or who shall display any number or license not authorized by law to be used, or who shall loan or permit to be used any license or number whether issued to him or to any other person, firm or corporation or who shall in any manner violate the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished accordingly, either by a fine or imprisonment or both such fine and imprisonment: *Provided*, That in no event shall the minimum fine be less than Five dollars (\$5.00).

Penalty for violating act.

SEC. 43. Fifty per cent of all the fines and forfeitures for violations of the provisions of this act outside of incorporated cities and towns shall be paid to the current expense fund of the county wherein collected; twenty-five per cent thereof shall be paid to the Permanent Highway Maintenance Fund and the remaining twenty-five per cent thereof shall be paid to a special fund to be known as the "State Parks and Parkway Fund," which fund is hereby created in the State Treasury. All fines and forfeitures collected for violation of this act within the limits of incorporated cities and towns shall be paid by the County Treasurer to the treasurer of such incorporated city or town and by him placed to the credit of the Street Repair & Maintenance Fund of such incorporated city or town.

Disposition of fines and forfeitures.

SEC. 44. Nothing in this act shall be construed to curtail or abridge the right of any person to pros-

Scope of act.

ecute a civil action for damages by reason of injury to person or property resulting from the negligent use of the public highways by the driver or operator of any motor vehicle or its owner or his employee or agent, and the owner of such vehicle shall be equally liable for the negligent operation thereof, when at the time of such injury the vehicle was operated by the agent of such owner, or by any person employed by him for the purpose of operating such vehicle.

School signs.

SEC. 45. There shall be constructed and maintained within one hundred (100) yards of each approach to each school house in the state, a conspicuous wooden or suitable sign with the words "School, slow down" painted thereon in letters of the following dimensions:

DESCRIPTION OF SCHOOL SIGN.

The size of the board shall be 15 inches by 27 inches over all, with a black border on the outer edges one-fourth inch in width. The following directions shall be painted on the board in plain block letters in black on white background:

SCHOOL

SLOW DOWN.

The word "School" shall be written above the words "Slow Down." The size of the letters shall be four (4) inches in height, about two and three-eighths ($2\frac{3}{8}$) inches in width, and spaced approximately four (4) inches from center to center. The lines forming the letters shall be one-half inch in width.

The size of the letters in the words "Slow Down" shall be three (3) inches in height, about one and three-fourths ($1\frac{3}{4}$) inches in width, and spaced approximately two and three-fourths ($2\frac{3}{4}$) inches from center to center. The lines forming

the letters shall be three-eighths (3/8) inch in width. The words "Slow Down" shall be underlined with a black line one-fourth (1/4) inch in width.

A margin of approximately two and one-fourth (2-1/4) inches shall be left between the outer edge of the letters and the edge of the board. Said sign shall be constructed and maintained by the local authorities of the city or town in which any of said school houses are situated and at the expense of said city or town. For all school houses located outside of the limits of any town or city said sign shall be constructed and maintained by the county in which any of said school houses are situated and at the expense of said county.

SEC. 46. It shall be the duty of the mayor and council or other governing authorities of every city or town to erect and maintain at the corporate limits of such city or town, on all paved highways crossing such limits, substantial wood or metal signboards placed at right angles to the highway and painted white and having thereon in black letters four inches high the following words and figures:

Signs at city or town limits.

On the side nearest the city or town: "City limits of 30 miles per hour";
(name of city or town)

On the side away from the city or town: "City limits of speed limit 20 miles per hour."
(name of city or town)

SEC. 47. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Partial invalidity.

Director of
licenses to
assume cer-
tain duties
of secretary
of state.

Fees to state
treasurer.

Repeal.

Emergency.

SEC. 48. The director of licenses, from and after the time when he shall be appointed and qualified and assume and exercise the duties of his office, shall exercise all the powers and perform all the duties by this act vested in and required to be performed by the secretary of state, except the receiving of fees and moneys which shall, from that time, be paid to the state treasurer who shall transmit his duplicate receipt therefor to the director of licenses.

SEC. 49. That chapter 153 of the Laws of 1913 and chapter 142 of the Laws of 1915 are hereby repealed.

SEC. 50. This act is necessary for the immediate preservation of the public safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 1, 1921.

Passed the House, March 5, 1921.

Approved by the Governor March 16, 1921.