

## CHAPTER 196.

[ S. B. 352. ]

## MOTOR VEHICLES.

AN ACT relating to vehicles and the taxation thereon; the operation thereof upon the public highways; providing for vehicle equipment; providing for certain records and reports; defining offenses and fixing penalties; and amending sections 76, 99, 116, 119, 142 and 145, chapter 189, Laws of 1937, section 1, chapter 35, Laws of 1939 and sections 8 and 13, chapter 200, Laws of 1947; and amending section 6A, chapter 144, Laws of 1943, as added thereto by section 2, chapter 152, Laws of 1945, as last amended by section 1, chapter 244, Laws of 1947, amending section 11, chapter 144, Laws of 1943, as amended by chapter 152, Laws of 1945, and making an appropriation.

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

SECTION 1. Section 76, chapter 189, Laws of 1937 Amendment.  
(6360-76, Rem. Rev. Stat.), is amended to read as follows:

Section 76. Whenever any person operating any vehicle upon any public highway of this state shall meet or approach a vehicle traveling in the opposite direction, such person shall reasonably turn and drive such vehicle as far to the right of the center of such highway as is practicable. Whenever any person operating any vehicle upon any public highway of this state during hours of darkness shall approach a vehicle traveling in the opposite direction within a distance of five hundred (500) feet, such operator shall cause the high intensity beam of the headlamps upon the vehicle he is operating to be depressed to the lower elevation as provided by law, or in the event that such vehicle is not required under the provisions of this act to be provided with a lower elevation of light, then, under the circumstances herein set out, the high intensity beam of the headlamps upon such vehicle shall be dimmed in lieu of being depressed to a lower elevation.

Approaching vehicles.

Use of lights at night.

Approaching  
vehicle going  
in same  
direction  
at night.

Whenever any person operating any vehicle upon any public highway of this state during hours of darkness shall overtake or approach, on a straight section of roadway, a vehicle traveling in the same direction within a distance of three hundred (300) feet, such operator shall cause the high intensity beam of the headlamps upon the vehicle he is operating to be depressed to the lower elevation as provided by law, or in the event that such vehicle is not required under the provisions of this act to be provided with a lower elevation of light, then, under the circumstances herein set out, the high intensity beam of the headlamps upon such vehicle shall be dimmed in lieu of being depressed to a lower elevation.

The driver of the overtaking vehicle shall maintain the headlamps of the vehicle he is operating depressed to the lower elevation, or dimmed, until he maneuvers his vehicle to pass the preceding vehicle, or until such a time as the distance between the vehicle he is operating and the preceding vehicle traveling in the same direction exceeds three hundred (300) feet on a straight section of road.

Amendment.

SEC. 2. Section 99, chapter 189, Laws of 1937 (6360-99, Rem Rev. Stat.), is amended to read as follows:

Pedestrians'  
right of way.

Section 99. Pedestrians shall be subject to traffic control signals at intersections and the directions of officers discharging the duty of directing traffic at intersections. Where traffic control signals are not in place or not in operation, the operator of a vehicle shall yield the right of way, slowing down or stopping, if need be, to so yield, to any pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety

Crosswalks.

and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield. This provision shall not apply under the conditions stated hereinafter.

Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

Cars approaching crosswalks.

Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

Pedestrians crossing road at other than crosswalks.

Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

Pedestrian tunnels and overhead crossings.

Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

Between adjacent traffic signals.

SEC. 3. Section 116, chapter 189, Laws of 1937 (6360-116, Rem. Rev. Stat.), is amended to read as follows:

Amendment.

Section 116. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the operator to the front or sides of the vehicle or as to interfere with the operator's control over the driving mechanism of the vehicle. No passenger in a vehicle shall ride in such position as to interfere with the operator's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

Persons obstructing operator's view and control of car.

SEC. 4. Section 119, chapter 189, Laws of 1937 (6360-119, Rem. Rev. Stat.), is amended to read as follows:

Amendment.

Unlawful to drive or have control of vehicle when intoxicated or drugged.

Section 119. It shall be unlawful and punishable as herein provided for any person who is under the influence of or affected by the use of intoxicating liquor or of any narcotic drug to drive or be in actual physical control of any vehicle upon the public highways of this state.

Presumptions arising in criminal prosecution from alcohol in blood stream of defendant.

In any criminal prosecution for a violation of the provisions of this section relating to driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

Less than 0.05 per cent.

If there was at that time 0.05 per cent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor;

Between 0.05 and 0.15 per cent.

If there was at that time in excess of 0.05 per cent but less than 0.15 per cent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant;

0.15 per cent or more.

If there was at that time 0.15 per cent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor;

Other competent evidence may be introduced.

The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor. Nothing herein contained shall be construed as requiring any person to submit to a chemical analysis of his blood, and the refusal to submit to such an analysis shall not be ad-

Person not required to take blood test.

missible in evidence in any criminal prosecution for a violation of the provisions of this section or in any civil action.

Refusal not admissible as evidence.

It shall be unlawful and punishable as herein provided for any person who is an habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle to drive a vehicle upon the public highways of this state. The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge violating this section.

Unlawful to drive when under influence of drugs.

Authority to use drugs is no defense.

Upon the first conviction for the violation of the provisions of this section the Court shall impose a fine of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00) or not less than ten (10) days or more than one (1) year in jail, or both such fine and imprisonment, and shall, in addition thereto, revoke the operator's license of such person. Upon second or subsequent conviction for a violation of the provisions of this section the Court shall impose a fine of not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00) and not less than thirty (30) days or more than one (1) year in the county jail, or both such fine and imprisonment, and shall, in addition thereto, revoke the operator's license of such person.

Penalties for violations.

First conviction.

Subsequent convictions.

SEC. 5. Section 1, chapter 35, Laws of 1939 (6360-108, Rem. Rev. Stat. Supp.), is amended to read as follows:

Amendment.

Section 1. That section 108 of chapter 189, Session Laws of 1937, be and the same is hereby amended to read as follows:

Section 108. Except where angle parking is permitted by local ordinance every vehicle stopped or parked upon a roadway where there is an adjacent

Parallel parking.

curb shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within twelve (12) inches of the right-hand curb. Angle parking shall not be permitted upon the city or town streets designated as forming a part of the route of a primary state highway through any city or town: *Provided*, That angle parking shall be permitted in cities of the third and fourth class where solely provided by local ordinance upon any city street designated as forming a part of the route of a primary state highway through such city or town where such street does not connect at either end with any four lane primary highway and where such street has a minimum width between curbs of seventy (70) feet and there shall be provided between the main traveled and hard-surfaced portion of such city or town street and the curb, an angle parking area designated as such having a width of not less than twenty (20) feet.

Proviso.

Director may prohibit or restrict parking on state highways through cities or towns.

The Director of Highways with respect to all public highways under his jurisdiction and any city or town streets designated as forming a part of the route of a state highway through any city or town may by order place signs prohibiting or restricting the stopping, standing, or parking of vehicles on any such highway or street where in his opinion the findings of a traffic engineering investigation indicate such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the safe and free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand, or park any vehicle in violation of the restrictions stated on such signs.

Signs.

Parking to the exclusion of others prohibited.

No person shall be granted the right, use or franchise for vehicle parking of any portion of the surface area of any public highway to the exclusion of any other like person.

SEC. 6. Section 8, chapter 200, Laws of 1947 (6360-64, Rem. Supp. 1947), is amended to read as follows: Amendment.

Section 8. Section 64 of chapter 189, of the Laws of 1937 (Rem. Rev. Stat. Supp. 6360-64; PPC 292-1), is hereby amended to read as follows:

Section 64. (1) Every person operating or driving a vehicle of any character upon the public highways of this state shall operate the same in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of the traffic, weight of vehicle, grade and width of highway, condition of surface and freedom of obstruction to view ahead and consistent with any and all conditions existing at the point of operation so as not to unduly or unreasonably endanger the life, limb, property or other rights of any person entitled to the use of such public highways; Lawful speed, care and prudent driving.

(2) Subject to the provisions of subsection (1) of this section and except in those instances where a lower maximum lawful speed is provided by this act or otherwise, it shall be unlawful for the operator of any vehicle to operate the same at a speed in excess of the following: Maximum speed.

(a) Twenty-five (25) miles per hour within the limits of incorporated cities and towns; In cities and towns.

(b) Twenty-five (25) miles per hour in traversing any intersection of public highways within incorporated cities and towns except whenever local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that such speed as permitted under this act at any intersection is greater than is reasonable or safe under the conditions found to exist at such intersection, such local authority subject to the approval of the Director of Highways in cases where the alteration of speed limits on state highways or Intersections in cities and towns.  
Local authorities may reduce speed.

extensions thereof in a municipality are involved, shall determine and declare a reasonable and safe speed limit thereat, which shall be effective at all times or during hours of daylight or darkness or at such other times as may be determined: *Provided*, Appropriate signs giving notice thereof are erected at such intersection or upon the approaches thereto.

Signs.

Arterial highway in cities and towns.

(c) Twenty-five (25) miles per hour in traveling upon an arterial highway in any incorporated city or town and traversing an intersection with another public highway not an arterial highway, and the operator of another vehicle about to enter the intersection of such arterial highway thereat, shall have brought his vehicle to a complete stop as required by law before entering such arterial highway.

Business district in cities and towns.

(d) Twenty-five (25) miles per hour while traveling upon any public highway of any incorporated city or town and proceeding through any business district unless a lesser speed has been established and properly posted by local authorities: *Provided*, That where a lesser speed has been established such speed shall not be less than fifteen (15) miles per hour;

Minimum speed.

Intersection of public highways outside cities and towns.

(e) Thirty-five (35) miles per hour in traversing any intersection of public highways outside of incorporated cities and towns where the operators view is obstructed to the extent that at any time during the last 100 feet of his approach to an intersection he does not have a clear and uninterrupted view of such intersection, and of all public highways entering such intersection for a distance of 100 feet along the center line of each thereof: *Provided*, It shall be the duty of local authorities to sign post such intersections: *Provided further*, This provision shall not apply to operators upon arterial highways outside of incorporated cities and towns;

Signs.

Does not apply to arterial highways.

Arterial highway intersections outside cities and towns.

(f) Thirty-five (35) miles per hour in traveling upon an arterial highway outside of incorporated cities and towns and traversing an intersection with

another public highway not an arterial highway and the operator of another vehicle about to enter such arterial highway thereat shall have brought his vehicle to a complete stop, as required by law, before entering such arterial highway;

(g) The Director of Highways, in case of state highways, and the County Commissioners, in case of county roads, shall establish maximum speeds through any business or residential districts outside any incorporated city or town: *Provided*, No maximum speed established shall be less than twenty-five (25) miles per hour: *Provided further*, All such speed zones shall be properly sign posted at the extremities thereof;

Business and residential districts outside cities and towns.

Signs.

(h) Twenty (20) miles per hour when operating any vehicle upon a public highway of this state inside incorporated cities and towns when passing any schoolhouse on school days, or school or public playground between the hours of 8:00 A. M. and 5:00 P. M., or when crossing any marked school crossing during such hours or while within any marked school zone, such zone to extend three hundred (300) feet in either direction from any marked school crossing;

Highways passing schoolhouse inside cities and towns.

School crossings.

(i) Twenty (20) miles per hour when operating any vehicle upon a public highway of this state outside incorporated cities and towns when passing any schoolhouse on school days, or school or public playground between the hours of 8:00 A. M. and 5:00 P. M., or when crossing any marked school crossing during such hours or while within any marked school zone, such zone to extend three hundred (300) feet in either direction from any marked school crossing;

Schools outside cities and towns.

School crossings.

(j) Fifty (50) miles per hour under all other circumstances.

Maximum speed in all other instances.

Compliance with such speeds under the circumstances hereinabove set forth shall not relieve the operator of any vehicle from the further exercise of

Due caution and care.

due care and caution as further circumstances shall require.

Unlawful speed is prima facie evidence of reckless driving.

The unlawful operation of a vehicle in excess of the maximum lawful speeds provided in this section at the point of operation and under the circumstances described shall be *prima facie* evidence of the operation of a motor vehicle in a reckless manner by the operator thereof.

Charges to specify approximate speed.

All charges for the violation of any of the provisions of this section, every notice to appear, and every complaint charging the violation of this section shall specify approximately the speed at which the defendant is alleged to have operated such vehicle, the maximum lawful speed at the point of operation, and the reasonable and proper rate of speed applicable under the conditions existing at the point of operation.

Amendment.

SEC. 7. Section 13, chapter 200, Laws of 1947 (6360-98, Rem. Supp. 1947), is amended to read as follows:

Section 13. Section 98 of chapter 189 of the Laws of 1937 (Rem. Rev. Stat. Supp. 6360-98; PPC 295-47), is hereby amended to read as follows:

Traffic lights.

Section 98. Whenever, at any point, traffic is controlled by traffic control signals exhibiting the words "Go," "Caution," or "Stop" or exhibiting different colored lights, the following words or colors only shall be used and shall indicate as follows:

"Green" or "Go."

Green or the word "Go": Vehicular traffic facing the signal except when prohibited by a superior regulation, may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent cross walk at the time such signal is exhibited. Pedestrians facing the signal may proceed across the roadway within any marked or

unmarked cross walk unless directed otherwise by a pedestrian signal.

Yellow alone or the word "Caution" when shown following green or "Go" signal: Vehicular traffic facing the signal is thereby warned that the red or Stop signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or Stop signal is exhibited. Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right of way to all vehicles.

Yellow or  
"Caution"  
when  
following a  
"Go" signal.

Red alone or the word "Stop": Vehicular traffic facing the signal shall stop before entering the cross walk on the near side of the intersection or, if none, then before entering the intersection, and shall remain standing until a green signal is shown. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic or unless a separate Walk indication is shown.

Red or  
"Stop".

Red or the word "Stop" with green arrow: Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow, but shall yield the right of way to pedestrians lawfully within a cross walk and to other traffic lawfully using the intersection. No pedestrian facing such signal shall enter the roadway unless he can safely and without interfering with any vehicular traffic, or unless a separate Walk indication is shown.

Red or  
"Stop" with  
green arrow.

Yellow alone or with the word "Caution" or yellow intermittent flashing light with or without the word "Caution" under which control vehicles approaching shall be driven through such controlled area with extra caution.

Yellow or  
"Caution".

Flashing Red: When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall

Flashing  
red.

stop before entering the nearest cross walk at an intersection or at a Stop line when marked, and the right to proceed shall be subject to the rules applicable after making a stop at a Stop sign.

Flashing yellow.

Flashing Yellow: When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution and at a speed not to exceed thirty-five (35) miles per hour.

Erection of signals upon state highways.

No traffic control signal or device shall be erected or maintained upon any city street designated as forming a part of the route of a primary state highway or secondary state highway unless first approved by the Director of Highways.

Faces for lights.

All new traffic control signals and all replacements of existing traffic control signals directing traffic to alternately stop and go shall have three (3) signal faces facing each street, road or highway leading into the intersection with the red "Stop" signal located at the top of such signal, the amber "Caution" signal located in the center of such signal and the green "Go" signal located at the bottom of such signal.

Pedestrian-control signals.

SEC. 8. Whenever special pedestrian-control signals exhibiting the words "Walk" or "Wait" are in place, such signals shall indicate as follows:

"Walk."

(a) Walk—Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

"Wait."

(b) Wait—No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing.

SEC. 9. No person shall start a vehicle which is stopped, standing, or parked unless and until such

movement can be made with reasonable safety: *Provided*, No person shall start a vehicle, which is stopped, standing or parked at the curb or on the shoulder of a public highway without first giving an appropriate signal showing his intention to drive the vehicle onto the traveled portion of the public highway.

Starting of vehicles which are stopping, standing or parked.

SEC. 10. A person operating a motorcycle shall not ride other than upon the permanent and regular seat attached thereto, or carry any other person, nor shall any other person ride upon such motorcycle, other than upon such permanent and regular seat if designed for two persons or upon another seat firmly attached to the rear or side of the operator.

Motorcycle riders shall ride on attached seats.

SEC. 11. No person shall drive any motor vehicle equipped with any television viewer, screen or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat, or which is visible to the driver while operating the motor vehicle.

Television sets in vehicles unlawful when in view of driver.

SEC. 12. Whenever any highway has been divided into two roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the righthand roadway and no vehicle shall be driven over, across, or within any such dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space or at a cross-over or intersection established by public authority.

Driving on highway having two separated roadways.

SEC. 13. The Director of Highways may by order and local authorities may by ordinance with respect to any limited access roadway under their respective jurisdictions prohibit the use of any such roadway by pedestrians, bicycles, or other non-motorized

Limitations on use of limited access highways.

Signs erected to show restrictions.

traffic: *Provided*, The Director of Highways or the local authority adopting any such prohibitory regulations shall erect and maintain official signs on the limited access roadway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such signs.

One-way traffic.

SEC. 14. The Director of Highways is authorized to designate any public highway or portion thereof or any separate roadway under his jurisdiction and local authority may designate any city or town streets for one-way traffic and shall erect appropriate signs giving notice thereof: *Provided*, That upon a roadway designated and signposted for one-way traffic a vehicle shall be driven only in the direction designated and a vehicle passing around a rotary traffic island shall be driven only to the right of such island.

Signs.

Amendment.

SEC. 15. Section 142, chapter 189, Laws of 1937 (6360-142, Rem. Rev. Stat.), is amended to read as follows:

Courts to keep record of charges for violations and disposition thereof.

Section 142. It shall be the duty of every Justice of the Peace, Police Judge and Judge of Superior Courts to keep or cause to be kept a record of every traffic complaint, traffic citation or other legal form of traffic charge deposited with or presented said Justice of the Peace, Police Judge, Judge of a Superior Court or a traffic violations bureau, and shall keep a record of every official action by said Court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal and the amount of fine or forfeiture resulting from every said traffic complaint or citation deposited with or presented to Justice of the Peace, Police Judge, Judge of a Superior Court or a traffic violations bureau.

The Monday following the conviction or forfeiture of bail of a person upon a charge of violating

any provisions of this act or other law regulating the operating of vehicles on highways every said magistrate of the Court or Clerk of the Court of record in which such conviction was had or bail was forfeited shall prepare and immediately forward to the Director of Licenses at Olympia an abstract of the record of said Court covering the case in which said person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any conviction involving the illegal parking or standing of a vehicle.

Abstract of record of conviction or bail forfeiture to Director of Licenses.

Illegal parking need not be reported.

Said abstract must be made upon a form furnished by the Director of Licenses and shall include the name and address of the party charged, the number, if any, of his operator's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail forfeited and the amount of the fine or forfeiture as the case may be.

Contents of abstract of record.

Every court of record shall also forward a like report to the Director of Licenses upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

Abstract of record for conviction of manslaughter or other felonies.

The failure, refusal, or neglect of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

Failure to comply is misconduct in office.

The Director of Licenses shall keep all abstracts received hereunder at his office in Olympia and the same shall be open to public inspection during reasonable business hours. Venue in all Justice Courts shall be before one of the two nearest Justices of the Peace in incorporated cities and towns nearest to the point the violation allegedly occurred: *Provided*, That in counties of Class A and of the first class such cases may be tried in the county seat at the request of the defendant.

Abstracts open to public inspection.

Venue in Justice Courts.

Venue in Class A and first class counties.

Amendment.

SEC. 16. Section 145, chapter 189, Laws of 1937 (6360-145, Rem. Rev. Stat.), is amended to read as follows:

Traffic citations shall have notice to appear and shall be issued in books.

Section 145. Every traffic enforcement agency in this state shall provide in appropriate form traffic citations containing notices to appear which shall be issued in books with citations in quadruplicate and meeting the requirements of this section.

Issuance of books.

The chief administrative officer of every such traffic enforcement agency shall be responsible for the issuance of such books and shall maintain a record of every such book and each citation contained therein issued to individual members of the traffic enforcement agency and shall require and retain a receipt for every book so issued.

Original or copy of citation shall go to court.

Every traffic enforcement officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance of any city or town shall deposit the original or a copy of such traffic citation with a court having competent jurisdiction over the alleged offense or with its traffic violations bureau.

Disposition of citation by Court.

Upon the deposit of the original or a copy of such traffic citation with a court having competent jurisdiction over the alleged offense or with its traffic violations bureau as aforesaid, said original or copy of such traffic citation may be disposed of only by trial in said Court or other official action by a Judge of said Court, including forfeiture of the bail or by the deposit of sufficient bail with or payment of a fine to said traffic violations bureau by the person to whom such traffic citation has been issued by the traffic enforcement officer.

Penalty for violations of this section.

It shall be unlawful and official misconduct for any traffic enforcement officer or other officer or public employee to dispose of a traffic citation or copies thereof or of the record of the issuance of the same in a manner other than as required herein.

The chief administrative officer of every traffic enforcement agency shall require the return to him of a copy of every traffic citation issued by an officer under his supervision to an alleged violator of any traffic law or ordinance and of all copies of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

Copy of citation to chief administrative officer.

Spoiled copies of citations.

Such chief administrative officer shall also maintain or cause to be maintained in connection with every traffic citation issued by an officer under his supervision a record of the disposition of the charge by the Court or its traffic violations bureau in which the original or copy of the traffic citation was deposited.

Record of disposition of citation by Court.

Any person who cancels or solicits the cancellation of any traffic citation, in any manner other than as provided in this section, shall be guilty of a misdemeanor.

Penalty for violations by unlawful cancellation of citations.

Every record of traffic citations required in this article shall be audited monthly by the appropriate fiscal officer of the government agency to which the traffic enforcement agency is responsible.

Auditing of record of citation.

SEC. 17. Section 6A, chapter 144, Laws of 1943, as added thereto by section 2, chapter 152, Laws of 1945, as last amended by section 1, chapter 244, Laws of 1947, is amended to read as follows:

Amendment.

Section 6A. Whenever any person shall apply to the State Department of Public Service for a permit or identification plates to operate a motor vehicle in interstate commerce, in any year, under the provisions of chapter 184, Laws of 1935, as amended, and it appears to the Department that the vehicle will be operated in the state less than fifty per cent (50%) of the total mileage it will be operated in such year, said person shall pay to said Department, together with the fee for such permit or plates, a partial payment of fifty per cent (50%) of the full

Fees for permit to operate vehicle in interstate commerce.

excise fee payable for that year on said vehicle under the provisions of this act, except in the following cases: (1) If the excise fee for such vehicle, whether owned, leased or rented, for such year has theretofore been paid and such person shall furnish to said Department a receipt, or other satisfactory proof, evidencing such payment, which receipt, or other evidence, after any necessary verification, shall be returned to him upon request; or

Proof of prior payment of excise fee.

(2) If the application be for a vehicle, licensed in another state, for a permit or plates which will simply permit an occasional irregular trip or trips from another state into this state.

Vehicles licensed in another state.

In either of the two above enumerated cases the Department, in accounting to the State Treasurer, shall note the reason for non-collection of the excise.

Reason for non-collection to be noted.

In any case where a person shall have paid the excise fee for any vehicle for any year to the Department and shall later apply to a County Auditor for a motor vehicle license for such year, such County Auditor shall issue such license without collecting the excise fee but only after verifying the said payment from the excise fee receipt, or from a signed statement, issued by the Department, and in accounting to the State Treasurer for such non-collection the Auditor shall note the number of such receipt or the number of the identification plates issued by the Department.

Where application is made to County Auditor.

The Department shall account for and pay over to the State Treasurer, at the latest within thirty (30) days after it has received payment, the excise fees it has collected under this act, and the State Treasurer shall credit the same to the Motor Vehicle Excise Fund.

Credit to Motor Vehicle Excise Fund.

It is the intent of this act that not more than one excise fee imposed under section 2 thereof shall be collected for any vehicle for any year.

One excise fee.

For the purposes of this section, the several provisions of this act applying to the County Auditor shall apply to the State Department of Public Service and those applying to the County Assessor shall apply to the State Tax Commission.

Act appli-  
cable to  
Department  
of Public  
Service and  
State Tax  
Commission.

SEC. 18. Section 11, chapter 144, Laws of 1943, as last amended by section 3, chapter 152, Laws of 1945, is amended to read as follows:

Amendment.

Section 11. Whenever any person has paid a motor vehicle license fee, and together therewith has paid an excise tax imposed under the provisions of this act, and the State Director of Licenses shall determine that said person is entitled to a refund of the entire amount of said license fee as provided by law, then said person shall also be entitled to a refund of the entire excise tax collected under the provisions of this act. In case the Director of Licenses shall determine that any person is entitled to a refund of only a part of the license fee so paid, such person shall be entitled to a refund of the difference, if any, between the excise tax collected and that which should have been collected and the State Treasurer shall determine the amount of such refund by reference to the applicable excise tax schedule prepared by the Tax Commission and the Association of County Assessors. In case no claim is to be made for the refund of the license fee or any part thereof but claim is made by any person that he has paid an erroneously excessive amount of excise tax, the Tax Commission shall determine in the manner generally provided in this act the amount of such excess, if any, that has been paid and shall certify to the State Treasurer that such person is entitled to a refund in said amount. No refund of excise tax shall be allowed under the first or second sentences of this section unless application for a refund of license fee is filed with the Director of Licenses within the period provided by law, and no such

Refunds of  
motor  
vehicle  
license fees.

refund shall be allowed under the third sentence of this section unless filed with the Tax Commission within ninety (90) days after such claimed excessive excise tax was paid.

Operation  
partially  
outside state.

Any person authorized by the State Department of Public Service to operate a motor vehicle for the conveyance of freight or passengers for hire as a common carrier or as a contract carrier, and so operating such vehicle partly within and partly outside of this state during any calendar year, shall be entitled to a refund of that portion of the full excise tax for such vehicle for such year that the mileage actually operated by such vehicle outside the state bears to the total mileage so operated both within and outside of the state: *Provided*, If only one-half of the full excise fee was paid, the unpaid one-half shall be deducted from the amount of refund so determined: *Provided further*, If only a one-half fee was paid, and the vehicle was operated in this state more than fifty per cent (50%) of the total miles operated, a balance of the tax is due equal to an amount which is the same percentage of the full excise fee as is the percentage of mileage said vehicle was operated in this state minus the one-half fee previously paid, and any balance due, is payable on or before the first day of June of the year in which the amount of the excise fee due the state has been determined, and until any such balance has been paid no identification plate or permit shall be thereafter issued for such vehicle or any other vehicle owned by the same person. Any claim for such refund must be filed with the Tax Commission at Olympia not later than within the first three (3) months of the calendar year following the year for which refund is claimed and the applicant must therewith furnish to the Commission his affidavit, verified by oath, of the mileage so operated by such vehicle during the preceding year, within the state, outside of

Time of  
filing claim.

the state, and the total of all mileage so operated: *Provided*, A claim for refund may be filed after the three (3)-month period has expired, but in such case a penalty of ten per cent (10%) of any refund otherwise allowable shall be charged and withheld for each month or portion thereof subsequent to the three (3)-month period.

If the Commission shall approve such claim it shall notify the State Treasurer to that effect, and the said Treasurer is hereby authorized and directed to make such approved refunds and the other refunds herein provided for from the Motor Vehicle Excise Fund and shall mail or deliver the same to the person entitled thereto.

Approval of claims.

Any person making any false statement, in the affidavit herein mentioned, under which he obtains any amount of refund to which he is not entitled under the provisions of this section, shall be guilty of a gross misdemeanor.

Penalty for false statement.

SEC. 19. There is hereby appropriated from the General Fund of the state treasury to the Transportation Revolving Fund the sum of five thousand seven hundred eighty-nine dollars and fifteen cents (\$5,789.15), to reimburse the Department of Transportation for costs of salaries and expenses incurred in collecting motor vehicle excise taxes for the period prior to January 1, 1949.

Appropriation to Transportation Revolving Fund.

Passed the Senate March 9, 1949.

Passed the House March 7, 1949.

Approved by the Governor March 19, 1949.