WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1951

ENROLLED

HOUSE BILL No. 189

(By Mr. Davis)

PASSED March 10, 1951

In Effect July 1, 1951
ENROLLED

House Bill No. 189

(By Mr. Davis)

[Passed March 10, 1951; effective July 1, 1951.]

AN ACT to repeal sections five, five-a, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, twenty-five, twenty-nine and thirty, article one; article five-a; sections one, two, four-a, four-b, four-c, four-d, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-a, twenty-b, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-eight, twenty-nine, thirty-one, thirty-two, thirty-three and thirty-four, article six; article seven; article eight; sections four, five, six, seven, nine, ten and thirteen-a, article nineteen; and article twenty-one, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to amend said code by adding thereto three new chapters to be designated chapters seventeen-a, seventeen-b and seventeen-c, all relating to motor and
other vehicles, and including, among other things, motor vehicle administration, registration, certificates of title and antitheft provisions, licensing of motor vehicle operators and chauffeurs, traffic regulations and laws of the road, and prescribing penalties for the violation of the provisions thereof.

Be it enacted by the Legislature of West Virginia:

That sections five, five-a, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, twenty-five, twenty-nine and thirty, article one; article five-a; sections one, two, four-a, four-b, four-c, four-d, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-a, twenty-b, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-eight, twenty-nine, thirty-one, thirty-two, thirty-three and thirty-four, article nineteen; and article twenty-one, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed, and that said code be amended by adding thereto three new chapters to be designated chapters
seventeen-a, seventeen-b and seventeen-c, all to read as follows:

CHAPTER 17-A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION, CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS.


Section 1. Definition of Words and Phrases.—The following words and phrases when used in this chapter shall, for the purpose of this chapter have the meanings respectively ascribed to them in this article.

Sec. 2. Vehicle.—Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Sec. 3. Motor Vehicle.—Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Sec. 4. Motorcycle.—Every motor vehicle having a saddle for the use of the rider and designed to travel
Sec. 5. **School Bus.**—Every motor vehicle owned by a public governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

Sec. 6. **Bus.**—Every motor vehicle designed for carrying more than seven passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

Sec. 7. **Truck Tractor.**—Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Sec. 8. **Farm Tractor.**—Every motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines, and other implements of husbandry.

Sec. 9. **Road Tractor.**—Every motor vehicle designed
and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

Sec. 10. Truck.—Every motor vehicle designed, used, or maintained primarily for the transportation of property.

Sec. 11. Trailer.—Every vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Sec. 12. Semitrailer.—Every vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Sec. 13. Pole Trailer.—Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural
7 members capable, generally, of sustaining themselves as
8 beams between the supporting connections.

Sec. 14. Specially Constructed Vehicle.—Every vehicle
2 of a type required to be registered hereunder not original-
3 ly constructed under a distinctive name, make, model,
4 or type by a generally recognized manufacturer of ve-
5 hicles and not materially altered from its original con-
6 struction.

Sec. 15. Reconstructed Vehicle.—Every vehicle of a
2 type required to be registered hereunder materially
3 altered from its original construction by the removal,
4 addition, or substitution of essential parts, new or used.

Sec. 16. Essential Parts.—All integral and body parts
2 of a vehicle of a type required to be registered here-
3 under, the removal, alteration, or substitution of which
4 would tend to conceal the identity of the vehicle or sub-
5 stantly alter its appearance, model, type, or mode of
6 operation.

Sec. 17. Foreign Vehicle.—Every vehicle of a type re-
2 quired to be registered hereunder brought into this state
3 from another state, territory, or country other than in
Sec. 18. *Implement of Husbandry.*—Every vehicle which is designed for agricultural purposes and exclusively used by the owner thereof in the conduct of his agricultural operations.

Sec. 19. *Special Mobile Equipment.*—Every vehicle not designed or used for the transportation of persons or property and incidentally operated or moved over the highways, including road construction or maintenance machinery, ditch-digging apparatus, well-boring apparatus, and concrete mixers. The foregoing enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section.

Sec. 20. *Pneumatic Tire.*—Every tire in which compressed air is designed to support the load.

Sec. 21. *Solid Tire.*—Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

Sec. 22. *Metal Tire.*—Every tire the surface of which
in contact with the highway is wholly or partly of metal
or other hard, nonresilient material.

Sec. 23. Commissioner.—The commissioner of motor
vehicles of this state.

Sec. 24. Department.—The department of motor ve-
hicles of this state acting directly or through its duly
authorized officers and agents.

Sec. 25. Person.—Every natural person, firm, copartner-
ship, association, or corporation.

Sec. 26. Owner.—A person who holds the legal title
of a vehicle or in the event a vehicle is the subject of an
agreement for the conditional sale or lease thereof with
the right of purchase upon performance of the conditions
stated in the agreement and with an immediate right of
possession vested in the conditional vendee or lessee, or
in the event a mortgagor of a vehicle is entitled to pos-
session, then such conditional vendee or lessee or mort-
gagor shall be deemed the owner for the purpose of this
chapter.

Sec. 27. Nonresident.—Every person who is not a resi-
dent of this state.
Sec. 28. Dealer.—Every person engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered hereunder and who has an established place of business for such purpose in this state.

Sec. 29. Transporter.—Every person engaged in the business of delivering vehicles of a type required to be registered hereunder from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer.

Sec. 30. Manufacturer.—Every person engaged in the business of constructing or assembling vehicles of a type required to be registered hereunder at an established place of business in this state.

Sec. 31. Established Place of Business.—The place actually occupied either continuously or at regular periods by a dealer or manufacturer where his books and records are kept and a large share of his business is transacted.

Sec. 32. Street or Highway.—The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
Article 2. Department of Motor Vehicles.

Section 1. Department Created.—The department of the government of this state, known as the department of motor vehicles, heretofore created, shall be continued.

Sec. 2. Office of Commissioner of Motor Vehicles Created: Appointment; Term.—The department of motor vehicles shall be directed by an executive officer to be designated as the commissioner of motor vehicles, who shall be appointed by the governor, with the advice and consent of the senate for a term of four years. The first appointment made hereunder shall be for a four year term to commence on the first day of July, one thousand nine hundred fifty-one. The commissioner shall devote his entire time to the duties of his office.

Sec. 3. Qualifications.—The commissioner at the time of his appointment and qualification shall be a citizen of the United States and a resident of the State of West Virginia, shall have been a qualified voter in the state for a period of at least one year next preceding his appointment, and shall be not less than thirty years of age. No commissioner during his period of service as
such shall hold any other office under the laws of this state or of the United States.

Sec. 4. Filling Vacancies.—All vacancies in the office of the commissioner that occur while the legislature is not in session shall be filled by appointment by the governor, which appointment shall expire at the end of thirty days after the date on which the legislature next convenes. Prior to the expiration of the thirty days the governor shall transmit to the senate for its approval an appointment for the unexpired portion of the regular term. Vacancies occurring during a session of the legislature shall be filled as regular appointments before the end of the session and for the unexpired portion of the regular term.

Sec. 5. Oath and Bond.—The commissioner before entering upon the duties of his office shall take and subscribe to the oath prescribed by the Constitution. He shall also execute a bond in the penalty of twenty-five thousand dollars, conditioned according to law, and approved by the governor. The cost of such bond shall be borne by the department as a part of the operating cost.
of the department. The bond and the oath shall be filed
with the secretary of state.

Sec. 6. Salary and Expenses.—The commissioner shall
receive a salary of $2 thousand dollars and the necessary
traveling expenses incident to the performance of his
duties. Requisition for traveling expenses shall be ac-
accompanied by a sworn and itemized statement which
shall be filed with the auditor and permanently preserved
as a public record.

Sec. 7. Organization of Department; Assistants and Em-
ployees.—The commissioner shall organize the depart-
ment in such manner as he may deem necessary to prop-
erly segregate and conduct the work of the department.
The commissioner shall employ such assistants and em-
ployees as may be necessary for the efficient operation
of his department, who shall possess all of the qualifi-
cations which may from time to time be prescribed for
such positions by the commissioner. The duties and
salaries of such assistants and employees shall be fixed
by the commissioner, who shall have authority to remove
any such assistant or employee at his will and pleasure.
The total compensation paid to assistants and employees shall not exceed in any one year the appropriation made by the legislature for that purpose.

The commissioner shall require every employee who collects fees or handles funds or who has custody of equipment and supplies belonging to the state to take the constitutional oath and give an official bond, with corporate surety, properly conditioned and in a sum to be fixed by the commissioner, which bond shall be approved by him and filed in the office of the secretary of state.

The cost of such bond shall be borne by the department as a part of the operating cost of the department.

Sec. 8. Offices of Department.—The commissioner shall maintain an office in one of the state capitol buildings and in such other places in the state as he may deem necessary properly to carry out the powers and duties vested in the department. The commissioner shall keep his offices open at all reasonable times for the transaction of public business.

Sec. 9. Powers and Duties of Commissioner.—(a) The commissioner is hereby vested with and is charged with
the duty of observing, administering and enforcing the
provisions of this chapter and of all laws the enforcement
of which is now or hereafter vested in the department:

Provided, however, That nothing in this chapter shall
deprive the public service commission of West Virginia
of any of the duties or powers now vested in it with re­
gard to the regulation of motor vehicle carriers.

(b) The commissioner is hereby authorized to adopt
and enforce such rules and regulations as may be neces­
sary to carry out the provisions of this chapter and any
other laws the enforcement and administration of which
are vested in the department.

(c) The commissioner may adopt an official seal for
the use of the department.

Sec. 10. Reciprocal Agreements with Other States.—

The motor vehicle commissioner in co-operation with
the state road commissioner, the public service com­
mision and the department of public safety may enter
into such reciprocal agreements as he may deem proper
or expedient with the proper authorities of other states,
regulating the use, on the roads and highways of this
State, of trucks, automobiles and any other vehicles owned in such other states and duly licensed under the laws thereof. The commissioner may confer and advise with the proper officers and legislative bodies of this and other states and federal districts of the United States, to promote reciprocal agreements under which the registration of vehicles owned in this state, and the licenses of operators and chauffeurs residing in this state shall be recognized by other states and federal districts.

Sec. 11. Delegation of Powers and Duties.—All powers and duties vested in the commissioner, except the power to sign contracts and make rules and regulations, may be exercised by the appointees or employees of the commissioner, under his direction; but the commissioner shall be responsible for their acts.

Sec. 12. Commissioner to Prescribe Forms.—The commissioner shall prescribe and provide suitable forms of applications, certificates of title, registration cards, operators' and chauffeurs' licenses, and all other forms requisite or deemed necessary to carry out the provisions of this chapter and any other laws, the enforcement
and administration of which are vested in the department.

Sec. 13. **Authority to Administer Oaths and Certify Copies of Records.**—(a) Officers and employees of the department designated by the commissioner are, for the purpose of administering the motor vehicle laws, authorized to administer oaths and acknowledge signatures, and shall do so without fee.

(b) The commissioner and such officers of the department as he may designate are hereby authorized to prepare under the seal of the department and deliver upon request a certified copy of any record of the department, charging a fee of one dollar for each document so authenticated, and every such certified copy shall be admissible in any proceeding in any court in like manner as the original thereof.

(c) The commissioner and such officers of the department as he may designate are hereby authorized to furnish to any person requesting same in writing information regarding the registration of any vehicle at a fee prescribed by the commissioner but not to exceed
twenty-five cents for each such registration about which information is furnished.

Sec. 14. Records of Department.—(a) All records of the department, other than those declared by law to be confidential for the use of the department, shall be open to public inspection during office hours.

(b) The commissioner may destroy any records of the department which have been maintained on file for three years which he may deem obsolete and of no further service in carrying out the powers and duties of the department.

Sec. 15. Authority to Grant or Refuse Application.—The department shall examine and determine the genuineness, regularity, and legality of every application for registration of a vehicle, for a certificate of title therefor, and for an operator's or chauffeur's license and of any other application lawfully made to the department, and may in all cases make such investigation as may be deemed necessary or require additional information, and shall reject any such application if not satisfied of the genuineness, regularity, or legality thereof or the truth
of any statement contained therein, or for any other reason, when authorized by law.

Sec. 16. Seizure of Documents and Plates.—The department is hereby authorized to take possession of any certificate of title, registration card, permit, license, or registration plate issued by it upon expiration, revocation, cancellation, or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued.

Sec. 17. Distribution of Synopsis of Motor Vehicle Laws.—The department shall prepare in pamphlet form a synopsis or summary of the laws of this state regulating the operation of vehicles and shall deliver a copy thereof without charge with each original vehicle registration and with each original operator's or chauffeur's license, and to any other citizen of the State upon application.

Sec. 18. Department May Summon Witnesses and Take Testimony.—(a) The commissioner and officers of the department designated by him shall have authority to summon witnesses to give testimony under oath or to
give written deposition upon any matter under the jurisdiction of the department. Such summons may require the production of relevant books, papers, or records.

(b) Every such summons shall be served at least five days before the return date, either by personal service made by any person over eighteen years of age or by registered mail, but return acknowledgement is required to prove such latter service. Failure to obey such a summons so served shall constitute a misdemeanor.

The fees for the attendance and travel of witnesses shall be the same as for witnesses before the circuit court.

c) Any circuit court shall have jurisdiction, upon application by the commissioner, to enforce all lawful orders of the commissioner under this section.

Sec. 19. Giving of Notice.—Whenever the department is authorized or required to give any notice under this chapter or other law regulating the operation of vehicles, unless a different method of giving such notice is otherwise expressly prescribed, such notice shall be given either by personal delivery thereof to the person to be so notified or by deposit in the United States mail of such
notice in an envelope with postage prepaid, addressed to such person at his address as shown by the records of the department. The giving of notice by mail is complete upon the expiration of four days after such deposit of said notice. Proof of the giving of notice in either such manner may be made by the certificate of any officer or employee of the department or affidavit of any person over eighteen years of age, naming the person to whom such notice was given and specifying the time, place, and manner of the giving thereof.

Sec. 20. Legal Service Rendered Commissioner.—It shall be the duty of the attorney general of this state and of his assistants and of the prosecuting attorneys of the several counties, to render to the commissioner, without additional compensation, such legal services as he shall require of them in the discharge of his duties under the provisions of this chapter.

Sec. 21. Revenue Collected Paid to State Treasurer. Taxes and fees imposed and collected under the provisions of this chapter shall be paid to the state treasurer
in the manner provided by law, and credited to the state
road fund.

Sec. 22. Administrative Expense.—The expense of the
administration of the motor vehicle department shall be
appropriated for that purpose from the state road funds.

Article 3. Original and Renewal of Registration, Issuance of
Certificates of Title.

Section 1. Misdemeanor to Violate Provisions of Article.—It is a misdemeanor for any person to drive or move
or for an owner knowingly to permit to be driven or
moved upon any highway any vehicle of a type required
to be registered hereunder which is not registered or for
which a certificate of title has not been issued or applied
for or for which the appropriate fee has not been paid
when and as required hereunder, except as otherwise
permitted by the provisions of this chapter: Provided,
That in the event of the sale of a vehicle by a person other
than a registered dealer, the person purchasing the same
may, for a period of not more than ten days, operate such
vehicle under the registration of its previous owner and
display the registration thereof: Provided further, That
he shall have and display on the demand of any proper officer the consent in writing of such previous owner so to use such registration.

Sec. 2. Vehicles Subject to Registration—Exception.

Every motor vehicle, trailer, semitrailer, and pole trailer when driven or moved upon a highway shall be subject to the registration and certificate of title provisions of this chapter except:

(1) Any such vehicle driven or moved upon a highway in conformance with the provisions of this chapter relating to manufacturers, transporters, dealers, lien holders, or nonresidents or under a temporary registration permit issued by the department as hereinafter authorized;

(2) Any implement of husbandry whether of a type otherwise subject to registration hereunder or not which is only incidentally operated or moved upon a highway;

(3) Any vehicle which is propelled exclusively by electric power obtained from overhead trolley wires though not operated upon rails;

(4) No certificate of title need be obtained for any
vehicle of a type subject to registration owned by the
Government of the United States.

Sec. 3. Application for Registration.—Every owner of
a vehicle subject to registration hereunder shall make
application to the department for the registration thereof
upon the appropriate form or forms furnished by the
department and every such application shall bear the
signature of the owner written with pen and ink and said
signature shall be acknowledged by the owner before a
person authorized to administer oaths and said applica-
tion shall contain:

(1) The name, bona fide residence and mail address
of the owner, the name of the county in which he resides,
or business address of the owner if a firm, association, or
corporation.

(2) A description of the vehicle including, insofar as
the hereinafter specified data may exist with respect to a
given vehicle, the make, model, type of body, the serial
number of the vehicle, the engine or other number of the
vehicle.

(3) In the event a motor vehicle is designed, con-
structed, converted, or rebuilt for the transportation of property, the application shall include a statement of its declared gross weight if such motor vehicle is to be used alone, or if such motor vehicle is to be used in combination with other vehicles the application for registration of such motor vehicle shall include a statement of the combined declared gross weight of such motor vehicle and the vehicles to be drawn by such motor vehicle; declared gross weight being the weight declared by the owner to be the actual combined weight of the vehicle or combination of vehicles and load when carrying the maximum load which the owner intends to place thereon; and the application for registration of each such vehicle shall also include a statement of the distance between the first and last axles of that vehicle or combination of vehicles. The declared gross weight stated in the application shall not exceed the permissible gross weight for the axle spacing listed therein as determined by the table of permissible gross weights contained in chapter seventeen-c of this code; and any vehicle registered for a declared gross weight as stated in the application shall be subject to the
(4) Each such applicant shall state whether such vehicle is or is not to be used in the public transportation of passengers or property, or both, for compensation, and if so used, or to be used, the applicants shall so certify, and shall, as a condition precedent to the registration of such vehicle, obtain a certificate of convenience, or permit from the public service commission.

(5) Such further information as may reasonably be required by the department to enable it to determine whether the vehicle is lawfully entitled to registration.

(6) Each such application for registration shall be accompanied by the fees hereafter provided.

Sec. 4. Application for Certificate of Title; Tax.—

Certificates of registration of any vehicle or registration plates therefor, whether original issues or duplicates, shall not be issued or furnished by the department of motor vehicles or any other officer charged with such duty, unless the applicant therefor already has received, or shall at the same time make application for and be
granted, an official certificate of title of such vehicle. Such application shall be upon a blank form to be furnished by the department of motor vehicles and shall contain a full description of the vehicle, which description shall contain the manufacturer's number, the motor number and any distinguishing marks, together with a statement of the applicant's title and of any liens or encumberances upon such vehicles, the names and addresses of the holders of such liens and such other information as the department of motor vehicles may require. The application shall be signed and sworn to by the applicant. A tax is hereby imposed upon the privilege of effecting the certification of title of each vehicle in the amount equal to two per cent of the value of said motor vehicle at the time of such certification. If the vehicle is new, the actual purchase price or consideration to the purchaser thereof shall be the value of said vehicle; If the vehicle is a used or second-hand vehicle, the present market value at time of transfer or purchase shall be deemed the value thereof for the purpose of this section: Provided, That so much of the purchase price or considera-
tion as is represented by the exchange of other vehicles
on which the tax herein imposed has been paid by the
purchaser shall be deducted from the total actual price
or consideration paid for said vehicle, whether the same
be new or second-hand; if the vehicle be acquired through
gift, or by any manner whatsoever, unless specifically
exempted in this section, the present market value of the
vehicle at the time of the gift or transfer shall be deemed
the value thereof for purposes of this section. No certifi-
icate of title for any vehicle shall be issued to any appli-
cant unless such applicant shall have paid to the depart-
ment of motor vehicles the tax imposed by this section
which shall be two per cent of the true and actual value
of the said vehicle whether the vehicle be acquired
through purchase, by gift, or by any other manner what-
soever except gifts between husband and wife or be-
tween parents and children; but the tax imposed by this
section shall not apply to vehicles to be registered as
class H or class I vehicles, as defined in section one, article
ten of this chapter, which are used or to be used in inter-
state commerce, nor shall the tax imposed by this section
apply to titling of vehicles by a registered dealer of this state for resale only. The total amount of revenue collected by reason of this tax shall be paid into the state road fund and expended by the state road commissioner in the maintenance and construction of the state's secondary roads. In addition to said tax, there shall be a charge of one dollar for each original certificate of title so issued.

Notwithstanding the provisions of this section, the owners of trailers, semitrailers and other vehicles not subject to the certificate of title tax prior to enactment of this chapter shall not be required to pay the above mentioned tax upon making application for a certificate of title for such vehicle, but shall be required to pay a fee of one dollar for the issuance of each such certificate of title. Such certificate shall be good for the life of the vehicle, so long as the same is owned or held by the original holder of such certificate, and need not be renewed annually, or any other time, except as herein provided.

If, by will or direct inheritance, a person becomes the owner of a motor vehicle upon which the tax herein im-
A person who has paid the tax imposed by this section shall not be required to pay the tax a second time for the same motor vehicle, but he shall be required to pay a charge of one dollar for the certificate of re-title of that motor vehicle, except that such tax shall be paid by such person when the title to such vehicle has been transferred either in this or another state from such person to another person and transferred back to such person.

Sec. 5. Application for Specially Constructed, Reconstructed, Foreign Vehicles, or New Vehicles Purchased from Dealers Other Than Licensed Dealers of This State.

(a) In the event the vehicle to be registered is specially constructed, reconstructed, or foreign vehicle, such fact shall be stated in the application and with reference to every foreign vehicle which has been registered heretofore outside of this state the owner shall surrender to the department all registration plates, registration cards, and certificates of title or other evidence of such foreign regis-
tration as may be in his possession or under his control except as provided in subdivision (b) hereof.

(b) Where in the course of interstate operation of a vehicle registered in another state it is desirable to retain registration of said vehicle in such other state, such applicant need not surrender but shall submit for inspection said evidences of such foreign registration and the department upon a proper showing shall register said vehicle in this state but shall not issue a certificate of title for such vehicle.

(c) In the event application for registration and certificate of title is made for a new vehicle purchased from a dealer other than a licensed dealer of this state, a certificate of title shall not be issued for such vehicle nor shall such vehicle be registered by the department unless and until such application shall be accompanied by a certificate of title or other evidence of ownership required by the state of purchase, or if the state of purchase does not require a certificate of title such application shall be accompanied by a properly authenticated bill of sale bearing the verified signature of the dealer.
from whom such vehicle was purchased, accompanied by
evidence that such seller is a bona fide dealer of the state
in which such vehicle was purchased.

Sec. 6. Temporary Permit Pending Registration.—
The department in its discretion may grant a temporary
permit to operate a vehicle for which application for
registration and certificate of title has been made where
such application is accompanied by the proper fee, pend-
ing action upon said application by the department.

Sec. 7. Grounds for Refusing Registration or Certifi-
cate of Title.—The department shall refuse registration or
issuance of a certificate of title or any transfer of regis-
tration upon any of the following grounds:
(1) That the application contains any false or fraudu-
lent statement or that the applicant has failed to furnish
required information or reasonable additional informa-
tion requested by the department or that the applicant is
not entitled to the issuance of a certificate of title or regis-
tration of the vehicle under this chapter;
(2) That the vehicle is mechanically unfit or unsafe
to be operated or moved upon the highways;
That the department has reasonable ground to believe that the vehicle is a stolen or embezzled vehicle or that the granting of registration or the issuance of certificate of title would constitute a fraud against the rightful owner or other person having a valid lien upon such vehicle;

That the registration of the vehicle stands suspended or revoked for any reason as provided in the motor vehicle laws of this state;

That the required fee has not been paid.

Sec. 8. Examination of Registration Records and Index of Stolen and Recovered Vehicles.—The department upon receiving application for original registration of a vehicle or any certificate of title shall first check the engine and serial number shown in the application against the indexes of registered motor vehicles and against the index of stolen and recovered motor vehicles required to be maintained by this chapter.

Sec. 9. Registration Indexes.—The department shall file each application received and when satisfied as to the genuineness and regularity thereof, and that the appli-
cant is entitled to register such vehicle and to the issuance of a certificate of title shall register the vehicle therein described and keep a record thereof in suitable books or on index cards as follows:

1. Under a distinctive registration number assigned to the vehicle;
2. Alphabetically, under the name of the owner;
3. Under the motor number if available, otherwise any other identifying number of the vehicle; and
4. In the discretion of the department, in any other manner it may deem desirable.

Sec. 10. Department to Issue Registration Card.—The department upon registering a vehicle shall issue a registration card to be delivered to the owner and containing thereon the date issued, the name and address of the owner, the registration number assigned to the vehicle and such description of the vehicle as determined by the commissioner.

Sec. 11. Registration of Vehicles According to Permissible Gross Weight.—The commissioner, upon registering any truck, truck tractor, or road tractor, under the laws
of this state, may require such information and may make such investigation or test as necessary to enable him to determine whether such motor vehicle may safely be operated upon the highways in compliance with all the provisions of law relating to such vehicles. He shall register every such vehicle for a permissible gross weight under which the vehicle can, in his opinion, safely be operated upon the highways, and, in any event, not exceeding the limitations set forth in chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended.

The commissioner shall insert in the registration card issued for every such motor vehicle the gross weight for which it is registered, and if it is a motor vehicle to be used for propelling other vehicles he shall separately insert the total permissible gross weight of such motor vehicle and other vehicles to be propelled by it. The owner of each such vehicle shall stencil or paint the gross weight appearing on the registration card on the right side of such vehicle using letters and numerals at least four inches in height. The commissioner shall also cause
to be printed or stamped upon the registration card a
statement that the vehicle although registered for the
gross weight appearing on the registration card is subject
to an axle load limitation of eighteen thousand pounds per
axle.

Sec. 12. Commissioner to Issue Certificate of Title.—
The commissioner, if satisfied that the applicant for a
certificate of title is the owner of such motor vehicle, or
otherwise entitled to have the same registered in his
name, shall issue an appropriate certificate of title.
The certificate of title shall contain upon the face
thereof the date issued, the name and address of the
owner, such description of the vehicle as determined by
the commissioner, and a statement of the owner's title
and of all liens and encumbrances upon the vehicle there-
in described and whether possession is held by the owner
under a lease, contract of conditional sale, or other like
agreement, and shall bear thereon the seal of the depart-
ment.
The certificate of title shall contain upon the reverse
side a space for the signature of the owner and the owner
shall write his name with pen and ink in such space upon
receipt of the certificate. Such certificate shall also con-
tain upon the reverse side forms for assignment of title
or interest and warranty thereof by the owner with space
for notation of liens and encumbrances upon the vehicle
at the time of a transfer.

The certificate of title shall be delivered to the owner.

Sec. 13. *Registration Card to be Signed, Carried, and
Exhibited on Demand.*—Every owner upon receipt of a
registration card shall write his signature thereon with
pen and ink in the space provided. Every such registration
card shall at all times be carried in the vehicle to which
it refers or shall be carried by the person driving or in
control of such vehicle who shall display the same upon
demand of a police officer or any officer or employee of
the department.

Sec. 14. *Registration Plates to be Furnished by the
Department.*—The department upon registering a vehicle
shall issue to the owner one registration plate for a
motorcycle, trailer, or semitrailer and two registration
plates for every other motor vehicle.
Every registration plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, also the name of this state, which may be abbreviated, and the year number for which it is issued or the date of expiration thereof.

Such registration plate and the required letters and numerals thereon, except the year number for which issued or the date of expiration, shall be of sufficient size to be plainly readable from a distance of one hundred feet during daylight.

Notwithstanding the provisions of this section, or of any other provision of this chapter, the commissioner may, in his discretion, issue a type of registration plate suitable for permanent use on motor vehicles, trailers and semitrailers, together with appropriate devices to be attached thereto to indicate the year for which such vehicles have been properly registered or the date of expiration of such registration. The design of such plates shall be determined by the commissioner.

Sec. 15. Display of Registration Plates.—Registration plates issued for a motor vehicle other than a motorcycle
shall be attached thereto, one in the front and the other in the rear. The registration plate issued for a motorcycle or other vehicle required to be registered hereunder shall be attached to the rear thereof.

Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than twelve inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible and shall be maintained free from foreign materials and in a condition to be clearly legible.

Sec. 16. Expiration of Registration and Certificates of Title.—Every vehicle registration under this chapter and every registration card and registration plate issued hereunder shall expire at midnight on the thirtieth day of June of the fiscal year for which issued:

Provided, That the commissioner may extend the period during which said registration plates may be used for such time as in his judgment may seem best.

Certificates of title need not be renewed annually
but shall remain valid until canceled by the department for cause or upon a transfer of any interest shown therein.

Notwithstanding the provisions of this section or of any provision of this chapter, the commissioner may, in his discretion, adopt, for the vehicles set forth below which are subject to registration hereunder, a staggered registration system whereby the registration of all such vehicles shall be for a period of twelve consecutive calendar months, the expiration dates thereof to be staggered throughout the year. In the event the commissioner shall adopt such system the change to such new system shall be effective the first day of July, one thousand nine hundred fifty-three and shall be accomplished as follows:

(1) On or after the first day of July, one thousand nine hundred fifty-three, all motor vehicles and vehicles, except trucks, truck tractors, road tractors, trailers, semi-trailers, motor busses, motorcycles, electric vehicles, armored cars, wreckers, tow cars, hearses and ambulances, and except vehicles otherwise provided for herein shall
be registered for a period of twelve consecutive calendar months. There hereby are established twelve registration periods, each of which shall start on the first day of each calendar month of the year and shall end on the last day of the twelfth month from date of beginning. The period ending January thirty-first shall be designated the first period; That ending February twenty-eighth (twenty-ninth) shall be designated the second; that ending March thirty-first shall be designated the third; that ending April thirtieth shall be designated the fourth; that ending May thirty-first shall be designated the fifth; that ending June thirtieth shall be designated the sixth; that ending July thirty-first shall be designated the seventh; that ending August thirty-first shall be designated the eighth; that ending September thirtieth shall be designated the ninth; that ending October thirty-first shall be designated the tenth; that ending November thirtieth shall be designated the eleventh; and that ending December thirty-first shall be designated the twelfth.

(2) All motor vehicles, other than those exempted
above, which are operated for the first time upon the
public highways of this State to and including the
fifteenth day of any given month shall be subject to
registration and payment of fee for the twelve month
period commencing the first day of the month of op-
eration; motor vehicles operated for the first time upon
the public highways of this state on and after the six-
teenth day of any given month shall be subject to regis-
tration and payment of fee for the twelve month period
commencing the first day of the month of the next
following calendar month.

(3) During the time necessary to accomplish the
change from the present system of annual registration
to the monthly series system, all motor vehicles, as de-
fined above, subject to registration on July first, one
thousand nine hundred fifty-three, shall be registered
for one of twelve registration periods, which shall vary
in length from a minimum of six consecutive calendar
months to a maximum of seventeen consecutive calendar
months as hereinafter provided. During this transitory
period the registration fees shall be computed on a basis
of one-twelfth of the annual fee per month. In the order
of the receipt of applications for registration of motor
vehicles by the owners thereof, the commissioner shall
allocate to each of the twelve registration periods such
number of motor vehicles as will, in his judgment, as
uniformly as practicable, distribute the clerical work of
registering such vehicles throughout the year. In de-
termining the number of registrations to be allocated
to any given period, he may take into consideration the
volume of registration of trucks and other vehicles not
under the monthly series registration system. The twelve
registration periods necessary to accomplish the change
from the present system of annual registration to the
monthly series system are established as follows: Each
period shall commence July first, one thousand nine hun-
dred fifty-three. The first period shall expire December
thirty-first, one thousand nine hundred fifty-three, the
second, January thirty-first, one thousand nine hundred
fifty-four; the third, February twenty-eighth, one thou-
sand nine hundred fifty-four; the fourth, March thirty-
first, one thousand nine hundred fifty-four; the fifth,
April thirtieth, one thousand nine hundred fifty-four; the sixth, May thirty-first, one thousand nine hundred fifty-four; the seventh, June thirtieth, one thousand nine hundred fifty-four; the eighth, July thirty-first, one thousand nine hundred fifty-four; the ninth, August thirty-first, one thousand nine hundred fifty-four; the tenth, September thirtieth, one thousand nine hundred fifty-four; the eleventh, October thirty-first, one thousand nine hundred fifty-four; and the twelfth, November thirtieth, one thousand nine hundred fifty-four.

(4) Motor vehicles, other than those exempted above, not previously registered in this state and operated upon the highways of this state for the first time after the first day of July, one thousand nine hundred fifty-three, shall be registered for a full twelve month period without regard to the varying periods of registration provided for during the period of change to the staggered registration system; provided, that the commissioner may initially register a motor vehicle for less than a twelve month period when in his opinion such fractional regis-
Sec. 17. Application for and Renewal of Registration.—

Application for renewal of a vehicle registration shall be made by the owner by proper application and payment of the registration fee provided by law.

The department may receive applications for renewal of registration and issue new registration cards and plates at any time prior to expiration, but no person shall display upon a vehicle the new registration plates prior to the twentieth day of the month preceding the new registration period.

Sec. 18. Notice of Change of Address or Name.—Whenever any person after making application for or obtaining the registration of a vehicle or a certificate of title shall move from the address named in the application or shown upon a registration card or certificate of title such person shall within ten days thereafter notify the department in writing of his old and new addresses.

Whenever the name of any person who has made application for or obtained the registration of a vehicle or a
cerificate of title is thereafter changed by marriage or
otherwise such person shall within ten days notify the
department of such former and new name upon a form
prescribed by the commissioner, such notification to be
accompanied by application for re-title under such new
name.

Sec. 19. Lost or Damaged Certificates, Cards, and Plates.
In the event any registration card or registration plate
is lost, mutilated, or becomes illegible the owner or legal
representative or successor in interest of the owner of the
vehicle for which the same was issued as shown by the
records of the department shall immediately make appli-
cation for and may obtain a duplicate or a substitute or
a new registration under a new registration number, as
determined to be most advisable by the department, upon
the applicant furnishing information satisfactory to the
department.

In the event any certificate of title is lost, mutilated, or
becomes illegible, the owner or legal representative or
successor in interest of the owner of the vehicle for which
the same was issued, as shown by the records of the de-
partment, shall immediately make application for and
may obtain a duplicate upon the applicant furnishing in-
formation satisfactory to the department. Upon issuance
of any duplicate certificate of title the previous certificate
last issued shall be void.

Sec. 20. Department May Assign New Identifying Num-

bers.—The department may assign a distinguishing num-
ber to a motor vehicle whenever the serial number there-
on is destroyed or obliterated and issue to the owner a
special plate bearing such distinguishing number which
shall be affixed to the vehicle in a position to be deter-
mined by the commissioner. Such motor vehicle may
then be registered under such distinguishing number in
lieu of the former serial number.

Sec. 21. Regulations Governing Change of Motors.—
The commissioner is authorized to adopt and enforce such
registration rules and regulations as may be deemed nec-
essary and compatible with the public interest with re-
spect to the change or substitution of one engine in place
of another in any motor vehicle.

Sec. 22. Department to Issue Registration Bulletins.—
The commissioner shall annually, following a renewal of registration, compile and publish in books or bulletins a list of all registered vehicles and shall thereafter compile and publish monthly supplements thereto. The list of registered vehicles shall be arranged serially according to the registration numbers assigned to registered vehicles and shall contain in addition the names and addresses of registered owners and a brief description of each vehicle. Officers of the state entrusted with the enforcement of the laws may be furnished with copies of such lists, and copies may also be furnished to such other interested parties as may be authorized by the governor or by the commissioner. The commissioner may also furnish copies of such lists to similar officers in adjoining states. Copies may be furnished to all other persons applying for same, at a price to be fixed by the commissioner.

Article 4. Transfers of Title or Interest.

Section 1. Registration Expires on Transfer by Owner,

Transfer, Surrender or Retention of Plates.—Whenever the owner of a registered vehicle transfers or assigns his title, or interest thereto, the registration of such vehicle
shall expire. Upon such transfer, it shall be the duty of the original owner to retain the registration plates issued therefor and to immediately notify the commissioner of such transfer upon such form as may be provided therefor and to deliver to him the certificate of registration, whereupon the commissioner shall, upon the payment of a fee of one dollar, issue a new certificate showing the use to be made of such plates. Such plates may then be used by such owner on another vehicle of the same class as the vehicle for which they were originally issued if such other vehicle does not require a greater license fee than was required for such original vehicle. If such other vehicle requires a greater license fee than such original vehicle, then such plates may be used by paying such difference to the commissioner. When such transfer of ownership is made to a licensed dealer in motor vehicles it shall be the duty of such dealer to immediately execute notification of transfer, in triplicate, and to have this notification properly signed by the owner making the transfer. The dealer shall immediately forward to the department the original copy of the notification of transfer. One
copy of the notification of transfer shall be given to the
owner and one shall be retained by the dealer. The owner
shall immediately send to the department the transfer
fee of one dollar with any additional fee that may be re-
quired under the terms of this chapter. The owner's copy,
properly signed by the dealer, will be the owner's identi-
fication until he receives a new registration card from the
department.

The owner of a set of registration plates may surrender
them to the commissioner together with the registration
card and, upon the payment of one dollar as an exchange
fee and upon the payment of such additional fees as are
necessary to equalize the value of the plates surrendered
with the value of the registration plates desired, receive
in exchange a set of plates and registration card for a
vehicle of a different class.

Sec. 2. Endorsement of Certificate of Title upon Trans-
fer by Owner.—Whenever the owner of a registered ve-
hicle transfers or assigns his title, he shall endorse an
assignment and warranty of title upon the certificate of
title for such vehicle with a statement of all liens and
encumbrances thereon, which statement shall be verified
under oath by the owner, and he shall deliver the cer-
tificate of title to the purchaser or transferee at the time
of delivering the vehicle, except in the case of a vehicle
sold as scrap or to be dismantled.

Sec. 3. New Owner Must Secure Registration and Cer-
tificate of Title.—The transferee before operating or per-
mitting the operation of such vehicle upon a highway
shall apply for and obtain the registration thereof, as upon
an original registration, except as otherwise permitted in
sections four and five, article six, or by any other provi-
sions, of this chapter: Provided, however, That such trans-
feree may operate such vehicle under the registration of
its previous owner for a period of not more than ten days
as provided in section one, article three of this chapter.

A transferee shall at the same time present the certifi-
cate of title endorsed and assigned as hereinbefore pro-
vided to the department and make application for and
obtain a new certificate of title for such vehicle, except
as otherwise permitted in sections four and five of this
article.
Sec. 4. Transfers to Dealers and Others.—When the transferee of a vehicle is a dealer who holds the same for resale and lawfully operates the same under dealer's plates, such dealer shall not be required to obtain a new registration of said vehicle or be required to forward the certificate of title to the department, but such dealer upon transferring his title or interest to another person shall execute and acknowledge an assignment and warranty of title upon the certificate of title and deliver the same to the person to whom such transfer is made.

When the transferee of a vehicle does not drive such vehicle or permit it to be driven upon the highways, such transferee shall not be required to obtain a new registration of said vehicle, but such transferee shall be required within ten days from the date of such transfer to forward the certificate of title to the department accompanied by an application for a new certificate of title in his name.

Sec. 5. Transfer by Operation of Law.—Whenever the title or interest of an owner in or to a registered vehicle shall pass to another otherwise than by voluntary transfer, the registration thereof shall expire and the vehicle
shall not be operated upon the highways unless and until the person entitled to possession of such vehicle shall apply for and obtain the registration thereof, except that such vehicle may be operated by the person entitled to its possession or his legal representative upon the highways for a distance not exceeding seventy-five miles upon displaying upon such vehicle the registration plates issued to the former owner, or in the event title has become vested in the person holding a lien or encumbrance upon said vehicle such person may apply to the department for and obtain special plates as may be issued under this chapter to dealers and may operate any said repossessed vehicle under such special plates only for purposes of transporting the same to a garage or warehouse or for purposes of demonstrating or selling the same: Provided, That the commissioner is authorized to transfer the plates of a deceased person to his legal heir or legatee upon payment of a transfer fee of one dollar.

Upon any transfer the new owner may secure a new registration and certificate of title upon proper application and upon presentation of the last certificate of title
Sec. 6. When Department to Register Vehicle and Issue New Certificate.—The department upon receipt of a properly endorsed certificate of title and proper application for registration accompanied by the required fee and when satisfied as to the genuineness and regularity of said transfer and of the right of the transferee to a certificate of title shall reregister the vehicle as upon a new registration in the name of the new owner and issue a new certificate of title as upon an original application.

The department shall retain and appropriately file every surrendered certificate of title, such file to be so maintained as to permit the tracing of title of the vehicles designated therein.

Sec. 7. Release by Lien Holder to Owner.—A person holding a lien or encumbrance as shown upon a certificate of title upon a vehicle may release such lien or encumbrance or assign his interest to the owner without affect-
The department, upon receiving a certificate of title upon which a lien holder has released or assigned his interest to the owner or upon receipt of a certificate of title not so endorsed but accompanied by a legal release from a lien holder of his interest in or to a vehicle, shall issue a new certificate of title as upon an original application.

Sec. 8. Failure to Deliver Certificate a Misdemeanor.—It is a misdemeanor for any person to fail or neglect to properly endorse and deliver a certificate of title to a transferee or owner lawfully entitled thereto.

Sec. 9. Owner after Transfer Not Liable for Negligent Operation.—The owner of a motor vehicle who has made a bona fide sale or transfer of his title or interest and who has delivered possession of such vehicle and the certificate of title thereto properly endorsed to the purchaser or transferee shall not be liable for any damages thereafter resulting from negligent operation of such vehicle by another.

Sec. 10. Owner Dismantling or Wrecking Vehicle to Return Evidences of Registration.—Any owner disman-
tling or wrecking any registered vehicle shall immediately forward to the department the certificate of title for such vehicle.

Sec. 11. Sale of Motor Vehicle to be Dismantled.—Any owner who sells a motor vehicle as scrap or to be dismantled or destroyed shall assign the certificate of title thereto to the purchaser and shall deliver such certificate so assigned to the department with an application for a permit to dismantle such vehicle. The department shall thereupon issue to the purchaser a permit to dismantle the same which shall authorize such person to possess or transport such motor vehicle or to transfer ownership thereto by endorsement upon such permit. A certificate of title shall not again be issued for such motor vehicle in the event it is scrapped, dismantled, or destroyed.

Article 5. Permits to Nonresident Owners.

Section 1. Nonresident Owners Exempt From Registration.—A nonresident owner, except as otherwise provided in this section, owning any foreign vehicle of a type otherwise subject to registration hereunder may operate or permit the operation of such vehicle within
this state without registering such vehicle in, or paying
any fees to, this state subject to the condition that such
vehicle at all times when operated in this state is duly
registered in, and displays upon it a valid registration
card and registration plate or plates issued for such ve-
hicle in the place of residence of such owner.

Every nonresident, including any foreign corporation,
carrying on business within this state and owning and
regularly operating in such business any motor vehicle,
trailer, or semitrailer within this state, shall be required
to register each such vehicle and pay the same fees there-
for as is required with reference to like vehicles owned
by residents of this state, except as otherwise provided
by reciprocal agreements with other states accomplished
pursuant to section ten, article two of this chapter.

Article 6. Issuance of Special Plates to Dealers.

   Section 1. Operation of Vehicles under Special Plates

   and Permits.—A dealer owning any vehicle of a type
otherwise required to be registered hereunder may oper-
ate or move the same upon the highways without regis-
tering each such vehicle upon condition that any such
vehicle display thereon a special plate or plates issued to such dealer as provided in this article and in article ten, section six of this chapter.

The department shall have power to grant, in its discretion, special permits to a dealer for use on motor vehicles driven under their own power from the factory or distributing place of a manufacturer, or other dealer, to the place of business of such dealer. Each special permit shall be good only for one trip, and such permit shall not be used by such dealer in lieu of any registration card or plate required by this chapter.

The provisions of this article shall not apply to work or service vehicles owned by a dealer.

Sec. 2. Application for and Issuance of Special Plates.—Any dealer may make application to the department upon the appropriate form for one or more pairs of special plates or single special plates as appropriate to various types of vehicles subject to registration hereunder. The applicant shall also submit such proof of his status as a bona fide dealer as may reasonably be required by the department.
The department shall issue special plates as applied for.

Sec. 3. Expiration of Special Plates.—Every special plate issued hereunder shall expire at midnight on the thirtieth day of June of each year, and a new plate or plates for the ensuing year may be obtained by the person to whom any such expired plate or plates was issued upon application to the department and payment of the fee provided by law.

Sec. 4. Dealers to Maintain Records.—Every dealer shall keep a written record of the salesman, mechanic, officer, employee or agent to whom such special plate was assigned and the inclusive date thereof, which record shall be open to inspection by any police officer or any officer or employee of the department.

Sec. 5. Temporary Registration Plates or Markers.—The commissioner may, subject to the limitations and conditions hereinafter set forth, deliver temporary vehicle registration plates or markers to dealers when the application therefor is accompanied by the fee prescribed in this chapter. Such application shall be made upon a form prescribed and furnished by the department. Dealers
subject to the limitations and conditions hereinafter set forth, may issue such temporary registration plates or markers to owners of vehicles, provided that such owners shall comply with the pertinent provisions of this section.

Every dealer who has made application for temporary registration plates or markers shall maintain in permanent form a record of all temporary registration plates or markers delivered to him, and shall also maintain in permanent form a record of all temporary registration plates or markers issued by him, and in addition thereto, shall maintain in permanent form a record of any other information pertaining to the receipt or the issuance of temporary registration plates or markers that the commissioner may require. Each record shall be kept for a period of at least three years from the date of entry of such record. Every dealer shall allow full and free access to such records during regular business hours, to duly authorized representatives of the department and to peace officers.

Every person who issues temporary registration plates or markers shall, on the day that he issued such plates or markers, send to the department a copy of the temporary
registration plates or marker application, properly executed by such dealer and the owner.

A person shall not issue, assign, transfer or deliver temporary registration plates or markers to any one other than the bona fide purchaser or owner of the vehicle to be registered: Provided, That for vehicles owned by churches, or by trustees for churches, which vehicles are regularly used for transporting parishioners to and from church services, no license fee shall be charged, but notwithstanding such exemption, the certificate of registration and license plates shall be obtained the same as other cards and plates under this article; nor shall a person issue temporary registration plates or markers to anyone possessed of annual registration plates for a vehicle that has been sold or exchanged; nor shall a dealer lend to anyone or use on any vehicle that he may own, temporary registration plates or markers. It shall be unlawful for any person to issue any temporary registration plate or marker, or plates or markers, containing any misstatement of fact, or knowingly to insert any false information upon the face thereof.
Every person who issues temporary plates or markers shall affix or insert clearly and indelibly on the face of each temporary registration plate or marker the date of issuance and expiration, and the make and motor or serial number of the vehicle for which issued.

If the commissioner finds that the provisions of this section or the directions of the commissioner are not being complied with by the dealer, he may suspend, after notice and hearing, the right of a dealer to issue temporary registration plates or markers.

Every person who makes application for temporary registration plates or markers shall execute the temporary registration plate or marker application and shall return such application to the dealer from whom the vehicle to be registered has been or will be purchased.

Every person who makes application for temporary registration plates or markers shall execute and send an application for annual registration plates to the department, previous to or at the same time that the dealer sends to the department a copy of the executed temporary registration certificate, but in no event shall such appli-
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cation for annual registration plates be made later than
the day on which the temporary registration plates or
markers are issued to such owner.

Every person to whom temporary registration plates or
markers have been issued shall permanently destroy such
temporary registration plates or markers immediately
upon receiving the annual registration plates from the
department: Provided, That if the annual registration
plates are not received within twenty days of the issuance
of the temporary registration plates or markers, the owner
shall, notwithstanding immediately upon the expiration
of such twenty day period, permanently destroy the tem-
porary registration plates or markers.

Temporary registration plates or markers shall expire
and become void upon the receipt of the annual registra-
tion plates from the department, or upon the rescission of
a contract to purchase a motor vehicle, or upon the expir-
ation of twenty days from the date of issuance, depending
upon whichever event shall first occur. No refund or
credit of fees paid by dealers to the department for tem-
porary registration plates or markers shall be allowed,
except in the event that the commissioner discontinues
the issuance of temporary registration plates or markers,
dealers returning temporary registration plates or mark-
erers to the department may petition for refund or a credit
thereof.
The commissioner shall have the power to make such
rules and regulations, not inconsistent herewith, as he
shall deem necessary for the purpose of carrying out the
provisions of this section.
Any person who violates any of the provisions of this
section is guilty of a misdemeanor.

Article 7. Motor Car Dealers and Wreckers Must be Licensed.

Section 1. Dealers and Wreckers Must be Licensed.—
No person unless licensed so to do by the department,
under the provisions of this chapter, shall carry on or
conduct the business of:

(1) A dealer in motor vehicles, trailers, or semitrailers,
of a type subject to registration;

(2) A dealer in used parts or used accessories of motor
vehicles;
(3) Wrecking or dismantling any such vehicle for resale of the parts thereof.

Application for a dealer's or wrecker's license shall be made upon the form prescribed by the department and shall contain the name and address of the applicant; and when the applicant is a partnership, the name and address of each partner; or when the applicant is a corporation, the names of the principal officers of the corporation and the state in which incorporated, and the place or places where the business is to be conducted, and the nature of such business, and such other information as may be required by the department. Every such application shall be verified by the oath or affirmation of the applicant, if an individual, or in the event an applicant is a partnership or corporation, then by a partner or officer thereof. Every such application shall be accompanied by the fee required by law.

Sec. 2. Department to Issue License Certificate.—The department, upon receiving application accompanied by the required fee, and when satisfied that the applicant is of good character, and so far as can be ascertained has
complied with and will comply with the laws of this state
with reference to the registration of vehicles and certifi-
cates of title and the provisions of this chapter, shall issue
to the applicant a license certificate which shall entitle
the licensee to carry on and conduct the business of a
dealer or wrecker, as the case may be, during the period
for which the license is issued. Every such license shall
expire on June thirtieth of each year, and may be re-
newed upon the application and payment of the fee re-
quired by law.

The department may refuse to issue a license or, after
written notice to the licensee and a hearing, may cancel
a license when satisfied that the applicant for a license
or the licensee has failed to comply with the provisions
of this chapter.

Any licensee, before removing any one or more of his
places of business, or opening any additional place of
business, shall apply to the department for and obtain a
supplemental license, for which no fee shall be charged.

Sec. 3. Records of Purchases and Sales and of Cars
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2 Wrecked.—Every licensee shall maintain a record in form
3 as prescribed by the department of:
4 (1) Every vehicle of a type subject to registration
5 hereunder which is bought, sold, or exchanged by the
6 licensee or received or accepted by the licensee for sale
7 or exchange;
8 (2) Every used part or used accessory which is bought
9 or otherwise acquired and every motor vehicle body,
10 chassis, or motor vehicle engine which is sold or other-
11 wise disposed of;
12 (3) Every such vehicle which is bought or otherwise
13 acquired and wrecked by the licensee.
14 Every said record shall state the name and address of
15 the person from whom such vehicle or used part or acces-
16 sory was purchased or acquired and the date thereof and
17 the name and address of the person to whom any such
18 vehicle or motor vehicle body, chassis, or motor vehicle
19 engine was sold or otherwise disposed of and the date
20 thereof and a sufficient description of every such vehicle,
21 part, accessory, body, chassis, or motor vehicle engine by
name and identifying numbers thereon to identify the
same.

Every such record shall be open to inspection by any
peace officer during reasonable business hours.

Article 8. Special Antitheft Laws.

Section 1. Report of Stolen and Recovered Vehicles.—

Every sheriff, chief of police, or peace officer upon receiv-
ing reliable information that any vehicle registered here-
der has been stolen shall immediately report such theft
to the department unless prior thereto information has
been received of the recovery of such vehicle. Any said
officer upon receiving information that any vehicle, which
he has previously reported as stolen, has been recovered,
shall immediately report the fact of such recovery to the
local sheriff's office or police department and to the de-
partment.

Sec. 2. Reports by Owners of Stolen and Recovered

Vehicles.—The owner, or person having a lien or encum-
brance upon a registered vehicle which has been stolen
or embezzled, may notify the department of such theft or
embezzlement, but in the event of an embezzlement may
make such report only after having procured the issuance
of a warrant for the arrest of the person charged with
such embezzlement.

Every owner or other person who has given any such
notice must notify the department of a recovery of such
vehicle.

Sec. 3. Action by Department on Report of Stolen or
Embezzled Vehicle.—The department upon receiving a
report of a stolen or embezzled vehicle as hereinbefore
provided shall file and appropriately index the same and
shall immediately suspend the registration and certificate
of title of the vehicle so reported and shall not transfer
the registration of the same until such time as it is notified
in writing that such vehicle has been recovered. The de­
partment shall also file reports of stolen and recovered
vehicles reported to it by other states.

The department shall at least once each week compile
and maintain at its headquarters office a list of all vehicles
which have been stolen or embezzled or recovered as
reported to it during the preceding week and such lists
shall be open to inspection by any peace officer or other
16 person interested in any such vehicle. A copy of each
17 such weekly list shall be forwarded to the superintendent
18 of the department of public safety.

19 The department shall publish once a month a list of all
20 vehicles stolen or recovered during the previous month
21 and shall forward a copy of the same to every sheriff and
22 to all police departments in cities of this state with over
23 five thousand inhabitants. Such list shall also be for-
24 warded to the state police department or other proper
25 official in each state of the United States.

Sec. 4. Unlawful Taking of a Vehicle.—Any person who
2 drives a vehicle, not his own, without consent of the
3 owner thereof, and with intent temporarily to deprive
4 said owner of his possession of such vehicle, without in-
5 tent to steal the same, is guilty of a misdemeanor. The
6 consent of the owner of a vehicle to its taking or driving
7 shall not in any case be presumed or implied because of
8 such owner's consent on a previous occasion to the taking
9 or driving of such vehicle by the same or a different per-
10 son. Any person who assists in, or is a party or accessory
to or an accomplice in any such unauthorized taking or
driving, is guilty of a misdemeanor.

Sec. 5. Receiving or Transferring Stolen Vehicles.—
2 Any person who, with intent to procure or pass title to
3 a vehicle which he knows or has reason to believe has
4 been stolen or unlawfully taken, receives, or transfers
5 possession of the same from or to another, or who has in
6 his possession any vehicle which he knows or has reason
7 to believe has been stolen or unlawfully taken, and who
8 is not an officer of the law engaged at the time in the per-
9 formance of his duty as such officer, is guilty of a felony.

Sec. 6. Injuring or Tampering with Vehicle.—Any per-
2 son who either individually or in association with one or
3 more persons willfully injures or tampers with any ve-
4 hicle or breaks or removes any part or parts of or from
5 a vehicle without the consent of the owner is guilty of a
6 misdemeanor.
7 Any person who with intent to commit any malicious
8 mischief, injury, or other crime climbs into or upon a
9 vehicle whether it is in motion or at rest or with like in-
10 tent attempts to manipulate any of the levers, starting
mechanism, brakes, or other mechanism or device of a
vehicle while the same is at rest and unattended or with
like intent sets in motion any vehicle while the same is at
rest and unattended is guilty of a misdemeanor.

Sec. 7. Vehicles Without Manufacturers' Numbers.—
2 Any person who knowingly buys, receives, disposes of,
sells, offers for sale, or has in his possession any motor
vehicle, or engine removed from a motor vehicle, from
which the manufacturer's serial or engine number or
other distinguishing number or identification mark or
number placed thereon under assignment from the de-
partment has been removed, defaced, covered, altered, or
destroyed for the purpose of concealing or misrepresent-
ing the identity of said motor vehicle or engine is guilty
of a misdemeanor, and, upon a second or subsequent con-
viction under this section, the conviction shall be for a
felony.

Sec. 8. Altering or Changing Engine or other Numbers.
2 —No person shall with fraudulent intent deface, destroy,
or alter the manufacturer's serial or engine number or
other distinguishing number or identification mark of a
motor vehicle nor shall any person place or stamp any
serial, engine, or other number or mark upon a motor
vehicle, except one assigned thereto by the department.
Any violation of this provision is a misdemeanor.
This section shall not prohibit the restoration by an
owner of an original serial, engine, or other number or
mark when such restoration is made under permit issued
by the department, nor prevent any manufacturer from
placing in the ordinary course of business numbers or
marks upon motor vehicles or parts thereof.

Article 9. Offenses Against Registration Laws and Suspension
or Revocation of Registration.

Section 1. Fraudulent Applications.—Any person who
fraudulently uses a false or fictitious name in any applica-
tion for the registration of a vehicle or a certificate of title,
or knowingly makes a false statement, or knowingly con-
ceals a material fact, or otherwise commits a fraud in any
such application shall be guilty of a misdemeanor and
upon conviction thereof shall be punished by a fine of not
more than one thousand dollars or by imprisonment for
not more than one year or both.
Sec. 2. Operation of Vehicles Without Evidences of Registration.—No person shall operate, nor shall an owner knowingly permit to be operated, upon any highway any vehicle required to be registered hereunder unless there shall be attached thereto and displayed thereon or shall be in the possession of the operator when and as required by this chapter a valid registration card and registration plate or plates issued therefor by the department for the current registration year except as otherwise expressly permitted in this chapter. Any violation of this section is a misdemeanor.

Sec. 3. Improper Use of Evidences of Registration.—No person shall lend to another any certificate of title, registration card, registration plate, special plate, or permit issued to him if the person desiring to borrow the same would not be entitled to the use thereof, nor shall any person knowingly permit the use of any of the same by one not entitled thereto, nor shall any person display upon a vehicle any registration card, registration plates, or permit not issued for such vehicle or not otherwise
lawfully used thereon under this chapter. Any violation of this section is a misdemeanor.

Sec. 4. False Evidences of Title and Registration.—It is a felony for any person to commit any of the following acts:

(1) To alter with fraudulent intent any certificate of title, registration card, registration plate, or permit issued by the department;

(2) To forge or counterfeit any such document or plate purporting to have been issued by the department;

(3) To alter or falsify with fraudulent intent or forge any assignment upon a certificate of title;

(4) To hold or use any such document or plate knowing the same to have been so altered, forged, or falsified.

Sec. 5. Authority of Department to Suspend or Revoke a Registration.—The department is hereby authorized to suspend or revoke the registration of a vehicle or a certificate of title, registration card, or registration plate, or any nonresident or other permit in any of the following events:

(1) When the department is satisfied that such regis-
tration or that such certificate, card, plate, or permit was fraudulently or erroneously issued;

(2) When the department determines that a registered vehicle is mechanically unfit or unsafe to be operated or moved upon the highways;

(3) When a registered vehicle has been dismantled or wrecked;

(4) When a registration card, registration plate, or permit is knowingly displayed upon a vehicle other than the one for which issued;

(5) When the department determines that the owner has committed any offense under this article involving the registration or the certificate, card, plate, or permit to be suspended or revoked; or

(6) When the department is so authorized under any other provision of law.

Sec. 6. Suspending or Revoking Certificate or Special Plates of a Dealer.—The department is also authorized to suspend or revoke a certificate or the special plates issued to a dealer upon determining that any said person is not lawfully entitled thereto or has made or knowingly per-
mitted any illegal use of such plates or has committed fraud in the registration of vehicles or failed to give notices of transfers when and as required by this chapter.

Sec. 7. Owner to Return Evidences of Registration Upon Cancellation, Suspension or Revocation.—Whenever the department as authorized hereunder cancels, suspends, or revokes the registration of a vehicle or a certificate of title, registration card, or registration plate or plates, or any nonresident or other permit or the license of any dealer or wrecker, the owner or person in possession of the same shall immediately return the evidences of registration, title, or license so canceled, suspended, or revoked to the department. If any person shall willfully fail to return to the department the evidences of registration, title, or license so canceled, suspended, or revoked, the commissioner shall forthwith notify the superintendent of the department of public safety who shall, as soon as possible, secure possession thereof and return same to the department. Said superintendent of the department of public safety shall make a report in writing to the commissioner, within two weeks after being so notified.
by the commissioner, as to the result of his efforts to
secure the possession and return of such evidences of
registration, title or license.

Article 10. Registration, License and Other Fees.

Section 1. Classification of Vehicles for Purpose of
Registration.—Vehicles subject to registration under the
provisions of this chapter shall be placed in the following
classes for purpose of registration:

Class A. Motor vehicles of passenger type, other than
those leased or operated for compensation;

Class B. Motor vehicles designated as trucks, truck
tractors, or road tractors other than those leased or op-
erated for compensation;

Class C. All trailers and semitrailers except those
leased or operated for compensation other than over reg-
ular route or between fixed termini by common carriers,
and except house trailers and trailers or semitrailers de-
signed to be drawn by Class A motor vehicles and having
a gross weight of less than two thousand pounds;

Class G. Motorcycles;

Class H. Motor vehicles operated regularly under a
certificate of public convenience and necessity or a contract carrier permit for transportation of persons;

Class I. Motor vehicles designated as trucks, truck tractors, or road tractors operated over a regular route or between fixed termini under a certificate of convenience and necessity for transportation of property;

Class J. Motor vehicles operated for transportation of persons for compensation by common carriers, not running over a regular route or between fixed termini, except passenger motor vehicles rented without a driver;

Class K. Motor vehicles designated as trucks, truck tractors, or road tractors leased or operated for transportation of property for compensation, not over a regular route or between fixed termini, including such motor vehicles rented without drivers;

Class L. All trailers and semitrailers used for transportation of property for compensation other than over a regular route or between fixed termini by common carriers;

Class R. House trailers;
Sec. 2. Registration Fees of Motor Vehicles Used for Transportation of Property Determined by Declared Gross Weight.—The declared gross weight as stated in the application for registration shall be the basis for determination of fees to be paid for operation of trucks used separately and not in combination with other vehicles in transportation of property.

The basis for determination of fees to be paid for operation of trucks, truck tractors, and road tractors used in combination with other vehicles for the transportation of property shall be the combined declared gross weight of the truck, truck tractor, or road tractor and the vehicle to be drawn by such truck, truck tractor or road tractor; the declared gross weight of the entire combination of

Class S. Special mobile equipment as defined in section nineteen, article one of this chapter;

Class T. Trailers or semitrailers of a type designed to be drawn by Class A vehicles and having a gross weight of less than two thousand pounds;

Class U. Passenger motor vehicles rented for compensation without a driver.
truck, truck tractor, or road tractor and the trailer or semitrailer to be drawn by such motive vehicle to be considered as one unit for purpose of determining the fees to be paid for such truck, truck tractor, or road tractor.

Sec. 3. Registration Fees for Vehicles Equipped with Pneumatic Tires; Certificate Fees for Vehicles Operated Under Certificates of Public Convenience and Necessity and Other Fees.—The following registration fees for the classes indicated shall be paid annually to the department for the registration of vehicles subject to registration hereunder when equipped with pneumatic tires:

Class A. The registration fee for all motor vehicles of this class shall be eleven dollars for a motor vehicle of a weight of two thousand pounds or less, and for all motor vehicles having a weight of over two thousand pounds, sixty cents additional for each one hundred pounds of weight, or fraction thereof, in excess of two thousand pounds, and for the purpose of determining the weight the actual weight of the vehicle shall be taken.

Class B, Class I and Class K. The registration fee for
all motor vehicles of these three classes shall be as follows:

(1) For declared gross weights of four thousand pounds or less—seventeen dollars and fifty cents.

(2) For declared gross weights of four thousand and one pounds to eight thousand pounds—twenty dollars.

(3) For declared gross weights of eight thousand and one pounds to sixteen thousand pounds—twenty dollars plus forty cents for each hundred pounds or fraction thereof that the gross weight of such vehicle or combination of vehicles exceeds eight thousand pounds;

(4) For declared gross weights greater than sixteen thousand pounds—sixty-two dollars plus seventy-five cents for each one hundred pounds or fraction thereof that the gross weight of such vehicle or combination of vehicles exceeds sixteen thousand pounds.

If the declared gross weight of a Class B, Class I or Class K motor vehicle includes the gross weight of a Class C or Class L vehicle used in combination with such Class B, Class I or Class K motor vehicle and the registration fee prescribed hereunder for such Class C or Class L
vehicle has been paid, there shall be deducted from
the registration fee for such Class B, Class I or Class K
motor vehicle the amount of fifteen dollars.

Class C and Class L. The registration fee for all vehicles
of these two classes shall be fifteen dollars.

Class G. The registration fee for each motorcycle hav-
ing two wheels shall be five dollars. The registration fee
for each motorcycle having three wheels shall be seven
dollars and fifty cents.

Class H. The registration fee for all motor vehicles of
this class shall be eighty dollars for a motor vehicle of
twenty-one passengers or less capacity and one hundred
and twenty dollars for a motor vehicle of more than
twenty-one passenger capacity: Provided, however, That
the registration fees for vehicles used only as reserve or
emergency equipment shall be five dollars for vehicles of
twenty-one passengers or less capacity and seven and one-
half dollars for vehicles of more than twenty-one passen-
ger capacity.

In addition to the herein prescribed registration fee,
the following certificate fees shall be paid for vehicles
operating for transportation of persons for compensation under a Class H. certificate of public convenience and necessity:

For transportation of passengers there shall be paid one-thirtieth of a cent for each passenger seat multiplied by the total number of miles that will be traveled over any public highway in this State, or over any streets or alleys within any municipality in this State, by such motor vehicles during the quarter year.

Such certificate fees under Class H shall be payable in advance quarterly, and shall be computed on the schedule on file and in effect on the first day of January, April, July and October. If operation begins after the first day of any of said months, the fees shall be computed for the remainder of such current quarter year.

Class J. The registration fee for all motor vehicles of this class shall be seventy-five dollars. Ambulances and hearses used exclusively as such shall be exempted from the above special fees.

Class R. The registration fee for all vehicles of this class shall be nine dollars.
Class S. The registration fee for all vehicles of this class shall be fifteen dollars.

Class T. The registration fee for all vehicles of this class shall be five dollars.

Class U. The registration fee for all motor vehicles of this class shall be fifty dollars.

Sec. 4. Registration Fees for Vehicles Equipped with Other Than Pneumatic Tires.—Any vehicle subject to registration hereunder which is equipped with tires of a type other than pneumatic tires shall pay double the fee set forth in section three for vehicles of its class.

Sec. 5. Public Service Commission Assessment Must Be Paid Before Vehicle Registered; Commissioner to Furnish Registration Information to Public Service Commission.—The commissioner shall not register any Class H, I, J, K, L or U vehicle unless the assessment for such vehicle provided for in section six, article six, chapter twenty-four-a of this code shall have been paid and notice of such payment shall have been received by the commissioner in the manner provided in said section.
the above classes shall certify to the public service com-
mission a written statement including for each such vehi-
icle the following information when applicable:

(1) The registration number assigned to such vehicle;
(2) The date of issuance of such registration number;
(3) The model of such vehicle;
(4) The declared gross weight or seating capacity of
such vehicle;
(5) Body type, motor or serial number and name of
manufacturer; and
(6) The person in whose name such vehicle was reg-
istered.

Sec. 6. Fees to Be Paid by Dealers.—Each dealer in
trailers, semitrailers or motor vehicles, except motorcy-
cles, shall pay a fee of seventy-five dollars, annually, in
consideration of which he shall receive a dealer’s license
certificate as provided in article seven of this chapter and
four sets of Class D special plates as provided in article
six of this chapter. Additional sets of such special plates
shall be issued to any such dealer, upon application and
payment of a fee of five dollars for each additional set.
such Class D plates may be used for any purpose on any vehicle owned by such dealer and which is being operated with his knowledge and consent: And provided further, That said Class D plates may not be used on any vehicle which has been sold to any customer by said dealer.

Each dealer in motorcycles shall pay an annual fee of ten dollars, in consideration of which he shall receive a dealer's license certificate as provided in article seven of this chapter and two sets of Class F motorcycle dealer's special plates as provided in article six of this chapter.

For each additional set of such motorcycle dealer's special plates the dealer shall pay a fee of five dollars.

Each dealer in motor vehicles, trailers, or semitrailers shall pay a fee of one dollar for each temporary registration plate or marker issued to such dealer under the provisions of section five, article six of this chapter.

Each dealer in used parts or used accessories of motor vehicles and each person engaged in the business of wrecking or dismantling any vehicle for resale of the parts thereof shall pay an annual fee of fifteen dollars in
consideration of which he shall receive a license certificate
as provided in article seven of this chapter.

Sec. 7. Reduced Fees for Portion of Year.—The reg-
istration fees herein prescribed shall be for the entire
fiscal year: Provided, That where application for such
registration is made between the first day of October
and the thirty-first day of December, inclusive, in any
fiscal year, the charge therefor shall be three-quarters of
such yearly fee, and when application for such registra-
tion is made between the first day of January and the
thirty-first day of March, inclusive, in any fiscal year, the
charges shall be one-half of such yearly fee, and where
application for such registration is made between the first
day of April and the thirtieth day of June, inclusive, in
any fiscal year, the charges shall be one-quarter of such
yearly fee.

Sec. 8. Exemption from Registration Fees.—The United
States Government, the State, or any political subdivision
thereof, shall be exempted from the payment of any fee
on account of registration of any vehicle owned or op-
erated by the United States Government, the State, or
any political subdivision thereof, as the case may be:

Provided, That the proper representative of the federal government, the state, or any such political subdivision thereof, shall make, or cause to be made, on the form provided for that purpose, an application for registration of such vehicle so owned and operated, and that the registration plate or plates issued for such vehicle shall be displayed or caused to be displayed as provided in this chapter: Provided further, That fire apparatus owned by the United States government, the state, or any political subdivision thereof, and by an incorporated volunteer fire department organized for protection of community property shall be exempt from all the provisions of this article except such provisions as relate to the qualification and licensing of drivers: Provided further, That any ambulance used exclusively for charitable purposes, for which use there is no charge, shall be exempt from the payment of all fees required by this article.

Sec. 9. Municipalities and Other Political Subdivisions

No license tax shall be levied or charged by any munici-
pality or other political subdivision of the state with respect to motor vehicles and their operation except as provided in chapter eight-a, article five, section four, and also in chapter eight, article four, section twenty-seven, of the code of West Virginia, as amended, but this prohibition shall not prevent municipalities or other political subdivisions of the state from assessing and collecting the regular property tax on such motor vehicle.

Sec. 10. Fees Upon Transfer of Registration and Issuance of Certificates of Title.—A fee of one dollar shall be paid for a transfer of registration by an owner from one vehicle to another vehicle of the same class or for surrender of registration of one vehicle in exchange for registration of a vehicle of a different class in addition to the payment of any difference in fees as provided in section one, article four of this chapter.

A fee of one dollar shall be paid for the transfer of registration from a deceased person to his legal heir or legatee as provided in section five, article four of this chapter. A fee of one dollar shall be paid for the issuance of a certificate of title.
Sec. 11. Fees for Duplicate Registration Plates, Registration Cards, and Certificates of Title.—A fee of one dollar shall be paid for the issuance of duplicate or substitute registration plates, registration cards or certificates of title.

Sec. 12. When Fees Returnable.—Whenever any application to the department is accompanied by any fee as required by law and such application is refused or rejected said fee shall be returned to said applicant.

Whenever the department through error collects any fee not required to be paid hereunder the same shall be refunded to the person paying the same upon application therefor made within six months after the date of such payment.

The holders of a certificate of convenience and necessity authorizing the transportation of property or person for hire wholly within any incorporated city or town and within its adjacent suburban area not exceeding three miles distant from the city boundary shall pay the fees and passenger seat tax provided for in this article, as to such operation wholly within such city or town to such
city or town instead of to the department of motor ve-
hicles, provided that any such city or town may collect
the fee or tax for the operation wholly within such city
or town in lieu of but not greater than the fees and taxes
provided in this article.


Section 1. Penalty for Misdemeanor.—It is a misde-
meanor for any person to violate any of the provisions of
this chapter unless such violation is by this chapter or
other law of this state declared to be a felony.

Unless another penalty is in this chapter or by the laws
of this state provided, every person convicted of a misde-
meanor for the violation of any provisions of this chapter
shall be punished by a fine of not more than five hundred
dollars, or by imprisonment for not more than six months,
or by both such fine and imprisonment.

Sec. 2. Penalty for Felony.—Any person who is con-
victed of a violation of any of the provisions of this chap-
ter herein or by the laws of this state declared to con-
stitute a felony shall be punished by imprisonment for
not less than one year nor more than five years, or by a
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fine of not less than five hundred dollars nor more than five thousand dollars, or by both such fine and imprison-
ment.

Sec. 3. Jurisdiction of Crimes by Justices.—Justices of the peace shall have concurrent jurisdiction with the cir-
cuit, criminal and intermediate courts to enforce the mis-
demeanor penalties prescribed by this chapter.


Section 1. Constitutionality.—If any part or parts of this chapter shall be held to be unconstitutional, such un-
constitutionality shall not affect the validity of the re-
main ing parts of this chapter. The legislature hereby declares that it would have passed the remaining parts of this chapter if it had known that such part or parts thereof would be declared unconstitutional.

Sec. 2. Repeal.—The provisions of any act or parts of acts, or of the code of West Virginia, one thousand nine hundred thirty-one, as amended, which are inconsistent with the provisions of this chapter, are hereby repealed to the extent of such inconsistency.
CHAPTER 17-B. MOTOR VEHICLE OPERATORS' AND
CHAUFFEURS' LICENSE ACT.


Section 1. Definitions.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this article.

Sec. 2. Vehicle.—Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Sec. 3. Motor Vehicle.—Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Sec. 4. Farm Tractor.—Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

Sec. 5. School Bus.—Every motor vehicle owned by a
public governmental agency and operated for the trans-
portation of children to or from school or privately
owned and operated for compensation for the trans-
portation of children to or from school.

Sec. 6. Person.—Every natural person, firm, copartner-
ship, association, or corporation.

Sec. 7. Operator.—Every person, other than a chauffeur,
who drives or is in actual physical control of a motor
vehicle upon a highway or who is exercising control over
or steering a vehicle being towed by a motor vehicle.

Sec. 8. Chauffeur.—Every person who is employed by
another for the principal purpose of driving a motor
vehicle and every person who drives a school bus trans-
porting school children or any motor vehicle when in use
for the transportation of persons or property for com-
pensation.

Sec. 9. Owner.—A person who holds the legal title of a
vehicle or in the event a vehicle is the subject of an agree-
ment for the conditional sale or lease thereof with the
right of purchase upon performance of the conditions
stated in the agreement and with an immediate right of
6 possession vested in the conditional vendee or lessee, or
7 in the event a mortgagor of a vehicle is entitled to pos-
8 session, then such conditional vendee or lessee or mort-
9 gogor shall be deemed the owner for the purpose of this
10 chapter.

Sec. 10. Nonresident.—Every person who is not a resi-
2 dent of this state.

Sec. 11. Street or Highway.—The entire width between
2 the boundary lines of every way publicly maintained
3 when any part thereof is open to the use of the public
4 for purposes of vehicular travel.

Sec. 12. Commissioner.—The commissioner of motor
2 vehicles of this state.

Sec. 13. Department.—The department of motor ve-
2 hicles of this state acting directly or through its duly
3 authorized officers or agents.

Sec. 14. Suspension.—Suspension means that the driv-
2 er's license and privilege to drive a motor vehicle on the
3 public highways are temporarily withdrawn but only
4 during the period of such suspension.

Sec. 15. Revocation.—Revocation means that the driv-
2 er's license and privilege to drive a motor vehicle on the
3 public highways are terminated and shall not be re-
4 newed or restored, except that an application for a new
5 license may be presented and acted upon by the depart-
6 ment after the expiration of at least one year after the
7 date of revocation, except as otherwise provided in sec-
8 tion two, article five, chapter seventeen-c of this code.

Sec. 16. Cancelation.—Cancelation means that a driv-
2 er's license is annulled and terminated because of some
3 error or defect or because the licensee is no longer en-
4 titled to such license, but the cancelation of a license is
5 without prejudice and application for a new license may
6 be made at any time after such cancelation.

Article 2. Issuance of License, Expiration and Renewal.

Section 1. Operators and Chauffeurs Must Be Li-
2 censed.—No person, except those hereinafter expressly
3 exempted, shall drive any motor vehicle upon a highway
4 in this state unless such person has a valid license as an
5 operator or chauffeur under the provisions of this chap-
6 ter. No person shall drive a motor vehicle as a chauf-
7 feur unless he holds a valid chauffeur's license. No per-
son shall receive a chauffeur's license unless and until he surrenders to the department any operator's license issued to him or an affidavit that he does not possess an operator's license.

Any person holding a valid chauffeur's license hereunder need not procure an operator's license.

Any person licensed as an operator or chauffeur hereunder may exercise the privilege thereby granted upon all streets and highways in this state and except as otherwise provided by law shall not be required to obtain any other license to exercise such privilege by any county, municipal or local board, or body having authority to adopt local police regulations.

Sec. 2. What Persons Are Exempt from License.—The following persons are exempt from license hereunder:

(1) Any person while operating a motor vehicle in the service of the army, air force, navy, or marine corps of the United States;

(2) A nonresident who is at least sixteen years of age and who has in his immediate possession a valid operator's license issued to him in his home state or country
may operate a motor vehicle in this state only as an op-
erator for a period not to exceed ninety days in any one
calendar year;

(3) A nonresident who is at least eighteen years of age
and who has in his immediate possession a valid chauf-
feur's license issued to him in his home state or country
may operate a motor vehicle in this state either as an
operator or chauffeur subject to the age limits applicable
to chauffeurs in this state except that any such person
must be licensed as a chauffeur hereunder before ac-
cepting employment as a chauffeur from a resident of
this state or from a person or persons having a place of
business in this state.

Sec. 3. What Persons Shall Not Be Licensed.—The de-
partment shall not issue any license hereunder:

(1) To any person, as an operator, who is under the
age of sixteen years;

(2) To any person, as a chauffeur, who is under the
age of eighteen;

(3) To any person, as an operator or chauffeur, whose
license has been suspended during such suspension, nor
9 to any person whose license has been revoked, except
10 as provided in section eight, article three, of this chap-
11 ter;
12 (4) To any person, as an operator or chauffeur, who is
13 an habitual drunkard, or is addicted to the use of narcotic
14 drugs;
15 (5) To any person, as an operator or chauffeur, who
16 has previously been adjudged to be afflicted with or
17 suffering from any mental disability or disease and who
18 has not at the time of application been restored to com-
19 petency by judicial decree or released from a hospital
20 for the mentally incompetent, upon the certificate of the
21 superintendent of such institution that such person is
22 competent and not then unless the commissioner is satis-
23 fied that such person is competent to operate a motor
24 vehicle with safety to persons or property.
25 (6) To any person, as an operator or chauffeur, who
26 is required by this chapter to take an examination, un-
27 less such person shall have successfully passed such
28 examination;
29 (7) To any person who is required under the pro-
visions of the motor vehicle safety responsibility laws of this state to deposit proof of financial responsibility and who has not deposited such proof;

(8) To any person when the commissioner has good cause to believe that the operation of a motor vehicle on the highways by such person would be inimical to public safety or welfare.

Sec. 4. Classification of Chauffeurs; Special Restrictions.—No person who is under the age of twenty-one years shall drive any school bus transporting school children or any motor vehicle when in use for the transportation of persons or property for compensation nor in either event until he has been licensed as a chauffeur for either such purpose and the license so indicates. The department shall not issue a chauffeur's license for either such purpose unless the applicant has had at least one year of driving experience prior thereto.

Notwithstanding the provisions of this section, a person who qualifies under all provisions of this chapter except this section, and who at the time of the enactment of this chapter possesses a valid chauffeur's license issued under
Sec. 5. Instruction Permits.—Any person who is at least sixteen years of age may apply to the department for an instruction permit. The department may in its discretion, after the applicant has appeared before the department of public safety and successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant while having such permit in his immediate possession to drive a motor vehicle upon the public highways for a period of sixty days when accompanied by a licensed operator or chauffeur who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle. Any such instruction permit may be renewed or a new permit issued for an additional period of sixty days. The fee for each such instruction permit shall be one dollar.

Sec. 6. Application for License or Instruction Permit.—Every application for an instruction permit or for an operator's or chauffeur's license shall be made upon a
form furnished by the department. Every application shall be accompanied by the proper fee and payment of such fee shall entitle the applicant to not more than three attempts to pass the examination within a period of sixty days from the date of application, except that no applicant shall be examined twice within a period of one week.

Every said application shall state the full name, date of birth, sex, and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as an operator or chauffeur, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation, or refusal, and such other pertinent information as the commissioner may require.

Sec. 7. Examination of Applicants.—(a) The department of public safety shall examine every applicant for an operator's or chauffeur's license, except as otherwise provided in this section. Such examination shall include
5 a test of the applicant’s eyesight, his ability to read and
6 understand highway signs regulating, warning, and di-
7 recting traffic, his knowledge of the traffic laws of this
8 state, and shall include an actual demonstration of ability
9 to exercise ordinary and reasonable control in the oper-
10 ation of a motor vehicle, and such further physical and
11 mental examination as the department of motor vehicles
12 deems necessary to determine the applicant’s fitness to
13 operate a motor vehicle safely upon the highways.
14 (b) The commissioner shall adopt and promulgate reg-
15 ulations concerning the examination of applicants for
16 operator’s and chauffeur’s licenses and the qualifications
17 required of such applicants, and the examination of such
18 applicants by the department of public safety shall be in
19 accordance with such regulations.

Sec. 8. Licenses Issued to Operators and Chauffeurs;
2 Fee.—The department shall upon payment of the required
3 fee issue to every applicant qualifying therefor an oper-
4 ator’s or chauffeur’s license as applied for, which license
5 shall bear thereon a distinguishing number assigned to
6 the licensee, the full name, date of birth, residence ad-
dress, and a brief description of the licensee, and either a
facsimile of the signature of the licensee or a space upon
which the licensee shall write his usual signature with
pen and ink immediately upon receipt of the license. No
license shall be valid until it has been so signed by the
licensee.

The fee for the issuance of an operator's license shall
be one dollar. The fee for the issuance of a chauffeur's
license shall be three dollars.

Sec. 9. License to Be Carried and Exhibited on Demand.

—Every licensee shall have his operator's or chauffeur's
license in his immediate possession at all times when
operating a motor vehicle and shall display the same,
upon demand of a justice of the peace, a peace officer, or
a field deputy or inspector of the department. However,
no person charged with violating this section shall be con-
victed if he produces in court or the office of the arresting
officer an operator's or chauffeur's license theretofore
issued to him and valid at the time of his arrest.

Sec. 10. Restricted Licenses.—The department upon is-
suing an operator's or chauffeur's license shall have au-
authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

The department may either issue a special restricted license or may set forth such restrictions upon the usual license form.

The department may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee shall be entitled to a hearing as upon a suspension or revocation under this chapter.

It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

Sec. 11. Duplicate Licenses.—In the event that an operator's or chauffeur's license issued under the provisions of this chapter is lost or destroyed, the person to whom
4 such license was issued may upon making proper appli-
5 cation and upon payment of a fee of one dollar, obtain a
6 duplicate thereof upon furnishing proof satisfactory to the
7 department that such license has been lost or destroyed.

Sec. 12. Expiration of Licenses; Renewal; Fees.—Any
2 operator's license issued under any prior act of the Legis-
3 lature relating to the licensing of motor vehicle operators
4 shall expire by its own limitation four years from the
5 date of its issuance, except that the operator's license of
6 any person in the armed forces shall be extended to the
7 expiration of a period of six months from date of honor-
8 able discharge from service. Any operator's license issued
9 subsequent to this act shall expire four years from the
10 date of issue except as above provided. Any license so
11 expiring may be thereafter renewable, in the discretion
12 of the commissioner, without examination, for succes-
13 sive periods of four years on or before its expiration date
14 upon application and upon payment of a fee of one dollar
15 for such renewal; If such license has been permitted to
16 expire, it may be renewed by complying with the regu-
17 lations of this section and the payment of a fee double
the regular fee for such renewal and, in the discretion of
the commissioner, without examination. The commis-
sioner shall notify by first-class mail not less than thirty
days prior to the expiration date, any person whose op-
erator's license is about to expire, giving the expiration
date and including therewith a renewal application form.
The commissioner may, in his discretion, renew any li-
cense without a driving examination.
The commissioner shall, upon the application and upon
payment of a fee of three dollars, issue a chauffeur's
license to any person holding a valid chauffeur's license
issued pursuant to the provisions of any prior act of the
Legislature. The commissioner may, in his discretion,
issue such chauffeur's license to any such applicant with-
out examination. Any chauffeur's license issued pursuant
to such prior act or the provisions of this chapter shall
expire by its own limitation one year from the date of
its issuance, and shall be thereafter renewable for suc-
sessive periods of one year upon application and upon
payment of the required fee as hereinbefore provided
in this section.
Sec. 13. Notice of Change of Address or Name.—Whenever any person after applying for or receiving an operator’s or chauffeur’s license shall move from the address named in such application or in the license issued to him or when the name of a licensee is changed by marriage or otherwise such person shall within twenty days thereafter notify the department in writing of his old and new addresses or of such former and new names and of the number of any license then held by him.

Sec. 14. Records to Be Kept by the Department.—The department shall file every application for a license received by it and shall maintain suitable indexes containing, in alphabetical order:

(1) All applications denied and on each a notation of the reasons for such denial;

(2) All applications granted; and

(3) The name of every licensee whose license has been suspended or revoked by the department and after each such name a notation of the reasons for such action.

The department shall also file all accident reports and abstracts of court records of convictions received by
it under the laws of this state and in connection there-
with maintain convenient records or make suitable no-
tations in order than an individual record of each licensee
showing the convictions of such licensee and the traf-
fic accidents in which he has been involved shall be
readily ascertainable and available for the consideration
of the department upon any application for renewal of
license and at other suitable times.

Article 3. Cancelation, Suspension or Revocation of Licenses.

Section 1. Authority of Department to Cancel Li-
cense.—The department is hereby authorized to cancel
any operator's or chauffeur's license upon determining
that the licensee was not entitled to the issuance thereof
hereunder or that said licensee failed to give the required
or correct information in his application or committed
any fraud in making such application.

Upon such cancelation, the licensee must surrender
the license so canceled to the department.

Sec. 2. Suspending Privileges of Nonresidents and Re-
porting Convictions.—The privilege of driving a motor
vehicle on the highways of this state given to a non-
4 resident hereunder shall be subject to suspension or
5 revocation by the department in like manner and for like
6 cause as an operator's or chauffeur's license issued here-
7 under may be suspended or revoked.
8 The department shall, upon receiving a record of the
9 conviction in this state of a nonresident driver of a motor
10 vehicle of any offense under the motor vehicle laws of
11 this state, forward a certified copy of such record to the
12 motor vehicle administrator in the state wherein the
13 person so convicted is a resident.

Sec. 3. Suspending Resident's License Upon Conviction
2 in Another State.—The department is authorized to
3 suspend or revoke the license of any resident of this
4 state or the privilege of a nonresident to drive a motor
5 vehicle in this state upon receiving notice of the con-
6 viction of such person in another state of an offense
7 therein which, if committed in this state, would be a
8 ground for the suspension or revocation of the license
9 of an operator or chauffeur.

Sec. 4. Abstract of Judgment of Conviction for Viola-
2 tion of Motor Vehicle Laws to be Sent to Department.—
Whenever a conviction is had in any court of record, or in a justice's court, or in the police court or mayor's court of any incorporated municipality, for the violation of any law of this state governing or regulating the licensing or operation of any motor vehicle, or for the violation of any provision of a charter, or by-law, or ordinance of such incorporated municipality governing or regulating the operation of motor vehicles, except regulations governing standing or parking, the clerk of every such court, or the justice, or the clerk or recorder of such municipality, as the case may be, shall in each case transmit to the department within seventy-two hours after such conviction is had a certified abstract of the judgment on such conviction.

Whenever any person is convicted of any offense for which a provision of this chapter makes mandatory the revocation or suspension of the operator’s or chauffeur’s license of such person by the department, the court in which such conviction is had shall require the surrender to it of all operator’s and chauffeur’s licenses then held by the person so convicted and the clerk of every said
court, or the justice, or the clerk or the recorder of a
municipality, as the case may be, shall thereupon for-
ward the same to the department with the abstract of the
judgment on such conviction.

For the purposes of this chapter a forfeiture of bail or
collateral deposited to secure a defendant's appearance in
court, which forfeiture has not been vacated, shall be
equivalent to a conviction.

Wilful failure, refusal or neglect to comply with the
provisions of this section shall subject the person who
is guilty thereof to a fine of not less than ten dollars nor
more than fifty dollars and may be the grounds for re-
moval from office.

Sec. 5. Mandatory Revocation of License by Depart-
ment.—The department shall forthwith revoke the li-
cense of any operator or chauffeur upon receiving a
record of such operator's or chauffeur's conviction of any
of the following offenses, when such conviction has be-
come final:

(1) Manslaughter or negligent homicide resulting from
the operation of a motor vehicle;
(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug as provided in section two, article five, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended.

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and render aid as required under the laws of this state in the event of involvement in a motor vehicle accident resulting in the death or personal injury of another.

(5) Perjury or the making of a false affidavit or statement under oath to the department under this chapter or under any other law relating to the ownership or operation of motor vehicles;

(6) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of twelve months.

Sec. 6. Authority of Department to Suspend or Revoke License.—The department is hereby authorized to suspend the license of an operator or chauffeur without
preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

(1) Has committed an offense for which mandatory revocation of license is required upon conviction;

(2) Has by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in the death or personal injury of another or property damage;

(3) Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

(4) Is an habitually reckless or negligent driver of a motor vehicle;

(5) Is incompetent to drive a motor vehicle;

(6) Has permitted an unlawful or fraudulent use of such license; or

(7) Has committed an offense in another state which if committed in this state would be a ground for suspension or revocation.
Upon suspending the license of any person as herein-before in this section authorized, the department shall immediately notify the licensee in writing, sent by registered mail to the address given by the licensee in applying for license, and upon his request shall afford him an opportunity for a hearing as early as practical within not to exceed twenty days after receipt of such request in the county wherein the licensee resides unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the commissioner or his duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. Upon such hearing the department shall either rescind its order of suspension or, good cause appearing therefor, may extend the suspension of such license or revoke such license.

Sec. 7. Department May Require Reexamination.—

The department, having good cause to believe that a licensed operator or chauffeur is incompetent or other-
wise not qualified to be licensed, may upon written notice of at least five days to the licensee require him to submit to an examination. Upon the conclusion of such examination the department shall take such action as may be appropriate and may suspend or revoke the license of such person or permit him to retain such license, or may issue a license subject to restrictions as permitted under section ten, article two of this chapter. Refusal or neglect of the licensee to submit to such examination shall be ground for suspension or revocation of his license.

Sec. 8. Period of Suspension or Revocation.—The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a period of more than one year, except as permitted under section three, article four of this chapter. Except as otherwise provided in section two, article five, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, any person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall
not be entitled to have such license or privilege renewed
or restored unless the revocation was for a cause which
has been removed, except that after the expiration of
one year from the date on which the revoked license
was surrendered to and received by the department,
such person may make application for a new license as
provided by law, but the department shall not then
issue a new license unless and until it is satisfied after
investigation of the character, habits, and driving abil-
ity of such person that it will be safe to grant the privi-
lege of driving a motor vehicle on the public highways.

See. 9. Surrender and Return of License.—The depart-
ment upon suspending or revoking a license shall re-
quire that such license shall be surrendered to and be
retained by the department, except that at the end of
the period of suspension such license so surrendered
shall be returned to the licensee.

Sec. 10. No Operation Under Foreign License During
Suspension or Revocation in This State.—Any resident
or nonresident whose operator's or chauffeur's license or
right or privilege to operate a motor vehicle in this state
has been suspended or revoked as provided in this chapter
shall not operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this chapter.


Section 1. Unlawful Use of License.—It is a misde-meanor for any person to commit anyone of the following acts:

(1) To display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious, or fraudulently altered operator's or chauffeur's license;

(2) To lend his operator's or chauffeur's license to any other person or knowingly permit the use thereof by another;

(3) To display or represent as one's own any operator's or chauffeur's license not issued to him;

(4) To fail or refuse to surrender to the department upon its lawful demand any operator's or chauffeur's
license which has been suspended, revoked, or canceled;
(5) To use a false or fictitious name in any application
for an operator's or chauffeur's license or to knowingly
make a false statement or to knowingly conceal a material
fact or otherwise commit a fraud in any such application;
(6) To permit any unlawful use of an operator's or
chauffeur's license issued to him; or
(7) To do any act forbidden or fail to perform any
act required by this chapter.

Sec. 2. Making False Affidavit Perjury.—Any person
who makes any false affidavit, or knowingly swears or
affirms falsely to any matter or thing required by the
terms of this chapter to be sworn to or affirmed, is guilty
of perjury and upon conviction shall be punished by fine
or imprisonment as other persons committing perjury
are punishable.

Sec. 3. Driving While License Suspended or Revoked.—
Any person who drives a motor vehicle on any public
highway of this state at a time when his privilege so to
do is suspended or revoked shall be guilty of a misde-
meanor and upon conviction shall be punished by im-
prisonment for not less than two days nor more than six months and there may be imposed in addition thereto a fine of not more than five hundred dollars.

The department upon receiving a record of the conviction of any person under this section upon a charge of driving a vehicle while the license of such person was suspended shall extend the period of such suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked the department shall not issue a new license for an additional period of one year from and after the date such person would otherwise have been entitled to apply for a new license.

Sec. 4. Permitting Unauthorized Person to Drive.—No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized hereunder or in violation of any of the provisions of this chapter.

Sec. 5. Employing Unlicensed Chauffeur.—No person
shall employ as a chauffeur of a motor vehicle any person not then licensed as provided in this chapter.

Sec. 6. Renting Motor Vehicle to Another.—No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed hereunder or, in the case of a nonresident, then duly licensed under the laws of the state or country of his residence.

No person shall rent a motor vehicle to another until he has inspected the operator's or chauffeur's license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his presence.

Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of said latter person and the date and place when and where said license was issued. Such record shall be open to inspection by any police officer or officer or employee of the department.
Article 5. Penalties.

Section 1. Penalty for Misdemeanor.—It is a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is by this chapter or other law of this state declared to be a felony.

Unless another penalty is in this chapter or by the laws of this state provided, every person convicted of a misdemeanor for the violation of any provisions of this chapter shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.

Sec. 2. Jurisdiction of Crimes by Justices.—Justices of the peace shall have concurrent jurisdiction with the circuit, criminal and intermediate courts to enforce the misdemeanor penalties prescribed by this chapter.

Article 6. Effect of Chapter.

Section 1. Constitutionality.—If any part or parts of this chapter shall be held to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this chapter. The Legislature hereby declares that it would have passed the remaining parts of
Sec. 2. Repeal.—The provisions of all acts or parts of acts, or of this code, which are inconsistent with the provisions of this chapter are hereby repealed to the extent of such inconsistency.

CHAPTER 17-C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.


Section 1. Definition of Words and Phrases.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this article.

Sec. 2. Vehicle.—Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Sec. 3. Motor Vehicle.—Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
Sec. 4. Motorcycle.—Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

Sec. 5. Motor-driven Cycle.—Every motorcycle, including every motor scooter, with a motor which produces not to exceed five horsepower, and every bicycle with motor attached.

Sec. 6. Authorized Emergency Vehicle.—Vehicles of the fire department, police vehicles, and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the commissioner or the chief of police of an incorporated city, and such privately owned ambulances and emergency vehicles as are designated by the commissioner.

Sec. 7. School Bus.—Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.
Sec. 8. *Bicycle.*—Every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than twenty inches in diameter.

Sec. 9. *Truck Tractor.*—Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Sec. 10. *Farm Tractor.*—Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

Sec. 11. *Road Tractor.*—Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

Sec. 12. *Truck.*—Every motor vehicle designed, used or maintained primarily for the transportation of property.

Sec. 13. *Bus.*—Every motor vehicle designed for carrying more than seven passengers and used for the trans-
portation of persons; and every motor vehicle, other than
a taxicab, designed and used for the transportation of
persons for compensation.

Sec. 14. Trackless Trolley Coach.—Every motor vehicle
which is propelled by electric power obtained from over-
head trolley wires but not operated upon rails.

Sec. 15. Trailer.—Every vehicle with or without motive
power, other than a pole trailer, designed for carrying
persons or property and for being drawn by a motor
vehicle and so constructed that no part of its weight
rests upon the towing vehicle.

Sec. 16. Semitrailer.—Every vehicle with or without
motive power, other than a pole trailer, designed for
carrying persons or property and for being drawn by a
motor vehicle and so constructed that some part of its
weight and that of its load rests upon or is carried by
another vehicle.

Sec. 17. Pole Trailer.—Every vehicle without motive
power designed to be drawn by another vehicle and at-
tached to the towing vehicle by means of a reach, or pole,
or by being boomed or otherwise secured to the towing
vehicle, and ordinarily used for transporting long or ir-
regularly shaped loads such as poles, pipes, or structural
members capable, generally, of sustaining themselves as
beams between the supporting connections.

Sec. 18. Pneumatic Tire.—Every tire in which com-
pressed air is designed to support the load.

Sec. 19. Solid Tire.—Every tire of rubber or other
resilient material which does not depend upon com-
pressed air for the support of the load.

Sec. 20. Metal Tire.—Every tire the surface of which
in contact with the highway is wholly or partly of metal
or other hard nonresilient material.

Sec. 21. Railroad.—A carrier of persons or property
upon cars, other than streetcars, operated upon stationary
rails.

Sec. 22. Railroad Train.—A steam engine, electric or
other motor, with or without cars coupled thereto, oper-
ated upon rails, except streetcars.

Sec. 23. Streetcar.—A car other than a railroad train
for transporting persons or property and operated upon
rails principally within a municipality.
Sec. 24. Explosives.—Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

Sec. 25. Flammable Liquid.—Any liquid which has a flash point of seventy degrees fahrenheit, or less, as determined by a tagliabue or equivalent closed-cup test device.

Sec. 26. Gross Weight.—The weight of a vehicle without load plus the weight of any load thereon.

Sec. 27. Commissioner.—The commissioner of motor vehicles of this state.

Sec. 28. Department.—The department of motor ve-
hicles of this state acting directly or through its duly
authorized officers and agents.

Sec. 29. Person.—Every natural person, firm, copartner-
ship, association, or corporation.

Sec. 30. Pedestrian.—Any person afoot.

Sec. 31. Driver.—Every person who drives or is in
actual physical control of a vehicle.

Sec. 32. Owner.—A person who holds the legal title of
a vehicle or in the event a vehicle is the subject of an
agreement for the conditional sale or lease thereof with
the right of purchase upon performance of the conditions
stated in the agreement and with an immediate right of
possession vested in the conditional vendee or lessee, or
in the event a mortgagor of a vehicle is entitled to pos-
session, then such conditional vendee or lessee or mort-
gagor shall be deemed the owner for the purpose of this
chapter.

Sec. 33. Police Officer.—Every officer authorized to
direct or regulate traffic or to make arrests for violations
of traffic regulations.

Sec. 34. Local Authorities.—Every county, municipal,
and other local board or body having authority to enact laws relating to traffic under the constitution and laws of this state.

Sec. 35. Street or Highway.—The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Sec. 36. Private Road or Driveway.—Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Sec. 37. Roadway. That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term “roadway” as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Sec. 38. Sidewalk.—That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.
Sec. 39. Laned Roadway.—A roadway which is divided
into two or more clearly marked lanes for vehicular
traffic.

Sec. 40. Through Highway.—Every highway or portion
thereof at the entrances to which vehicular traffic from
intersecting highways is required by law to stop before
entering or crossing the same and when stop signs are
erected as provided in this chapter.

Sec. 41. Controlled-access Highway.—Every highway,
street, or roadway in respect to which owners or occup-
ants of abutting lands and other persons have no legal
right of access to or from the same except at such points
only and in such manner as may be determined by the
public authority having jurisdiction over such highway,
street, or roadway.

Sec. 42. Intersection.—(a) The area embraced within
the prolongation or connection of the lateral curb lines,
or, if none, then the lateral boundary lines of the road-
ways of two highways which join one another at, or
approximately at, right angles, or the area within which
vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

Sec. 43. Cross Walk.—(a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway;

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Sec. 44. Safety Zone.—The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated
by adequate signs as to be plainly visible at all times
while set apart as a safety zone.

Sec. 45. Business District.—The territory contiguous to
and including a highway when within any six hundred
feet along such highway there are buildings in use for
business or industrial purposes, including but not limited
to hotels, banks, or office buildings, railroad stations, and
public buildings which occupy at least three hundred feet
of frontage on one side or three hundred feet collectively
on both sides of the highway.

Sec. 46. Residence District.—The territory contiguous
to and including a highway not comprising a business dis-
trict when the property on such highway for a distance
of three hundred feet or more is in the main improved
with residences or residences and buildings in use for
business.

Sec. 47. Official Traffic-control Devices.—All signs, sig-
nals, markings, and devices not inconsistent with this
chapter placed or erected by authority of a public body
or official having jurisdiction, for the purpose of regulat-
ing, warning, or guiding traffic.
Sec. 48. **Traffic-control Signal.**—Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Sec. 49. **Railroad Sign or Signal.**—Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

Sec. 50. **Traffic.** Pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highway for purposes of travel.

Sec. 51. **Right-of-way.**—The privilege of the immediate use of the highway.

Sec. 52. **Stop.**—When required means complete cessation from movement.

Sec. 53. **Stop, Stopping, or Standing.**—When prohibited means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

Sec. 54. **Park.**—When prohibited means the standing of
Article 2. Obedience to and Effect of Traffic Laws.

Section 1. Provisions of Chapter Refer to Vehicles upon the Highways; Exceptions.—The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

1. Where a different place is specifically referred to in a given section.
2. The provisions of article four and five shall apply upon highways and elsewhere throughout the state.

Sec. 2. Required Obedience to Traffic Laws.—It is unlawful and, unless otherwise declared in this chapter with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.

Sec. 3. Enforcement of Highway Laws; Bond.—(a) It shall be the duty of the department of public safety and its members to enforce the provisions of this chapter and other laws of this state governing the operation of ve-
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5  hicles upon the highways of this state; and it shall be the
6  duty of sheriffs and their deputies and of the police of
7  cities and towns to render to the department of public
8  safety such assistance in the performance of said duties
9  as the superintendent of the department of public safety
10  may require of them.
11  (b) The state road commissioner is authorized to
12  designate employees of the state road commission as
13  special officers to enforce the provisions of this chapter
14  and direct traffic upon bridges and the approaches to
15  bridges which are a part of the state road system when
16  any such bridge needs special traffic direction and the
17  superintendent of the department of public safety has in-
18  formed the state road commissioner that he is unable to
19  furnish personnel for such traffic direction. The state
20  road commission shall provide a blanket bond in the
21  amount of five thousand dollars for any such employee
22  so designated, and for all employees designated as mem-
23  bers of official state road commission weighing crews.
24  (c) No person shall wilfully fail or refuse to comply
25  with any lawful order or direction of any police officer
invested by law with authority to direct, control or regulate traffic."

Sec. 4. Public Officers and Employees to Obey Chapter:

Exceptions.—(a) The provisions of this chapter applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, city, town, district, or any other political subdivision of the state, except as provided in this section and subject to such specific exceptions as are set forth in this chapter with reference to authorized emergency vehicles.

(b) Unless specifically made applicable, the provisions of this chapter shall not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work.

Sec. 5. Authorized Emergency Vehicles.—(a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when re-
stioning to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle may:

(1) Park or stand, irrespective of the provisions of this chapter;

(2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(3) Exceed the speed limits so long as he does not endanger life or property;

(4) Disregard regulations governing direction of movement of turning in specified directions.

(c) The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five
hundred feet to the front of such vehicle, except that an
authorized emergency vehicle operated as a police vehicle
need not be equipped with or display a red light visible
from in front of the vehicle.

(d) The foregoing provisions shall not relieve the
driver of an authorized emergency vehicle from the duty
to drive with due regard for the safety of all persons,
nor shall such provisions protect the driver from the con-
sequences of his reckless disregard for the safety of
others.

Sec. 6. Traffic Laws Apply to Persons Riding Animals
or Driving Animal-drawn Vehicles.—Every person riding
an animal or driving any animal-drawn vehicle upon a
roadway shall be granted all of the rights and shall be
subject to all of the duties applicable to the driver of a
vehicle by this chapter, except those provisions of this
chapter which by their very nature can have no appli-
cation.

Sec. 7. Provisions of Chapter Uniform Throughout
State.—The provisions of this chapter shall be applicable
and uniform throughout this state and in all political
subdivisions and municipalities therein and no local au-
thority shall enact or enforce any ordinance, rule, or regu-

6 lation in conflict with the provisions of this chapter unless
expressly authorized herein. Local authorities may, how-
ever, adopt additional traffic regulations which are not in

9 conflict with the provisions of this chapter.

Sec. 8. Powers of Local Authorities.—(a) The provi-
sions of this chapter shall not be deemed to prevent local
authorities with respect to streets and highways under
their jurisdiction and within the reasonable exercise of
the police power from:

6 (1) Regulating the standing or parking of vehicles;
7 (2) Regulating traffic by means of police officers or
8 traffic-control signals;
9 (3) Regulating or prohibiting processions or assem-
blages on the highways;
11 (4) Designating particular highways as one-way high-
ways and requiring that all vehicles thereon be moved
in one specific direction;
14 (5) Regulating the speed of vehicles in public
15 parks;
Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same or designating any intersections as a stop intersection and requiring all vehicles to stop at one or more entrances to such intersection;

(7) Restricting the use of highways as authorized in section twelve, article eighteen of this chapter;

(8) Regulating the operation of bicycles and requiring the registration and licensing of same, including the requirement of a registration fee;

(9) Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;

(10) Altering the speed limits as authorized herein;

(11) Adopting such other traffic regulations as are specifically authorized by this chapter.

(b) No local authority shall erect or maintain any stop sign or traffic-control signal at any location so as to require the traffic on any state highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the state road commission.
(c) No ordinance or regulation enacted under subdivisions (4), (5), (6), (7), or (10), of paragraph (a) of this section shall be effective until signs giving notice of such local traffic regulations are posted upon or at the entrances to the highway or part thereof affected as may be most appropriate.

Sec. 9. This Chapter not to Interfere with Rights of Owners of Real Property with Reference Thereto.—Nothing in this chapter shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as matter of right from prohibiting such use, or from requiring other or different or additional conditions than those specified in this chapter, or otherwise regulating such use as may seem best to such owner.

Article 3. Traffic Signs, Signals and Markings.

Section 1. State Road Commission to Adopt Sign Manual.—The state road commission shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this chapter for use upon highways within this state. Such uniform system
shall correlate with and so far as possible conform to the
system then current as approved by the American Asso-
ciation of State Highway Officials.

Sec. 2. State Road Commission to Sign All State
Highways.—(a) The state road commission shall place
and maintain such traffic-control devices, conforming to
its manual and specifications, upon all state highways as
it shall deem necessary to indicate and to carry out the
provisions of this chapter or to regulate, warn, or guide
traffic.

(b) No local authority shall place or maintain any
traffic-control device upon any highway under the juris-
diction of the state road commission except by the latter's
permission.

Sec. 3. Local Traffic-control Devices.—Local authori-
ties in their respective jurisdictions shall place and main-
tain such traffic-control devices upon highways under
their jurisdiction as they may deem necessary to indicate
and to carry out the provisions of this chapter or local
traffic ordinances or to regulate, warn, or guide traffic.
All such traffic-control devices hereafter erected shall conform to the state manual and specifications.

Sec. 4. Obedience to and Required Traffic-control Devices.—(a) The driver of any vehicle and the motor-man of any streetcar shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

(b) No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

Sec. 5. Traffic-control Signal Legend.—Whenever traffic is controlled by traffic-control signals exhibiting the words “Go,” “Caution,” or “Stop,” or exhibiting different
colored lights successively one at a time, or with arrows, the following colors only shall be used and said terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green alone or “Go”.

(1) Vehicular traffic facing the signal, except when prohibited under section two, article twelve of this chapter 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.

(2) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked cross walk.

(b) Yellow alone or “Caution” when shown following the green or “Go” signal;

(1) 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.

(2) 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.

(c) Red alone or “Stop”:

(1) 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 green or “Go” is shown alone.

(2) No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

(d) Red with green arrow:

(1) 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.
(2) No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

(e) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(f) The motorman of any streetcar shall obey the above signals as applicable to vehicles.

Sec. 6. Pedestrian Walk and Wait Signals.—Whenever special pedestrian-control signals exhibiting the words "Walk" or "Wait" are in place such signals shall indicate as follows:

(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.
(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. 7. *Flashing Signals.*—Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

1. Flashing red (stop signal).—When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest cross walk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

2. Flashing yellow (caution signal).—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.

Sec. 8. *Display of Unauthorized Signs, Signals, or*
2 Markings.—(a) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(b) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

Sec. 9. Interference with Official Traffic-control De-
2   vices or Railroad Signs or Signals.—No person shall with-
3   out lawful authority attempt to or in fact alter, deface,
4   injure, knock down, or remove any official traffic-control
5   device or any railroad sign or signal or any inscription,
6   shield, or insignia thereon, or any other part thereof.

Article 4. Accidents.

   Section 1. Accidents Involving Death or Personal In-
2   juries.—(a) The driver of any vehicle involved in an
3   accident resulting in injury to or death of any person
4   shall immediately stop such vehicle at the scene of such
5   accident or as close thereto as possible but shall then
6   forthwith return to and in every event shall remain at
7   the scene of the accident until he has fulfilled the require-
8   ments of section three of this article. Every such stop
9   shall be made without obstructing traffic more than is
10   necessary.
11   (b) Any person failing to stop or to comply with said
12   requirements under such circumstances shall upon con-
13   viction be punished by imprisonment for not less than
14   thirty days nor more than one year or by fine of not less
than one hundred dollars nor more than five thousand
dollars, or by both such fine and imprisonment.
(c) The commissioner shall revoke the license or per-
mit to drive and any nonresident operating privilege of
the person so convicted.

Sec. 2. Accidents Involving Damage to Vehicle.—The
driver of any vehicle involved in an accident resulting
only in damage to a vehicle which is driven or attended
by any person shall immediately stop such vehicle at the
scene of such accident or as close thereto as possible but
shall forthwith return to and in every event shall remain
at the scene of such accident until he has fulfilled the
requirements of section three of this article. Every such
stop shall be made without obstructing traffic more than is
necessary. Any person failing to stop or comply with said
requirements under such circumstances shall be guilty of
a misdemeanor.

Sec. 3. Duty to Give Information and Render Aid.—
The driver of any vehicle involved in an accident result-
ing in injury to or death of any person or damage to any
vehicle which is driven or attended by any person shall
give his name, address, and the registration number of
the vehicle he is driving and shall upon request and if
available exhibit his operator's or chauffeur's license to
the person struck or the driver or occupant of or person
attending any vehicle collided with and shall render to
any person injured in such accident reasonable assistance,
including the carrying, or the making arrangements for
the carrying of such person to a physician, surgeon, or
hospital for medical or surgical treatment if it is apparent
that such treatment is necessary or if such carrying is
requested by the injured person.

Sec. 4. Duty upon Striking Unattended Vehicle.—The
driver of any vehicle which collides with any vehicle
which is unattended shall immediately stop and shall
then and there either locate and notify the operator or
owner of such vehicle of the name and address of the
driver and owner of the vehicle striking the unattended
vehicle or shall leave in a conspicuous place in the vehicle
struck a written notice giving the name and address of
the driver and of the owner of the vehicle doing the strik-
ing and a statement of the circumstances thereof.
Sec. 5. *Duty upon Striking Fixtures upon a Highway.*—

1. The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's license and shall make report of such accident when and as required in section seven of this article.

Sec. 6. *Immediate Reports of Accidents.*—The driver of a vehicle involved in an accident resulting in injury to or death of any person shall immediately by the quickest means of communication, whether oral or written give notice of such accident to the local police department if such accident occurs within a municipality, otherwise to the office of the county sheriff or the nearest office of the department of public safety.

Sec. 7. *Written Reports of Accidents.*—(a) The driver or the attorney or agent of such driver, of a vehicle involved in an accident occurring on the public highways
of this state resulting in bodily injury to or death of any
person or total property damage to an apparent extent
of one hundred dollars or more shall, within five days
after such accident, forward a written report of such
accident to the department of motor vehicles.
(b) The department may require any driver of a ve-
hicle involved in an accident of which report must be
made as provided in this section to file supplemental re-
ports whenever the original report is insufficient in the
opinion of the department and may require witnesses of
accidents to render reports to the department.
(c) Every law enforcement officer who, in the regular
course of duty, investigates a motor vehicle accident of
which report must be made as required in this section,
either at the time of and at the scene of the accident or
thereafter by interviewing participants or witnesses shall,
within twenty-four hours after completing such investiga-
tion, forward a written report of such accident to the
department.

Sec. 8. When Driver Unable to Report.—(a) When-
ever the driver of a vehicle is physically incapable of mak-
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3 ing an immediate report of an accident as required in sec-

4 tion six of this article and there was another occupant in

5 the vehicle at the time of the accident capable of making

6 a report, such occupant shall make or cause to be made

7 said report not made by the driver.

8 (b) Whenever the driver is physically incapable of

9 making a written report of an accident as required in

10 section seven of this article and such driver is not the

11 owner of the vehicle, then the owner of the vehicle in-

12 volved in such accident shall within five days after learn-

13 ing of the accident make such report not made by the

14 driver.

Sec. 9. Accident Report Forms.—(a) The department

2 shall prepare and upon request supply to police depart-

3 ments, coroners, sheriffs, garages, and other suitable

4 agencies or individuals, forms for accident reports re-

5 quired hereunder, appropriate with respect to the persons

6 required to make such reports and the purposes to be

7 served. The written reports to be made by persons in-

8 volved in accidents and by investigating officers shall call

9 for sufficiently detailed information to disclose with ref-
reference to a traffic accident the cause, conditions then
existing, and the persons and vehicles involved.

(b) Every accident report required to be made in
writing shall be made on the appropriate form approved
by the department and shall contain all of the informa-
tion required therein unless not available.

(c) Every such report shall also contain information
sufficient to enable the commissioner to determine
whether the requirements for the deposit of security
under any of the laws of this state are inapplicable by
reason of the existence of insurance or other exceptions
specified therein.

Sec. 10. Penalty for Failure to Report.—The commis-

Sec. 11. Coroners to Report.—Every coroner or other

2 official performing like functions shall on or before the
tenth day of each month report in writing to the depart-
ment the death of any person within his jurisdiction dur-
ing the preceding calendar month as the result of a traffic
accident giving the time and place of the accident and the
circumstances relating thereto.

Sec. 12. Garages to Report.—The person in charge of
any garage or repair shop to which is brought any motor
vehicle which shows evidence of having been involved
in an accident of which report must be made as provided
in section seven of this article, or struck by any bullet,
shall report to the department within twenty-four hours
after such motor vehicle is received, giving the engine
number, registration number, and the name and address
of the owner or operator of such vehicle.

Sec. 13. Accident Reports Confidential.—All accident
reports made by persons involved in accidents or by
garages shall be without prejudice to the individual so
reporting and shall be for the confidential use of the
department or other state agencies having use for the
records for accident prevention purposes, or for the ad-
ministration of the laws of this state relating to the
deposit of security and proof of financial responsibility by persons driving or the owners of motor vehicles, except that the department may disclose the identity of a person involved in an accident when such identity is otherwise known or when such person denies his presence at such accident. No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department shall furnish upon demand of any person who has, or claims to have, made such a report or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance or a failure to comply with the requirement that such a report be made to the department.

Sec. 14. Department to Tabulate and Analyze Accident Reports.—The department shall tabulate and may analyze all accident reports and shall publish annually, or at more frequent intervals, statistical information based thereon as to the number and circumstances of traffic accidents.

Sec. 15. Any Incorporated City May Require Accident Reports.—Any incorporated city, town, village, or other
municipality may by ordinance require that the driver of a vehicle involved in an accident shall also file with a designated city department a report of such accident or a copy of any report herein required to be filed with the department. All such reports shall be for the confidential use of the city department and subject to the provisions of section thirteen of this article.

Article 5. Negligent Homicide, Driving While Intoxicated and Reckless Driving.

Section 1. Negligent Homicide.—(a) When the death of any person ensues within one year as a proximate result of injury received by the driving of any vehicle in reckless disregard of the safety of others, the person so operating such vehicle shall be guilty of negligent homicide.

(b) Any person convicted of negligent homicide shall be punished by imprisonment for not more than one year or by fine of not less than one hundred dollars nor more than one thousand dollars, or by both such fine and imprisonment.

(c) The commissioner shall revoke the license or per-
mit to drive and any nonresident operating privilege of
any person convicted of negligent homicide.

Sec. 2. Persons under the Influence of Intoxicating
Liquor or of Drugs.—(a) It is unlawful and punishable
as provided in paragraph (c) of this section for any per-
son who is under the influence of intoxicating liquor to
drive or be in actual physical control of any vehicle on any
highway of this state or for any owner of such vehicle
to knowingly permit the same to be so operated by one
under the influence of intoxicating liquor.
(b) It is unlawful and punishable as provided in para-
graph (c) of this section 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 within this state. The fact that any person
charged with a violation of this paragraph is or has been
entitled to use such drug under the laws of this state shall
not constitute a defense against any charge of violating
this paragraph.
(c) A person violating any provision of this section
shall for the first offense, be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty nor more than one hundred dollars or by imprisonment in the county jail for a period of not less than five days nor more than six months, or by both such fine and imprisonment, and his operator's or chauffeur's license shall be revoked for a period of six months. A person violating any provision of this section shall, for the second offense, be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for a period of not less than six months nor more than one year, which sentence shall not be subject to probation, and whenever the records of the department disclose that a conviction is the second such conviction of such person for a violation of this section his operator's or chauffeur's license shall be revoked by the commissioner for a period of ten years, unless reissued by the department of motor vehicles as hereinafter provided. Whenever the commissioner of motor vehicles, after full investigation, shall find that the character of any person who was convicted of a second offense under this section
and the circumstances at the time indicate that he is not likely again to repeat his offense, and that the public good does not require that his license be longer revoked, the commissioner may if it is deemed advisable reissue such license at any time more than five years after the date on which it was revoked. A person violating any provision of this section shall, for the third or any subsequent offense, be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than three years, and whenever the records of the department disclose that a conviction is the third such or any subsequent conviction of such person for a violation of this section his operator's or chauffeur's license shall be revoked by the commissioner for a period of ten years and indefinitely thereafter unless reissued as hereinafter provided. Whenever the commissioner of motor vehicles, after full investigation, shall find that the character of any person who was convicted of a third or subsequent offense under this section and the circumstances at the time indicate that he is not likely again to repeat his offense, and the public good does not
require that his license be longer revoked, the commis-
ioner may if it is deemed advisable reissue such license
at any time more than ten years after the date on which it
was revoked. The discretionary power herein conferred
may be exercised by the commissioner and the depart-
ment of motor vehicles with respect to the reissuing of
licenses, revoked because of convictions prior to the
passage of this chapter.

Sec. 3. Reckless Driving.—(a) Any person who
drives any vehicle in willful or wanton disregard for the
safety of persons or property is guilty of reckless driving.
(b) Every person convicted of reckless driv-
be punished upon a first conviction by imprisonment for
a period of not less than five days nor more than ninety
days, or by fine of not less than twenty-five dollars nor
more than five hundred dollars, or by both such fine and
imprisonment, and on a second or subsequent conviction
may be punished by imprisonment for not less than ten
days nor more than six months, or by a fine of not less than
fifty dollars nor more than one thousand dollars, or by
both such fine and imprisonment.
Article 6. Speed Restrictions.

Section 1. Special Restrictions.—(a) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards, then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the highways in compliance with legal requirements and the duty of all persons to use due care.

(b) Where no special hazard exists that requires lower speed for compliance with paragraph (a) of this section the speed of any vehicle not in excess of the limits specified in this section or established as hereinafter authorized shall be lawful, but any speed in excess of the limits specified in this section or established as hereinafter authorized shall be unlawful.

(1) Fifteen miles per hour when passing a school building or the grounds thereof during school recess or while children are going to or leaving school during opening or closing hours;
(2) Twenty-five miles per hour in any business or residence district;

(3) Fifty-five miles per hour on open country highways, except as otherwise limited by this chapter.

The speeds set forth in this section may be altered as authorized in sections two and three of this article.

(c) The driver of every vehicle shall, consistent with the requirements of paragraph (a), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

Sec. 2. Establishment of State Speed Zones.—Whenever the state road commission shall determine upon the basis of an engineering and traffic investigation that any speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a
highway, said commissioner may 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 when appropriate signs giving notice thereof are erected at such intersection or other place or part of the highway, but no speed in excess of fifty-five miles per hour shall be indicated.

Sec. 3. When Local Authorities May Alter Speed Limits.—(a) At intersection.—Whenever local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that the speed permitted under this chapter at any intersection is greater than is reasonable or safe under the conditions found to exist at such intersection, such local authority subject to paragraph (d) of this section 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 when appropriate signs giving notice thereof.
are erected at such intersection or upon the approaches thereto.

(b) Authority to increase twenty-five mile limit.—Local authorities in their respective jurisdictions may in their discretion, but subject to paragraph (d) of this section, authorize by ordinance higher speeds than those stated in section one of this article upon through highways or upon highways or portions thereof where there are no intersections or between widely spaced intersections, which higher speed shall be effective at all times or during hours of daylight or at such other times as may be determined when signs are erected giving notice of the authorized speed, but local authorities shall not have authority to modify or alter the basic rule set forth in paragraph (a) of section one of this article or in any event to authorize by ordinance a speed in excess of fifty-five miles per hour.

(c) Authority to decrease fifty-five mile limit.—Whenever local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that the speed under this chapter upon open country highway outside a business or residence district
is greater than is reasonable or safe under the conditions found to exist upon such street or highway, the local authority may determine and declare a reasonable and safe limit thereon but in no event less than thirty-five miles per hour and subject to paragraph (d) of this section, which reduced limit shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

(d) Alteration of limits on state highways or extensions thereof in a municipality by local authorities shall not be effective until such alteration has been approved by the state road commission.

Sec. 4. Special Speed Limitations on Vehicles Not Designed for Carrying Passengers and Equipment with Pneumatic Tires.—Subject to all other speed restrictions of this chapter no person shall drive a vehicle not designed for carrying passengers and equipped with pneumatic tires at a speed in excess of:

(1) Twenty miles per hour in any business district:
Sec. 5. *Special Speed Limitations.*—(a) No person shall drive any vehicle equipped with other than pneumatic tires at a speed greater than a maximum of ten miles per hour.

(b) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section.

(c) The state road commission upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall
thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissable under this chapter, the commission shall determine and declare the maximum speed of vehicles which such structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of one hundred feet before each end of such structure.

(d) Upon the trial of any person charged with a violation of this section, proof of said determination of the maximum speed by said commission and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

Sec. 6. Charging Violations and Rule in Civil Actions.—

(a) In every charge of violation of any speed regulations in this chapter the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the speed applicable within the district or at the location and in the event charge shall also be made of violation of any other provision of
this chapter, the complaint and the summons or notice

to appear shall also specify such other offense alleged to
have been committed.

(b) The provision of this chapter declaring speed limi-
tations shall not be construed to relieve the plaintiff in
any civil action from the burden of proving negligence
on the part of the defendant as the proximate cause of
an accident.

Article 7.—Driving on Right Side of Roadway, Overtaking
and Passing, Etc.

Section 1. Drive on Right Side of Roadway, Excep-
tions.—(a) Upon all roadways of sufficient width a ve-

ticle shall be driven upon the right half of the road-
way, except as follows:

(1) When overtaking and passing another vehicle pro-
ceeding in the same direction under the rules governing
such movement.

(2) When the right half of a roadway is closed to
traffic while under construction or repair;

(3) Upon a roadway divided into three marked lanes
for traffic under the rules applicable thereon; or
(4) Upon a roadway designated and signposted for one-way traffic.

(b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

Sec. 2. Passing Vehicles Proceeding in Opposite Directions.—Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

Sec. 3. Overtaking a Vehicle on the Left.—The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to
these limitations, exceptions, and special rules herein-

(a) The driver of a vehicle overtaking another vehicle
proceeding in the same direction shall give an audible
signal and pass to the left thereof at a safe distance and
shall not again drive to the right side of the roadway
until safely clear of the overtaken vehicle.

(b) Except when overtaking and passing on the right
is permitted, the driver of an overtaken vehicle shall
give way to the right in favor of the overtaking vehicle
on audible signal and shall not increase the speed of his
vehicle until completely passed by the overtaking vehicle.

Sec. 4. When Overtaking on the Right Is Permitted.—
(a) The driver of a vehicle may overtake and pass upon
the right of another vehicle only under the following
conditions:

(1) When the vehicle overtaken is making or about
to make a left turn;

(2) Upon a street or highway with unobstructed pave-
ment not occupied by parked vehicles of sufficient width
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9 for two or more lines of moving vehicles in each direc-
10 tion;

11 (3) Upon a one-way street, or upon any roadway on
12 which traffic is restricted to one direction of movement,
13 where the roadway is free from obstructions and of suf-
14 ficient width for two or more lines of moving vehicles.
15 (b) The driver of a vehicle may overtake and pass
16 another vehicle upon the right only under conditions
17 permitting such movement in safety. In no event shall
18 such movement be made by driving off the pavement
19 or main-traveled portion of the roadway.

Sec. 5. Limitations on Overtaking on the Left.—No ve-
2 hicle shall be driven to the left side of the center of the
3 roadway in overtaking and passing another vehicle pro-
4 ceeding in the same direction unless such left side is
5 clearly visible and is free of oncoming traffic for a suf-
6 ficient distance ahead to permit such overtaking and
7 passing to be completely made without interfering with
8 the safe operation of any vehicle approaching from the
9 opposite direction or any vehicle overtaken. In every
10 event the overtaking vehicle must return to the right-
hand side of the roadway before coming within one
hundred feet of any vehicle approaching from the op-
posite direction.

Sec. 6. Further Limitations on Driving to Left of Center
of Roadway.—(a) No vehicle shall at any time be driven
to the left side of the roadway under the following con-
ditions:

(1) When approaching the crest of a grade or upon a
curve in the highway where the driver's view is ob-
structed within such distance as to create a hazard in
the event another vehicle might approach from the op-
posite direction;

(2) When approaching within one hundred feet of or
traversing any intersection or railroad grade crossing;

(3) When the view is obstructed upon approaching
within one hundred feet of any bridge, viaduct, or tunnel.

(b) The foregoing limitations shall not apply upon
a one-way roadway.

Sec. 7. No-passing Zones.—The state road commission
is hereby authorized to determine those portions of any
highway where overtaking and passing or driving to the
left of the roadway would be especially hazardous and
can be indicated by appropriate signs or markings on the roadway
indicate the beginning and end of such zones and when
such signs or markings are in place and clearly visible
to an ordinarily observant person every driver of a
vehicle shall obey the directions thereof.

Sec. 8. One-way Roadways and Rotary Traffic Is-
lans.—(a) The state road commission may designate
any highway or any separate roadway under its juris-
diction for one-way traffic and shall erect appropriate
signs giving notice thereof.

(b) Upon a roadway designated and signposted for
one-way traffic a vehicle shall be driven only in the direc-
tion designated.

(c) A vehicle passing around a rotary traffic island
shall be driven only to the right of such island.

Sec. 9. Driving on Roadways Laned for Traffic.—When-
ever any roadway has been divided into two or more
clearly marked lanes for traffic the following rules in
addition to all others consistent herewith shall apply.

(a) A vehicle shall be driven as nearly as practicable
entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is divided into three lanes a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

(c) Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign.

Sec. 10. Following Too Closely.—(a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due re-
(b) The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a road-
way outside of a business or residence district and which is following another motor truck or motor vehicle draw-
ing another vehicle shall whenever conditions permit leave sufficient space so that an overtaking vehicle may
enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle
drawing another vehicle from overtaking and passing any like vehicle or other vehicle.
(c) Motor vehicles being drawn upon any roadway outside of a business or residence district in a caravan
or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral pro-
cessions.

Sec. 11. Driving on Divided Highways.—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 right-hand 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.

Sec. 12. Restricted Access.—No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

Sec. 13. Restrictions on Use of Controlled-access Roadway.—The state road commission may by resolution or order entered in its minutes and local authorities may by ordinance with respect to any controlled-access roadway under their respective jurisdictions prohibit the use of any such roadway by pedestrians, bicycles, or other nonmotorized traffic or by any person operating a motor-driven cycle.
The state road commission or the local authority adopting any such prohibitory regulation shall erect and maintain official signs on the controlled-access roadway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such signs.

Article 8. Turning and Starting and Signals on Stopping and Turning.

Section 1. Required Position and Method of Turning at Intersections.—The driver of a vehicle intending to turn at an intersection shall do so as provided in this article.

Sec. 2. Right Turns.—Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

Sec. 3. Left Turns on Two-way Roadways.—At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line
where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

Sec. 4. Left Turns on Other Than Two-way Roadways.—At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

Sec. 5. Local Authority May Specify a Different Course for Turns.—Local authorities in their respective jurisdictions may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby
require and direct that a different course from that specified in this article be traveled by vehicles turning at an intersection, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs.

Sec. 6. Turning on Curve or Crest of Grade Prohibited.—No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet.

Sec. 7. Starting Parked Vehicle.—No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

Sec. 8. Turning Movements and Required Signals.—(a) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in section two, three, four or five of this article, or turn a vehicle to enter a private road or drive-
way or otherwise turn a vehicle from a direct course or
move right or left upon a roadway unless and until such
movement can be made with reasonable safety. No per-
son shall so turn any vehicle without giving an appropri-
ate signal in the manner hereinafter provided in the
event any other traffic may be affected by such move-
ment.

(b) A signal of intention to turn right or left when
required shall be given continuously during not less than
the last one hundred feet traveled by the vehicle before
turning.

(c) No person shall stop or suddenly decrease the
speed of a vehicle without first giving an appropriate
signal in the manner provided herein to the driver of
any vehicle immediately to the rear when there is op-
portunity to give such signal.

Sec. 9. Signals by Hand and Arm or Signal Device.—
Any stop or turn signal when required herein shall be
given either by means of the hand and arm or by a
signal lamp or lamps or mechanical signal device, but
when a vehicle is so constructed or loaded that hand-
and-arm signal would not be visible both to the front
and rear of such vehicle then said signals must be given
by such a lamp or lamps or signal device.

Sec. 10. Method of Giving Hand-and-Arm Signals.—
All signals herein required given by hand and arm shall
be given from the left side of the vehicle in the follow-
ing manner and such signals shall indicate as follows:
(1) Left turn.—Hand and arm extended horizontally.
(2) Right turn.—Hand and arm extended upward.
(3) Stop or decrease speed.—Hand and arm extended
downward.

Article 9. Right of Way.

Section 1. Vehicle Approaching or Entering Intersec-
tion.—(a) The driver of a vehicle approaching an inter-
section shall yield the right-of-way to a vehicle which
has entered the intersection from a different highway.
(b) When two vehicles enter an intersection from a
different highway at approximately the same time the
driver of the vehicle on the left shall yield the right-of-
way to the vehicle on the right.
(c) The right-of-way rules declared in paragraphs
Sec. 2. Vehicle Turning Left at Intersection.—The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but said driver, having so yielded and having given a signal when and as required by this chapter, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to the vehicles making the left turn.

Sec. 3. Vehicle Entering Through Highway or Stop Intersections.—(a) The driver of a vehicle shall stop as required by section five, article thirteen of this chapter at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from said through highways or which are approaching so closely on said through highway as to
constitute an immediate hazard, but said driver having
so yielded may proceed.

(b) The driver of a vehicle shall likewise stop in
obedience to a stop sign as required herein at an inter-
section where a stop sign is erected at one or more
entrances thereto although not a part of a through high-
way and shall proceed cautiously, yielding to vehicles
not so obliged to stop which are within the intersection
or approaching so closely as to constitute an immediate
hazard, but may then proceed.

Sec. 4. Vehicle Entering Highway from Private Road
or Driveway.—The driver of a vehicle about to enter
or cross a highway from a private road or driveway shall
yield the right-of-way to all vehicles approaching on
said highway.

Sec. 5. Operation of Vehicles and Streetcars on Ap-
proach of Authorized Emergency Vehicles.—(a) Upon
the immediate approach of authorized emergency vehicle
equipped with at least one lighted lamp exhibiting red
light visible under normal atmospheric conditions from
a distance of five hundred feet to the front of such vehicle
other than a police vehicle when operated as an authorized emergency vehicle, and when the driver is giving audible signal by siren, exhaust whistle, or bell:

(1) The driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(2) Upon the approach of an authorized emergency vehicle, as above stated, the motorman of every street-car shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.
Article 10. Pedestrians' Rights and Duties.

Section 1. Pedestrians Subject to Traffic Regulations.—

(a) Pedestrians shall be subject to traffic-control signals at intersections as provided in section five, article three of this chapter unless required by local ordinance to comply strictly with such signals, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this article.

(b) Local authorities are hereby empowered by ordinance to require that pedestrians shall strictly comply with the directions of any official traffic-control signal and may by ordinance prohibit pedestrians from crossing any roadway in a business district or any designated highways except in across walk.

Sec. 2. Pedestrians' Right-of-way in Cross Walks.—

(a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a cross walk when the pedestrian is upon the half of the roadway upon which the vehicle is travelling, or when the
8 pedestrian is approaching so closely from the opposite
9 half of the roadway as to be in danger, but no pedestrian
10 shall suddenly leave a curb or other place of safety and
11 walk or run into the path of a vehicle which is so close
12 that it is impossible for the driver to yield. This pro-
13 vision shall not apply under the conditions stated in
14 section three, paragraph (b) of this article.
15 (b) Whenever any vehicle is stopped at a marked
16 cross walk or at any unmarked cross walk at an inter-
17 section to permit a pedestrian to cross the roadway, the
18 driver of any other vehicle approaching from the rear
19 shall not overtake and pass such stopped vehicle.

Sec. 3. Crossing at Other Than Cross Walks.—(a)
2 Every pedestrian crossing a roadway at any point other
3 than within a marked cross walk or within an unmarked
4 cross walk at an intersection shall yield the right-of-way
5 to all vehicles upon the roadway.
6 (b) Any pedestrian crossing a roadway at a point
7 where a pedestrian tunnel or overhead pedestrian cross-
8 ing has been provided shall yield the right-of-way to all
9 vehicles upon the roadway.
(c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked cross walk.

Sec. 4. *Drivers to Exercise Due Care.*—Notwithstanding the foregoing provisions of this article every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

Sec. 5. *Pedestrians to Use Right Half of Cross Walks.*—Pedestrians shall move, whenever practicable, upon the right half of cross walks.

Sec. 6. *Pedestrians on Roadways.*—(a) Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where sidewalks are not provided any pedestrian walking along and upon a highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.
(c) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

Sec. 7. Protection of Blind Pedestrians on Public Streets and Highways.—Whenever a pedestrian is crossing or attempting to cross a public street or highway, at or near an intersection or crosswalk, guided by a guide dog, or carrying in a raised or extended position a cane or walking stick which is metallic or white in color, or white tipped with red, the driver of every vehicle approaching such intersection or crosswalk shall take such precautions as may be necessary to avoid injuring or endangering such pedestrian, and if injury or danger to such pedestrian can be avoided only by bringing the vehicle to a full stop, the driver shall do so. No person, who is not totally or partially blind or otherwise incapacitated, shall carry on any public street or highway in a raised or extended position a cane or walking stick which is metallic or white in color, or white tipped with red.

Nothing contained in this section shall be construed to deprive any totally or partially blind or otherwise incapacitated person, not carrying such a cane or walking
20 stick or not being guided by a dog, of the rights and
21 privileges conferred by law upon pedestrians crossing
22 the streets or highways, nor shall the failure of such
23 totally or partially blind or otherwise incapacitated per-
24 son to carry a cane or walking stick, or to be guided by a
25 guide dog upon the streets, highways or sidewalks of this
26 state, be held to constitute or be evidence of contributory
27 negligence.
28 Any person who violates any provision of this section,
29 shall be guilty of a misdemeanor and, upon conviction
30 thereof, shall be punished by a fine of not more than
31 twenty-five dollars or by imprisonment for not more than
32 ten days, or by both such fine and imprisonment.


Section 1. Effect of Regulations.—(a) It is a misde-
2 meanor for any person to do any act forbidden or fail
3 to perform any act required in this article.
4 (b) The parent of any child and the guardian of any
5 ward shall not authorize or knowingly permit any such
6 child or ward to violate any of the provisions of this
7 chapter.
(c) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

Sec. 2. Traffic Laws Apply to Persons Riding Bicycles.—Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except as to special regulations in this article and except as to those provisions of this chapter which by their nature can have no application.

Sec. 3. Riding on Bicycles.—(a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

Sec. 4. Clinging to Vehicles.—No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any streetcar or vehicle upon a roadway.
Sec. 5. Riding on Roadways and Bicycle Paths.—(a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(c) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

Sec. 6. Carrying Articles.—No person operating a bicycle shall carry any package, bundle, or article which prevents the driver from keeping at least one hand upon the handle bars.

Sec. 7. Lamps and Other Equipment on Bicycles.—Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the department which shall be visible from
all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

(b) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(c) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

Article 12. Special Stops Required.

Section 1. Obedience to Signal Indicating Approach of Train.—(a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad, and
shall not proceed until he can do so safely. The foregoing requirements shall apply when:

(1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(2) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

(3) A railroad train approaching within approximately one thousand five hundred feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;

(4) Any approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(b) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

Sec. 2. All Vehicles Must Stop at Certain Railroad Grade Crossings.—The state road commission and local
authorities with the approval of the state road commis-
sion are hereby authorized to designate particularly dan-
gerous highway grade crossings of railroads and to erect
stop signs thereat. When such stop signs are erected
the driver of any vehicle shall stop within fifty feet but
not less than fifteen feet from the nearest rail of such
railroad and shall proceed only upon exercising due care.

Sec. 3. Certain Vehicles Must Stop at All Railroad
Grade Crossings.—(a) The driver of any motor vehicle
carrying passengers for hire, or of any school bus carry-
ing any school child, or of any vehicle carrying ex-
plosive substances or flammable liquids as a cargo or
part of a cargo, or of any vehicle owned by an employer
which, in carrying on such employer's business or in
carrying employees to and from work, is carrying more
than six employees of such employer, before crossing at
grade any track or tracks of a railroad, shall stop such
vehicle within fifty feet but not less than fifteen feet from
the nearest rail of such railroad and while so stopped
shall listen and look in both directions along such track
for any approaching train, and for signals indicating the
approach of a train, except as hereinafter provided, and
shall not proceed until he can do so safely. After stopping
as required herein and upon proceeding when it is safe
to do so the driver of any said vehicle shall cross only in
such gear of the vehicle that there will be no necessity
for changing gears while traversing such crossing and the
driver shall not shift gears while crossing the track or
tracks.

(b) No stop need be made at any such crossing where
a police officers or a traffic-control signal directs traffic
to proceed.

(c) This section shall not apply at street-railway grade
crossings within a business or residence district.

Sec. 4. **Moving Heavy Equipment at Railroad Grade**

Crossings.—(a) No person shall operate or move any
crawler-type tractor, steam shovel, derrick, roller, or any
equipment or structure having a normal operating speed
of ten or less miles per hour or a vertical body or load
clearance of less than one-half inch per foot of the dis-
tance between any two adjacent axles or in any event
of less than nine inches, measured above the level surface
of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(b) Notice of any such intended crossing shall be given to a station agent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.

(c) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen feet nor more than fifty feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(d) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

Sec. 5. Vehicles Must Stop at Through Highways.—

(a) The state road commission with reference to state
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highways and local authorities with reference to other
highways under their jurisdiction may designate through
highways and erect stop signs at specified entrances
thereto or may designate any intersection as a stop in-
tersection and erect like signs at one or more entrances
to such intersection.

(b) Every said sign shall bear the word “Stop” in let-
ters not less than six inches in height and such sign shall
at nighttime be rendered luminous by steady or flashing
internal illumination, or by a fixed floodlight projected
on the face of the sign, or by efficient reflecting elements
on the face of the sign.

(c) Every stop sign shall be erected as near as prac-
ticable to the nearest line of the cross walk on the near
side of the roadway.

(d) Every driver of a vehicle and every motorman of
a streetcar approaching a stop sign shall stop before
entering the cross walk on the near side of the intersec-
tion or in the event there is no cross walk shall stop at a
clearly marked stop line, but if none, then at the point
nearest the intersecting highway where the driver has
a view of approaching traffic on the intersecting highway before entering the intersection except when directed to proceed by a police officer or traffic-control signal.

Sec. 6. Stop Before Emerging from Alley or Private Driveway.—The driver of a vehicle within a business or residence district emerging from any alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or private driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

Sec. 7. Overtaking and Passing School Bus.—(a) The driver of a vehicle upon a highway outside of a business or residence district upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus and shall not proceed until such school
bus resumes motion, or until signaled by the driver to proceed.

(b) Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words “school bus” in letters not less than six inches in height. When a contract school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school all markings thereon indicating “school bus” shall be covered or concealed.

(c) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

Sec. 8. Special Lighting Equipment on School Busses.—

(a) The commissioner of motor vehicles is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried
by school busses consistent with the provisions of this
chapter, but supplemental thereto, and except that such
standards and specifications may designate and permit
the use of flashing warning signal lights on school busses
for the purpose of indicating when children are boarding
or alighting from any said bus. Such standards and
specifications shall correlate with and, so far as possible,
conform to the specifications then current as approved
by the Society of Automotive Engineers.

(b) It shall be unlawful to operate any flashing warn-
ing signal light on any school bus except when any said
school bus is stopped on a highway for the purpose of
permitting school children to board or alight from said
school bus.


Section 1. Stopping, Standing, or Parking Outside of
Business or Residence Districts.—(a) Upon any highway
outside of a business or residence district no person shall
stop, park, or leave standing any vehicle, whether at-
tended or unattended, upon the paved or main-traveled
part of the highway when it is practicable to stop, park,
or so leave such vehicle off such part of said highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of two hundred feet in each direction upon such highway.

(b) This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

Sec. 2. Officers Authorized to Remove Illegally Stopped Vehicles.—(a) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the foregoing provisions of this article such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such highway.

(b) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel
where such vehicle constitutes an obstruction to traffic,
such officer is hereby authorized to provide for the re-
moval of such vehicle to the nearest garage or other
place of safety.

Sec. 3. Stopping, Standing, or Parking Prohibited in
Specified Places.—(a) No person shall stop, stand, or
park a vehicle, except when necessary to avoid conflict
with other traffic or in compliance with law or the direc-
tions of a police officer or traffic-control device, in any of
the following places:

1. On a sidewalk;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within fifteen feet of a fire hydrant;
5. On a cross walk;
6. Within twenty feet of a cross walk at an inter-
section;
7. Within thirty feet upon the approach to any flash-
ing beacon, stop sign, or traffic-control signal located at
the side of a roadway;
8. Between a safety zone and the adjacent curb or
within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;

(9) Within fifty feet of the nearest rail of a railroad crossing;

(10) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance (when properly signposted);

(11) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(13) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(14) At any place where official signs prohibit stopping.

(15) Within twenty feet of any mail receptacle served regularly by a carrier using a motor vehicle for daily
deliveries, if such parking interferes with or causes delay in the carrier’s schedule.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

Sec. 4. Additional Parking Regulations.—(a) Except as otherwise provided in this section every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen inches of the right-hand curb.

(b) Local authorities may by ordinance permit parking of vehicles with the left-hand wheels adjacent to and within eighteen inches of the left-hand curb of a one-way roadway.

(c) Local authorities may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any Federal-aid or state highway unless the state road commission has determined by resolution or order entered in its minutes that the roadway
16 is of sufficient width to permit angle parking without
17 interfering with the free movement of traffic.
18 (d) The state road commission with respect to high-
19 ways under its jurisdiction may place signs prohibiting
20 or restricting the stopping, standing, or parking of ve-
21 hicles on any highway where in its opinion, as evidenced
22 by resolution or order entered in its minutes, such stop-
23 ping, standing, or parking is dangerous to those using
24 the highway or where the stopping, standing, or parking
25 of vehicles would unduly interfere with the free move-
26 ment of traffic thereon. Such signs shall be official signs
27 and no person shall stop, stand, or park any vehicle in
28 violation of the restrictions stated on such signs.


Section 1. Unattended Motor Vehicle.—No person driv-
2 ing or in charge of a motor vehicle shall permit it to stand
3 unattended without first stopping the engine, locking the
4 ignition, removing the key, and effectively setting the
5 brake thereon and, when standing upon any grade, turn-
6 ing the front wheels to the curb or side of the highway.

Sec. 2. Limitations on Backing.—The driver of a vehicle
shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

Sec. 3. *Riding on Motorcycles.*—A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator.

Sec. 4. *Obstruction to Driver's View or Driving Mechanism.*—(a) No person shall drive a vehicle when it is so loaded as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle. (b) No passenger in a vehicle or streetcar shall ride in such position as to interfere with the driver's or motorman's view ahead or to the sides, or to interfere with his
control over the driving mechanism of the vehicle or streetcar.

Sec. 5. *Passengers in Seat with Operator.*—No more than three persons including the operator shall ride or be permitted by such operator to ride in the seat with the operator of any motor vehicle while said motor vehicle is being operated on the streets or highways of this state.

Sec. 6. *Passengers on Runningboard.*—No passenger shall ride nor shall the operator permit any passenger to ride on the runningboards of any motor vehicle while such vehicle is being operated on the streets or highways of this state.

Sec. 7. *Driving on Mountain Highways.*—The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the highway as reasonably possible and, upon approaching any curve where the view is obstructed within a distance of two hundred feet along the highway, shall give audible warning with the horn of such motor vehicle.

Sec. 8. *Coasting Prohibited.*—(a) The driver of any
motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.

(b) The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.

Sec. 9. Following Fire Apparatus Prohibited.—The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

Sec. 10. Crossing Fire Hose.—No streetcar or vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway, or streetcar track, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

Sec. 11. Putting Glass, etc., on Highway Prohibited.—

(a) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any
other substance likely to injure any person, animal, or vehicle upon such highway.

(b) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

Sec. 12. Regulations Relative to School Busses.—(a) The West Virginia board of education by and with the advice of the motor vehicle commissioner shall adopt and enforce regulations not inconsistent with this chapter to govern the design and operation of all school busses used for the transportation of school children when owned and operated by any county board of education or privately owned and operated under contract with any county board of education in this state and such regulations shall by reference be made a part of any such contract with a county board of education. Every county board of edu-
cation, its officers and employees, and every person em-
ployed under contract by a county board of education
shall be subject to said regulations.
(b) Any officer or employee of any county board of
education who violates any of said regulations or fails to
include obligation to comply with said regulations in any
contract executed by him on behalf of a county board of
education shall be guilty of misconduct and subject to
removal from office or employment. Any person operat-
ing a school bus under contract with a county board of
education who fails to comply with any said regulations
shall be guilty of breach of contract and such contract
shall be canceled after notice and hearing by the respon-
sible officers of such county board of education.

Article 15. Equipment.

Section 1. Scope and Effect of Regulations.—(a) It is
a misdemeanor for any person to drive or move or for
the owner to cause or knowingly permit to be driven or
moved on any highway any vehicle or combination of
vehicles which is in such unsafe condition as to endanger
any person, or which does not contain those parts or is
not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this article, or which is equipped in any manner in violation of this article, or for any person to do any act forbidden or fail to perform any act required under this article.

(b) Nothing contained in this article shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this article.

(c) The provisions of this article with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable. Every farm tractor equipped with an electric lighting system shall at all times mentioned in section two of this article display a red tail lamp and either multiple-beam or single-beam head lamps meeting the requirements of sections two, twenty and twenty-two of this article, respectively.

Sec. 2. When Lighted Lamps Are Required.—Every vehicle upon a highway within this state at any time
from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles as hereinafter stated.

Sec. 3. Visibility Distance and Mounted Height of Lamps.—(a) Whenever requirement is hereinafter declared as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible said provisions shall apply during the times stated in section two of this article in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

(b) Whenever requirement is hereinafter declared as to the mounted height of lamps or devices it shall mean from the center of such lamp or device to the level ground.
Sec. 4. Head Lamps on Motor Vehicles.—(a) Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two headlamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this article.

(b) Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this article.

(c) Every head lamp upon every motor vehicle, including every motorcycle and motor-driven cycle, shall be located at a height measured from the center of the head lamp of not more than fifty-four inches nor less than twenty-eight inches to be measured as set forth in section three of this article.

Sec. 5. Tail Lamps.—(a) Every motor vehicle, trailer or semitrailer, and any other vehicle which is being drawn at the end of a train of vehicles, shall be equipped
with at least one tail lamp mounted on the rear, which, when lighted as hereinbefore required, shall emit a red light plainly visible from a distance of five hundred feet to the rear, provided that in the case of a train of vehicles only the tail lamp on the rearmost vehicle need actually be seen from the distance specified.

(b) Every tail lamp upon every vehicle shall be located at a height of not more than sixty inches nor less than twenty inches to be measured as set forth in section three (b) of this article.

(c) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted.

Sec. 6. New Motor Vehicles to Be Equipped with Reflectors.—(a) Every new motor vehicle hereafter sold and operated upon a highway, other than a truck tractor,
shall carry on the rear, either as a part of the tail lamps or separately, two red reflectors, except that every motor-cycle and every motor-driven cycle shall carry at least one reflector, meeting the requirements of this section, and except that vehicles of the type mentioned in section nine of this article shall be equipped with reflectors as required in those sections applicable thereto.

Every such reflector shall be mounted on the vehicle at a height not less than twenty inches nor more than sixty inches measured as set forth in section three (b), and shall be of such size and characteristics and so mounted as to be visible at night from all distances within three hundred feet to fifty feet from such vehicle when directly in front of lawful upper beams of head lamps, except that visibility from a greater distance is hereinafter required of reflectors on certain types of vehicles.

Sec. 7. Stop Lamps Required on New Motor Vehicles.—From and after the first day of January, one thousand nine hundred fifty-two it shall be unlawful for any person to sell any new motor vehicle, including any motor-cycle or motor-driven cycle, in this state or for any per-
son to drive such vehicle on the highway unless it is
equipped with a stop lamp meeting the requirements of
section eighteen of this article.

Sec. 8. Application of Succeeding Sections.—Those sec-
tions of this chapter which follow immediately, including
section nine, ten, eleven, twelve and thirteen of this arti-
cle, and relating to clearance and marker lamps, reflec-
tors, and stop lights shall apply as stated in said sections
to vehicles of the type therein enumerated, namely pas-
senger busses, trucks, truck tractors, and certain trailers,
semitrailers, and pole trailers, respectively, when oper-
ated upon any highway, and said vehicles shall be
equipped as required and all lamp equipment required
shall be lighted at the times mentioned in section two of
this article except that clearance and side marker lamps
need not be lighted on any said vehicle when operated
within any municipality where there is sufficient light to
render clearly discernible persons and vehicles on the
highway at a distance of five hundred feet.

Sec. 9. Additional Equipment Required on Certain
Vehicles.—In addition to other equipment required in
this chapter the following vehicles shall be equipped as herein stated under the conditions stated in section eight of this article.

(a) On every bus or truck, whatever its size, there shall be the following:

On the rear, two reflectors, one at each side, and one stop light.

(b) On every bus or truck eighty inches or more in over-all width, in addition to the requirements in paragraph (a):

On the front, two clearance lamps, one at each side.

On the rear, two clearance lamps, one at each side.

On each side, two side marker lamps, one at or near the front and one at or near the rear.

On each side, two reflectors, one at or near the front and one at or near the rear.

(c) On every truck tractor:

On the front, two clearance lamps, one at each side.

On the rear, one stop light.

(d) On every trailer or semitrailer having a gross weight in excess of three thousand pounds;
24 On the front, two clearance lamps, one at each side.
25 On each side, two side marker lamps, one at or near the front and one at or near the rear.
26 On each side, two reflectors, one at or near the front and one at or near the rear.
27 On the rear, two clearance lamps, one at each side, also two reflectors, one at each side, and one stop light.
28 (e) On every pole trailer in excess of three thousand pounds gross weight:
29 On each side, one side marker lamp and one clearance lamp which may be in combination, to show to the front, side, and rear.
30 On the rear of the pole trailer or load, two reflectors, one at each side.
31 (f) On every trailer, semitrailer, or pole trailer weighing three thousand pounds gross or less:
32 On the rear, two reflectors, one on each side. If any trailer or semitrailer is so loaded or is of such dimensions as to obscure the stop light on the towing vehicle, then such vehicle shall also be equipped with one stop light.

Sec. 10. Color of Clearance Lamps, Side Marker Lamps,
and Reflectors.—(a) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

(b) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

(c) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber, or yellow, and except that the light illuminating the license plate or the light emitted by a back-up light shall be white.

Sec. 11. Mounting of Reflectors, Clearance Lamps, and Side Marker Lamps.—(a) Reflectors when required by section nine of this article shall be mounted at a height not less than twenty-four inches and not higher than sixty inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than twenty-four inches
the reflector at such point shall be mounted as high as
that part of the permanent structure will permit.
The rear reflectors on a pole trailer may be mounted on
each side of the bolster or load.
Any required red reflector on the rear of a vehicle may
be incorporated with the tail lamp, but such reflector
shall meet all the other reflector requirements of this
chapter.
(b) Clearance lamps shall be mounted on the perma-
nent structure of the vehicle in such manner as to indi-
cate its extreme width and as near the top thereof as prac-
ticable. Clearance lamps and side marker lamps may be
mounted in combination provided illumination is given
as required herein with reference to both.

Sec. 12. Visibility of Reflectors, Clearance Lamps, and
Marker Lamps.—(a) Every reflector upon any vehicle
referred to in section nine of this article shall be of such
size and characteristics and so maintained as to be readily
visible at nighttime from all distances within five hundred
feet to fifty feet from the vehicle when directly in front
of lawful upper beams of head lamps. Reflectors required
to be mounted on the sides of the vehicle shall reflect the
required color of light to the sides, and those mounted on
the rear shall reflect a red color to the rear.
(b) Front and rear clearance lamps shall be capable of
being seen and distinguished under normal atmospheric
conditions at the times lights are required at a distance
of five hundred feet from the front and rear, respectively,
of the vehicle.
(c) Side marker lamps shall be capable of being seen
and distinguished under normal atmospheric conditions
at the times lights are required at a distance of five hun-
dred feet from the side of the vehicle on which mounted.

Sec. 13. Obstructed Lights Not Required.—Whenever
motor and other vehicles are operated in combination
during the time that lights are required, any lamp (except
tail lamps) need not be lighted which, by reason of its
location on a vehicle of the combination, would be ob-
scured by another vehicle of the combination, but this
Sec. 14. **Lamp or Flag on Projecting Load.**—Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in section two of this article, a red light or lantern plainly visible from a distance of at least five hundred feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than twelve inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

Sec. 15. **Lamps on Parked Vehicles.**—(a) Whenever a vehicle is lawfully parked upon a street or highway dur-
ing the hours between a half hour after sunset and a half
hour before sunrise and in the event there is sufficient
light to reveal any person or object within a distance of
five hundred feet upon such street or highway no lights
need be displayed upon such parked vehicle.

(b) Whenever a vehicle is parked or stopped upon a
roadway or shoulder adjacent thereto, whether attended
or unattended, during the hours between a half hour
after sunset and a half hour before sunrise and there is
not sufficient light to reveal any person or object within
a distance of five hundred feet upon such highway, such
vehicle so parked or stopped shall be equipped with one
or more lamps which shall exhibit a white light on the
roadway side visible from a distance of five hundred feet
to the front of such vehicle and a red light visible from a
distance of five hundred feet to the rear. The foregoing
provisions shall not apply to a motor-driven cycle.

(c) Any lighted head lamps upon a parked vehicle
shall be depressed or dimmed.

Sec. 16. Lamps on Other Vehicles and Equipment.—

All vehicles including animal-drawn vehicles and in-
excluding those referred to in section one (c) of this article not hereinbefore specifically required to be equipped with lamps, shall at the times specified in section two of this article be equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of five hundred feet to the front of such vehicle and with a lamp or lantern exhibiting a red light visible from a distance of five hundred feet to the rear.

Sec. 17. Spot Lamps and Auxiliary Lamps.—(a) Spot lamps.—Any motor vehicle may be equipped with not to exceed one spot lamp and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than one hundred feet ahead of the vehicle.

(b) Fog lamps. Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height not less than twelve inches nor more than thirty inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded
none of the high-intensity portion of the light to the left
of the center of the vehicle shall at a distance of twenty-
five feet ahead project higher than a level of four inches
below the level of the center of the lamp from which it
comes.

(c) Auxiliary passing lamp. Any motor vehicle may
be equipped with not to exceed one auxiliary passing
lamp mounted on the front at a height not less than
twenty-four inches nor more than forty-two inches above
the level surface upon which the vehicle stands and every
auxiliary passing lamp shall meet the requirements and
limitations set forth in this article.

(d) Auxiliary driving lamp.—Any motor vehicle may
be equipped with not to exceed one auxiliary driving
lamp mounted on the front at a height not less than six-
ten inches nor more than forty-two inches above the
level surface upon which the vehicle stands and every
such auxiliary driving lamp shall meet the requirements
and limitations set forth in this article.

Sec. 18. Signal Lamps and Signal Devices.—(a) Any
motor vehicle may be equipped and when required under
this chapter shall be equipped with the following signal lamps or devices:

(1) A stop lamp on the rear which shall emit a red or yellow light and which shall be actuated upon application of the service (foot) brake and which may but need not be incorporated with a tail lamp.

(2) A lamp or lamps or mechanical signal device capable of clearly indicating any intention to turn either to the right or to the left and which shall be visible both from the front and rear.

(b) A stop lamp shall be plainly visible and understandable from a distance of one hundred feet to the rear both during normal sunlight and at nighttime and a signal lamp or lamps indicating intention to turn shall be visible and understandable during daytime and nighttime from a distance of one hundred feet both to the front and rear. When a vehicle is equipped with a stop lamp or other signal lamps, such lamp or lamps shall at all times be maintained in good working condition. No stop lamp or signal lamp shall project a glaring or dazzling light.

(c) All mechanical signal devices shall be self-illumi-
nated when in use at the times mentioned in section two of this article.

Sec. 19. Additional Lighting Equipment.—(a) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(b) Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(c) Any motor vehicle may be equipped with not more than two back-up lamps either separately or in combination with other lamps, but any such back-up lamp shall not be lighted when the motor vehicle is in forward motion.

Sec. 20. Multiple-beam Road-lighting Equipment.—Except as hereinafter provided, the head lamps or the auxiliary driving lamp, or the auxiliary passing lamp, or combinations thereof, on motor vehicles other than a motorcycle or motor-driven cycle shall be so arranged that the driver may select at will between distributions
of light projected to different elevations, subject to the following requirements and limitations:

(a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred feet ahead for all conditions of loading. The maximum intensity of this uppermost distribution of light or composite beam one degree of arc or more above the horizontal level of the lamps when the vehicle is not loaded shall not exceed eight thousand apparent candle-power, and at no other point of the distribution of light or composite beam shall there be an intensity of more than seventy-five thousand apparent candlepower.

(b) There shall be a lowermost distribution of light, or composite beam so aimed that:

(1) When the vehicle is not loaded, none of the high-intensity portion of the light which is directed to the left of the prolongation of the extreme left side of the vehicle shall, at a distance of twenty-five feet ahead, project higher than a level of eight inches below the level of the center of the lamp from which it comes.
(2) When the vehicle is not loaded, none of the high-intensity portion of the light which is directed to the right of the prolongation of the extreme left side of the vehicle shall, at a distance of twenty-five feet ahead, project higher than a level of three inches below the level of the center of the lamp from which it comes.

(3) In no event shall any of the high intensity of such lowermost distribution of light or composite beam project higher than a level of forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.

(c) Where one intermediate beam is provided, the beam on the left side of the road shall be in conformity with item (1) of paragraph (b) of this section except when arranged in accordance with the practice specified in paragraph (e).

(d) The lowermost distribution of light shall be so aimed and of sufficient intensity to reveal a person or vehicle at a distance of at least one hundred feet ahead.

(e) Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this State after the
first day of January, one thousand nine hundred fifty-two,
which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted.

Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

Sec. 21. Use of Multiple-beam Road-lighting Equipment.—(a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section two of this article, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(b) Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the
eyes of the oncoming driver, and in no case shall the high-
intensity portion which is projected to the left of the pro-
longation of the extreme left side of the vehicle be aimed
higher than the center of the lamp from which it comes
at a distance of twenty-five feet ahead, and in no case
higher than a level of forty-two inches above the level
upon which the vehicle stands at a distance of seventy-
five feet ahead.

The lowermost distribution of light specified in item (1)
of section twenty (b) of this article shall be deemed to
avoid glare at all times, regardless of road contour and
loading.

Sec. 22. Single-beam Road-lighting Equipment.—Head
lamps arranged to provide a single distribution of light
shall be permitted on motor vehicles manufactured and
sold prior to one year after the effective date of this
chapter in lieu of multiple-beam road-lighting equipment
herein specified if the single distribution of light complies
with the following requirements and limitations:

(1) The head lamps shall be so aimed that when the
vehicle is not loaded none of the high-intensity portion of
the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.

(2) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet.

Sec. 23. Lighting Equipment on Motor-driven Cycles.—

The head lamp or head lamps upon every motor-driven cycle may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

(1) Every said head lamp or head lamps on a motor-driven cycle shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred feet when the motor-driven cycle is operated at any speed less than twenty-five miles per hour and at a distance of not less than two hundred feet when the motor-driven cycle is operated at a speed of twenty-five or more miles per hour.
(2) In the event the motor-driven cycle is equipped with a multiple-beam head lamp or head lamps the upper beam shall meet the minimum requirements set forth above and shall not exceed the limitations set forth in section twenty (a) of this article and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in section twenty (b) of this article.

(3) In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, said lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five feet ahead, shall project higher than the level of the center of the lamp from which it comes.

Sec. 24. Alternate Road-lighting Equipment.—Any motor vehicle may be operated under the conditions specified in section two of this article when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects seventy-five feet ahead in lieu of lamps required in section twenty or section twenty-two of this article: Provided, however, That at no time shall
Sec. 25. **Number of Driving Lamps Required or Permitted.**—(a) At all times specified in section two of this article at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle other than a motorcycle or motor-driven cycle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(b) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

Sec. 26. **Special Restrictions on Lamps.**—(a) Any lighted lamp or illuminating device upon a motor vehicle other than head lamps, spot lamps, auxiliary lamps, or flashing front-direction signals which projects a beam of light of an intensity greater than three hundred candle-
power shall be so directed that no part of the beam will
strike the level of the roadway on which the vehicle
stands at a distance of more than seventy-five feet from
the vehicle.

(b) No person shall drive or move any vehicle or
equipment upon any highway with any lamp or device
thereon displaying a red light visible from directly in
front of the center thereof. This section shall not apply to
any vehicle upon which a red light visible from the front
is expressly authorized or required by this chapter.

(c) Flashing lights are prohibited on motor vehicles,
except on an authorized emergency vehicle, school bus,
snow removal equipment, or on any vehicle as a means
for indicating a right or left turn.

Sec. 27. Standards for Lights on Snow Removal Equip-
ment.—(a) The state road commission shall adopt stand-
ard specifications applicable to head lamps, clear-
ance lamps, identification and other lamps on snow re-
moval equipment when operated on the highways of this
state in lieu of the lamps otherwise required on motor
vehicles by this chapter. Such standards and specifi-
tions may permit the use of flashing lights for purposes
of identification on snow removal equipment when in
service upon the highways. The standards and specifica-
tions for lamps referred to in this section shall correlate
with and, so far as possible, conform with those approved
by the American Association of State Highway Officials.
(b) It shall be unlawful to operate any snow removal
equipment on any highway unless the lamps thereon
comply with and are lighted when and as required by
the standards and specifications adopted as provided in
this section.

Sec. 28. Selling or Using Lamps or Devices.—(a) No
person shall have for sale, sell, or offer for sale for use
upon or as a part of the equipment of a motor vehicle,
trailer, or semitrailer or use upon any such vehicle any
head lamp, auxiliary or fog lamp, rear lamp, signal lamp,
or reflector which reflector is required hereunder, or parts
of any of the foregoing which tend to change the original
design or performance, unless of a type which has been
submitted to the state road commissioner and approved
by him.
(b) No person shall have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer any lamp or device mentioned in this section which has been approved by the state road commissioner unless such lamp or device bears thereon the trade-mark or name under which it is approved so as to be legible when installed.

(c) No person shall use upon any motor vehicle, trailer, or semitrailer any lamps mentioned in this section unless said lamps are equipped with bulbs of a rated candle-power and are mounted and adjusted as to focus and aim in accordance with instructions of the state road commissioner.

Sec. 29. Authority of State Road Commissioner with Reference to Lighting Devices.—(a) The state road commissioner is hereby authorized to approve or disapprove lighting devices.

(b) The state road commissioner is hereby required to approve or disapprove any lighting device, of a type on which approval is specifically required in this chapter,
within a reasonable time after such device has been submitted.

(c) The state road commissioner is further authorized to set up the procedure which shall be followed when any device is submitted for approval.

(d) The state road commissioner upon approving any such lamp or device shall issue to the applicant a certificate of approval together with any instructions determined by him.

(e) The state road commissioner shall publish lists of all lamps and devices by name and type which have been approved by him, together with instructions as to the permissible candlepower rating of the bulbs which he has determined for use therein and such other instructions as to adjustment as the state road commissioner may deem necessary.

Sec. 30. Revocation of Certificate of Approval on Lighting Devices.—When the state road commissioner has reason to believe that an approved device as being sold commercially does not comply with the requirements of this chapter, he may, after giving thirty days' previous notice
to the person holding the certificate of approval for such device in this state, conduct a hearing upon the question of compliance of said approved device. After said hearing the state road commissioner shall determine whether said approved device meets the requirements of this chapter. If said device does not meet the requirements of this chapter he shall give notice to the person holding the certificate of approval for such device in this state. If at the expiration of ninety days after such notice the person holding the certificate of approval for such device has failed to satisfy the state road commissioner that said approved device as thereafter to be sold meets the requirements of this chapter, the state road commissioner shall suspend or revoke the approval issued therefor until or unless such device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this chapter, and may require that all said devices sold since the notification following the hearing be replaced with devices that do comply with the requirements of this chapter. The state road commis-

sioner may at the time of the retest purchase in the open
market and submit to the testing agency one or more
sets of such approved devices, and if such device upon
such retest fails to meet the requirements of this chap-
ter, the state road commissioner may refuse to renew the
certificate of approval of such device.

Sec. 31. Brakes.—(a) Brake equipment required.—

(1) Every motor vehicle, other than a motorcycle or
motor-driven cycle, when operated upon a highway shall
be equipped with brakes adequate to control the move-
ment of and to stop and hold such vehicle, including two
separate means of applying the brakes, each of which
means shall be effective to apply the brakes to at least two
wheels. If these two separate means of applying the
brakes are connected in any way, they shall be so con-
structed that failure of any one part of the operating
mechanism shall not leave the motor vehicle without
brakes on at least two wheels.

(2) Every motorcycle and every motor-driven cycle,
when operated upon a highway, shall be equipped with
at least one brake which may be operated by hand or
foot.
(3) Every trailer or semitrailer of a gross weight of
three thousand pounds or more when operated upon a
highway shall be equipped with brakes adequate to con-
trol the movement of and to stop and to hold such vehicle
and so designed as to be applied by the driver of the
towing motor vehicle from its cab, and said brakes shall
be so designed and connected that in case of an accidental
breakaway of the towed vehicle the brakes shall be auto-
matically applied.

(4) Every new motor vehicle, trailer, or semitrailer
hereafter sold in this state and operated upon the high-
ways shall be equipped with service brakes upon all
wheels of every such vehicle, except any motorcycle or
motor-driven cycle, and except that any semitrailer of
less than one thousand five hundred pounds gross weight
need not be equipped with brakes.

(5) In any combination of motor-driven vehicles,
means shall be provided for applying the rearmost trailer
brakes, of any trailer equipped with brakes, in approxi-
mate synchronism with the brakes on the towing vehicle
and developing the required braking effort on the rear-
most wheels at the fastest rate; or means shall be pro-
vided for applying braking effort first on the rearmost
trailer equipped with brakes; or both of the above means
capable of being used alternatively may be employed.
(6) One of the means of brake operation shall consist
of a mechanical connection from the operating lever to
the brake shoes or bands and this brake shall be capable
of holding the vehicle, or combination of vehicles, sta-
tionary under any condition of loading on any upgrade
or down grade upon which it is operated.
(7) The brake shoes operating within or upon the
drums on the vehicle wheels of any motor vehicle may
be used for both service and hand operation.
(b) Performance ability of brakes. Every motor ve-
hicle or combination of motor-drawn vehicles shall be
capable, at all times and under all conditions of loading,
of being stopped on a dry, smooth, level road free from
loose material, upon application of the service (foot)
brake, within the distances specified below, or shall be
capable of being decelerated at a sustained rate corre-
sponding to these distances:
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59  Feet to stop  Deceleration  
60  from 20 miles  in feet per  
61  per hour  second  
62  Vehicles or combinations of  
63  vehicles having brakes on  
64  all wheels  30  14  
65  Vehicles or combinations of  
66  vehicles not having brakes  
67  on all wheels  40  10.7  
68  (c) Maintenance of brakes. All brakes shall be main-
69  tained in good working order and shall be so adjusted as  
70  to operate as equally as practicable with respect to the  
71  wheels on opposite sides of the vehicle.  

Sec. 32. Brakes on Motor-driven Cycles.—(a) The com-
2  missioner is authorized to require an inspection of the  
3  brake on any motor-driven cycle and to disapprove any  
4  such brake which he finds will not comply with the per-
5  formance ability standard set forth in section thirty-one  
6  of this article, or which in his opinion is not so designed  
7  or constructed as to insure reasonable and reliable per-
8  formance in actual use.
(b) The commissioner may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when he determines that the brake thereon does not comply with the provisions of this section.

(c) No person shall operate on any highway any vehicle referred to in this section in the event the commissioner has disapproved the brake equipment upon such vehicle or type of vehicle.

Sec. 33. Horns and Warning Devices.—(a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(b) No vehicle shall be equipped with nor shall any
person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.

(c) It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

Any authorized emergency vehicle may be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type approved by the department, but such siren shall not be used except when such vehicle is operated in response to an emergency or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

Sec. 34. Mufflers, Prevention of Noise.—(a) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke,
and no person shall use a muffler cut-out, bypass, or similar device upon a motor vehicle on a highway.

(b) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

Sec. 35. Mirrors.—Every motor vehicle which is so constructed or loaded as to obstruct the driver’s view to the rear thereof from the driver’s position shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle.

Sec. 36. Windshields Must be Unobstructed and Equipped with Wipers.—(a) No person shall drive any motor vehicle with any sign, poster, or other nontransparent material upon the front windshield, side wings, or side or rear windows of such vehicle which obstructs the driver’s clear view of the highway or any intersecting highway.

(b) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so
constructed as to be controlled or operated by the driver of the vehicle.

(c) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

Sec. 37. Restrictions as to Tire Equipment.—(a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flang of the entire periphery.

(b) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway.

(c) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway, and except also that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.
(d) The state road commission and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this chapter.

Sec. 38. Safety Glass in Motor Vehicles.—(a) On and after the first day of July, one thousand nine hundred fifty-one, no person shall operate any motor vehicle as specified herein, nor shall any motor vehicle as specified herein be registered thereafter unless such vehicle is equipped with safety glass of a type approved by the state road commissioner wherever glass is used in doors, windows, and windshields. The foregoing provisions shall apply to all passenger-type motor vehicles, including passenger busses and school busses, but in respect to trucks, including truck tractors, the requirements as to safety glass shall apply to all glass used in doors, windows,
and windshields in the drivers' compartments of such vehicles.

(b) The term "safety glass" shall mean any product composed of glass, so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken, or such other or similar product as may be approved by the commissioner.

(c) The state road commissioner shall compile and publish a list of types of glass by name approved by him as meeting the requirements of this section and the commissioner of motor vehicles shall not register after the first day of July one thousand nine hundred fifty-one any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glass, and he shall thereafter suspend the registration of any motor vehicle so subject to this section which he finds is not equipped until it is made to conform to the requirements of this section.

Sec. 39. Certain Vehicles to Carry Flares or Other Warning Devices.—(a) No person shall operate any motor truck, passenger bus, road tractor or truck tractor
upon any highway outside the corporate limits of munic-
confines at any time from a half hour after sunset to a
half hour before sunrise unless there shall be carried in
such vehicle the following equipment except as provided
in paragraph (b):

(1) At least three flares or three red electric lanterns
each of which shall be capable of being seen and distin-
guished at a distance of five hundred feet under normal
atmospheric conditions at nighttime.

Each flare (liquid-burning pot torch) shall be capable of
burning for not less than twelve hours in five miles per
hour wind velocity and capable of burning in any air
velocity from zero to forty miles per hour. Every such
flare shall be substantially constructed so as to withstand
reasonable shocks without leaking. Every such flare
shall be carried in the vehicle in a metal rack or box.

Every such red electric lantern shall be capable of op-
erating continuously for not less than twelve hours and
shall be substantially constructed so as to withstand rea-
sonable shock without breakage.
(2) At least three red-burning fuses unless red electric lanterns are carried.

Every fuse shall be made in accordance with specifications of the Bureau of Explosives, thirty Vesey Street, New York City, and so marked and shall be capable of burning at least fifteen minutes.

(3) At least two red cloth flags, not less than twelve inches square, with standards to support same.

(b) No person shall operate at the time and under the conditions stated in paragraph (a) any motor vehicle used in the transportation of flammable liquids in bulk, or transporting compressed flammable gases, unless there shall be carried in such vehicle three red electric lanterns meeting the requirements above stated, and there shall not be carried in any said vehicle any flares, fuses, or signal produced by a flame.

(c) As an alternative it shall be deemed a compliance with this section in the event a person operating any motor vehicle described in this section shall carry in such vehicle three portable reflector units on standards of a type approved by the state road commissioner. No port-
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able reflector unit shall be approved unless it is so de-
signed and constructed as to include two reflectors, one
above the other, each of which shall be capable of re-
reflecting red light clearly visible from all distances within
five hundred feet to fifty feet under normal atmospheric
conditions at nighttime when directly in front of lawful
upper beams of head lamps.

Sec. 40. Display of Warning Devices When Vehicle Dis-
able.—(a) Whenever any motor truck, passenger bus,
truck tractor, trailer, semitrailer, or pole trailer is dis-
able upon the traveled portion of any highway or the
shoulder thereof outside of any municipality at any time
when lighted lamps are required on vehicles the driver of
such vehicle shall display the following warning devices
upon the highway during the time the vehicle is so dis-
able on the highway except as provided in paragraph
(b):

(1) A lighted fusee shall be immediately placed on the
roadway at the traffic side of the motor vehicle unless
electric lanterns are displayed.

(2) Within the burning period of the fusee and as
promptly as possible three lighted flares (pot torches) or three electric lanterns shall be placed on the roadway as follows:

One at a distance of approximately one hundred feet in advance of the vehicle, one at a distance of approximately one hundred feet to the rear of the vehicle, each in the center of the lane of traffic occupied by the disabled vehicle, and one at the traffic side of the vehicle approximately ten feet rearward or forward thereof.

(b) Whenever any vehicle used in the transportation of flammable liquids in bulk, or transporting compressed flammable gases is disabled upon a highway at any time or place mentioned in paragraph (a) of this section, the driver of such vehicle shall display upon the roadway the following lighted warning devices: One red electric lantern shall be immediately placed on the roadway at the traffic side of the vehicle and two other red electric lanterns shall be placed to the front and rear of the vehicle in the same manner prescribed in paragraph (a) above for flares.

When a vehicle of a type specified in paragraph (b) is
disabled the use of flares, fusees, or any signal produced
by flame as warning signals is prohibited.

(c) Whenever any vehicle of a type referred to in this
section is disabled upon the traveled portion of a highway
or the shoulder thereof outside of any municipality at any
time when the display of fusees, flares, or electric lanterns
is not required, the driver of such vehicle shall display
two red flags upon the roadway in the lane of traffic oc-
cupied by the disabled vehicle, one at a distance of ap-
proximately one hundred feet in advance of the vehicle,
and one at a distance of approximately one hundred feet
to the rear of the vehicle.

(d) In the alternative it shall be deemed a compliance
with this section in the event three portable reflector
units on standards of a type approved by the state road
commissioner are displayed at the times and under the
conditions specified in this section either during the day-
time or at nighttime and such portable reflector units
shall be placed on the roadway in the locations as de-
scribed with reference to the placing of electric lanterns
and lighted flares.
57  (e) The flares, fusees, lanterns, and flags to be dis-
58  played as required in this section shall conform with the
59  requirements of section thirty-nine of this article applic-
60  able thereto.

Sec. 41. Vehicles Transporting Explosives.—Any person
2 operating any vehicle transporting any explosive as a
3 cargo or part of a cargo upon a highway shall at all times
4 comply with the provisions of this section.
5  (a) Said vehicle shall be marked or placarded on each
6 side and the rear with the word “Explosives” in letters
7 not less than eight inches high, or there shall be displayed
8 on the rear of such vehicle a red flag not less than twenty-
9 four inches square marked with the word “Danger” in
10 white letters six inches high.
11 (b) Every said vehicle shall be equipped with not less
12 than two fire extinguishers, filled and ready for imme-
13 diate use, and placed at a convenient point on the vehicle
14 so used.
15 (c) The state road commissioner is hereby authorized
16 and directed to promulgate such additional regulations
17 governing the transportation of explosives and other dan-
gerous articles by vehicles upon the highways as he shall
dee advisable for the protection of the public.

Sec. 42. Television Receivers in View of Driver Pro-
hibited.—No motor vehicle shall be operated on any
street or highway in this state when equipped with a
television receiver unless such receiver is so placed that
the screen or picture tube of such receiver is visible only
in the rear seat of such motor vehicle and not in view of
the operator of such motor vehicle.

Article 16. Inspection of Vehicles.

Section 1. Vehicles without Required Equipment or in
Unsafe Condition.—No person shall drive or move on any
highway any motor vehicle, trailer, semitrailer, or pole
trailer, or any combination thereof unless the equipment
upon any and every said vehicle is in good working order
and adjustment as required in this chapter and said ve-
hicle is in such safe mechanical condition as not to en-
danger the driver or other occupant or any person upon
any highway.

Sec. 2. Inspection by Department of Public Safety.—
(a) The department of public safety may at any time
upon reasonable cause to believe that a vehicle is unsafe
or not equipped as required by law, or that its equip-
ment is not in proper adjustment or repair, require the
driver of such vehicle to stop and submit such vehicle
to an inspection and such test with reference thereto
as may be appropriate.

(b) In the event such vehicle and its equipment are
found to be in safe condition and in full compliance with
the law, the officer making such inspection shall issue
to the driver an official certificate of inspection and ap-
proval of such vehicle specifying those parts or equip-
ment so inspected and approved.

(c) In the event such vehicle is found to be in unsafe
condition or any required part or equipment is not pres-
ent or is not in proper repair and adjustment the officer
shall give a written notice to the driver and shall send a
copy to the department. Said notice shall require that
such vehicle be placed in safe condition and its equipment
in proper repair and adjustment specifying the particu-
lars with reference thereto and that a certificate of in-
spection and approval be obtained within five days.
Sec. 3. *Owners and Drivers to Comply with Inspection* Laws.—(a) No person driving a vehicle shall refuse to submit such vehicle to an inspection and test when required to do so by the department of public safety.

(b) Every owner or driver, upon receiving a notice as provided in section two of this article shall comply therewith and shall within five days secure an official certificate of inspection and approval which shall be issued in duplicate, one copy to be retained by the owner or driver and the other copy to be forwarded to the department.

In lieu of compliance with this paragraph the vehicle shall not be operated, except as provided in the next succeeding paragraph.

(c) No person shall operate any vehicle after receiving a notice with reference thereto as above provided, except as may be necessary to return such vehicle to the residence or place of business of the owner or driver, if within a distance of twenty miles, or to a garage, until said vehicle and its equipment has been placed in proper repair and adjustment and otherwise made to conform to the requirements of this chapter and a certificate of in-
specification and approval shall be obtained as promptly as possible thereafter.

(d) In the event repair or adjustment of any vehicle or its equipment is found necessary upon inspection, the owner of said vehicle may obtain such repair or adjustment at any place he may choose, but in every event an official certificate of inspection and approval must be obtained, otherwise such vehicle shall not be operated upon the highways of this state.

Sec. 4. Commissioner to Require Periodical Inspection.

(a) The commissioner of motor vehicles shall once each year require that every motor vehicle, trailer, semi-trailer, and pole trailer registered in this state be inspected and that an official certificate of inspection and approval be obtained for each such vehicle.

Such inspections shall be made and such certificates obtained with respect to the mechanism, brakes, and equipment of every such vehicle as shall be designated by the commissioner.

The commissioner is hereby authorized to make necessary rules and regulations for the administration and
enforcement of this section and to designate any period or periods of time during which owners of any vehicles, subject to this section, shall display upon such vehicles certificates of inspection and approval or shall produce the same upon demand of any officer or employee of the department designated by the commissioner or any police or peace officer when authorized by the commissioner. (b) The commissioner may authorize the acceptance in this state of a certificate of inspection and approval issued in another state having an inspection law similar to this chapter and may extend the time within which a certificate shall be obtained by the resident owner of a vehicle which was not in this state during the time an inspection was required. (c) The commissioner may suspend the registration of any vehicle which he determines is in such unsafe condition as to constitute a menace to safety or which after notice and demand is not equipped as required in this chapter or for which a required certificate has not been obtained.

Sec. 5. Appointment of Official Inspection Stations.—
(a) The commissioner shall issue permits for and furnish instructions and all necessary forms to official inspection stations for the inspection of vehicles as herein required and the issuance of official certificates of inspection and approval.

(b) Application for permit shall be made upon an official form and shall be granted only when the commissioner is satisfied that the station is properly equipped and has competent personnel to make such inspections and adjustments and will be properly conducted. The commissioner before issuing a permit may require the applicant to file a bond conditioned that it will make compensation for any damage to a vehicle during an inspection or adjustment due to negligence on the part of such applicant or its employees.

(c) The commissioner shall properly supervise and cause inspections to be made of such stations and shall revoke and require the surrender of the permit issued to a station which he finds is not properly equipped or conducted. The commissioner shall maintain and post at the office of the department lists of all stations holding
Sec. 6. Operation of Official Inspection Stations.—(a) No permit for an official station shall be assigned or transferred or used at any location other than therein designated and every said permit shall be posted in a conspicuous place at the location designated.

(b) The person operating an official inspection station shall issue a certificate of inspection and approval upon an official form to the owner of a vehicle upon inspecting such vehicle and determining that its equipment required hereunder is in good condition and proper adjustment, otherwise no certificate shall be issued. When required by the commissioner record and report shall be made of every inspection and every certificate so issued.

(c) A fee of not more than one dollar may be charged for an inspection and issuance of such certificate, but the imposition of such charge shall not be mandatory.

Sec. 7. Improper Representation as Official Stations.—(a) No person shall in any manner represent any place as an official inspection station unless such station is operating under a valid permit issued by the department.
(b) No person shall issue a certificate of inspection and approval unless then holding a valid permit hereunder.

Sec. 8. False Certificates.—(a) No person shall make, issue, or knowingly use any imitation or counterfeit of an official certificate of inspection.

(b) No person shall display or cause or permit to be displayed upon a vehicle any certificate of inspection and approval knowing the same to be fictitious or issued for another vehicle or issued without an inspection having been made.

Article 17. Size, Weight and Load.

Section 1. Scope and Effect of Article.—(a) It shall be unlawful for any person to drive or move or the owner, lessee or borrower to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size and weight exceeding the limitations state in this article or otherwise in violation of this article, and the maximum size and weight of vehicles herein specified shall be lawful throughout this state, and local authorities shall have no power or authority to alter said limitations except as express authority may be granted in this
article. Violation of this section shall constitute a mis-
demeanor.

(b) The provisions of this article governing size,
weight, and load shall not apply to fire apparatus, road
machinery, or to implements of husbandry, including
farm tractors, temporarily moved upon a highway, or to
a vehicle operated under the terms of a special permit.
issued as herein provided.

Sec. 2. Width of Vehicles.—(a) The total outside width
of any vehicle or the load thereon shall not exceed eight
feet, except as otherwise provided in this section.

(b) Incorporated cities and municipalities may by ordi-
nance permit the operation within their respective juris-
dictions of any motor bus or trackless trolley coach with
a maximum outside width of not to exceed one hundred
two inches.

(c) No motor bus or trackless trolley coach exceeding
a total outside width of ninety-six inches shall be operated
on any highway outside of an incorporated city or mu-
nicipality, except that any motor bus or trackless trolley
coach with a total outside width of not exceeding one
hundred two inches may be operated upon any highway
route or routes having traffic-lane widths of not less than
twelve feet in suburban areas adjacent to municipalities.

Sec. 3. Projecting Loads on Passenger Vehicles.—No
2 passenger-type vehicle shall be operated on any highway
3 with any load carried thereon extending beyond the line
4 of the fenders of the left side of such vehicle nor extend-
5 ing more than six inches beyond the line of the fenders on
6 the right side thereof.

Sec. 4. Height and Length of Vehicles and Loads.—(a)
2 No vehicle including any load thereon shall exceed a
3 height of twelve feet six inches, except that vehicles used
4 as automobile transports including any load thereon shall
5 not exceed a height of thirteen feet six inches but the
6 owners of such automobile transports shall be responsible
7 to the state road commission for any damage to bridges
8 or other road structures and to municipalities and utility
9 companies for any damage to wires, traffic devices or
10 other structures, and to any person suffering property
damage when any such damage is proximately caused by
the height of such vehicle or vehicles and load being in
excess of twelve feet six inches.

(b) No vehicle including any load thereon shall exceed
a length of thirty-five feet extreme over-all dimension,
inclusive of front and rear bumpers, except that a bus or
trackless trolley coach equipped with three axles shall not
exceed an over-all length, inclusive of front and rear
bumpers, of forty feet.

(c) No combination of vehicles coupled together shall
consist of more than two units and no such combination
of vehicles including any load thereon shall have an over-
all length, inclusive of front and rear bumpers, in excess
of forty-five feet, except as otherwise provided in respect
to the use of a pole trailer as authorized in section five of
this article.

Sec. 5. Special Load Limits.—(a) Subject to the fore-
going provisions of this article limiting the length of ve-
hicles and loads, the load upon any vehicle operated alone
or the load upon the front vehicle of a combination of
vehicles shall not extend more than three feet beyond the foremost part of the vehicle, and the load upon any vehicle operated alone or the load upon the rear vehicle of a combination of vehicles shall not extend more than six feet beyond the rear of the bed or body of such vehicle.

(b) The limitations as to length of vehicles and loads heretofore stated in section four and section five (a) of this article shall not apply to any load upon a pole trailer when transporting poles or pipes or structural material which cannot be dismembered, provided that no pole or pipe or other material exceeding eighty feet in length shall be so transported unless a permit has first been obtained as authorized in section eleven of this article.

Sec. 6. Loads on Vehicles.—(a) No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be
sprinkled on a roadway in cleaning or maintaining such roadway.

(b) No person shall operate on any highway any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

Sec. 7. Trailers and Towed Vehicles.—(a) When one vehicle is towing another the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby and said drawbar or other connection shall not exceed fifteen feet from one vehicle to the other except the connection between any two vehicles transporting poles, pipe, machinery, or other objects of structural nature which cannot readily be dismembered.

(b) When one vehicle is towing another and the connection consists of a chain, rope, or cable, there shall be displayed upon such connection a white flag or cloth not less than twelve inches square.

Sec. 8. Single-axle Load Limit.—(a) The gross weight imposed on the highway by the wheels of any one axle
of a vehicle shall not exceed eighteen thousand pounds.

(b) For the purpose of this article an axle load shall be defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

Sec. 9. Gross Weight of Vehicles and Loads.—(a) It shall be unlawful for any owner, lessee or borrower to operate any vehicle or combination of vehicles of a gross weight in excess of the gross weight for which such vehicle or combination of vehicles is registered or in excess of the limitations set forth in this chapter.

(b) Subject to the limit upon the weight imposed upon the highway through any one axle as set forth in section eight of this article the total gross weight with load imposed upon the highway by any one group of two or more consecutive axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distance between the first and last axle of the total group of axles measured longitudinally to the nearest foot as set forth in the following table:
<table>
<thead>
<tr>
<th>Distance in feet between first and last axles on group of axles</th>
<th>Maximum load in pounds</th>
<th>Distance in feet between first and last axles on group of axles</th>
<th>Maximum load in pounds</th>
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<td>31</td>
<td>19</td>
<td>42,990</td>
<td>46</td>
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Provided, That in no event shall the gross weight of any vehicle, including its load, exceed sixty thousand eight hundred pounds.

Sec. 10. Officers May Weigh Vehicles and Require Removal or Rearrangement of Excess Loads.—(a) Any police officer or employee of the state road commission designated by the state road commissioner as a member of an official weighing crew, having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of
the same by means of either portable or stationary scales and may require that such vehicle be driven to the nearest public scales in the event such scales are within two miles.

(b) Whenever an officer, or employee of the state road commission designated by the state road commissioner as a member of an official weighing crew, upon weighing a vehicle and load, as above provided, determines that the weight is unlawful, such officer may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed or rearranged as may be necessary to reduce the gross weight or axle loads of such vehicle to such limit as permitted under this chapter. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

(c) Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses when directed by an officer, or by an officer or employee of the state road commission, designated as a member of a weighing crew by the state road
commissioner, upon a weighing of the vehicles to stop the
vehicle and otherwise comply with the provisions of this
section, shall be guilty of a misdemeanor.

Sec. 11. Permits for Excess Size and Weight.—(a) The
state road commissioner may in his discretion upon ap-
lication in writing and good cause being shown therefor,
issue a special permit in writing authorizing the applicant
to operate or move a vehicle or combination of vehicles
of a size or weight of vehicle or load exceeding the max-
imum specified in this chapter or otherwise not in con-
formity with the provisions of this chapter, but in the
event the application is for a permit for continuous op-
eration of a vehicle not in conformity with the provisions
of this article relating to weight limitations the state road
commissioner shall not issue such permit unless and until
the applicant satisfies said commissioner that a bona fide
effort has been made by said applicant to replace or alter
such vehicle to conform with said provisions and any
such permit for continuous operation of such vehicle shall
expire one year after the effective date of this chapter
unless a shorter period is specified by said commissioner.
Provided, however, That specially designed vehicles which can only be used to transport and haul specific liquid or semi-liquid products shall be exempt from the provisions of this chapter, relating to weight limitations, during the life of such vehicles: Provided further, That this exemption shall only apply to vehicles registered in this state prior to the effective date of this chapter. In order for this exemption to apply the owner or operator shall apply for and the state road commissioner shall issue a permit for such vehicle allowing such owner or operator to use the same upon the roads and highways of this state for the life of such vehicle.

(b) The application for any such permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular highways for which permit to operate is requested, and whether such permit is requested for a single trip or for continuous operation.

(c) The state road commissioner is authorized to issue or withhold such permit at his discretion; or, if such permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the ve-
vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces, or structures, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway structure.

(d) Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of the state road commissioner granting such permit, and no person shall violate any of the terms or conditions of such special permit.

Sec. 12. When the State Road Commission or Local Authorities May Restrict Right to Use Highways.—(a) Local authorities with respect to highways under their jurisdiction may by ordinance or resolution prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, for a total period of not to exceed ninety days in any one calendar year, whenever any said
highway by reason of deterioration, rain, snow, or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

(b) The local authority enacting any such ordinance or resolution shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution at each end of that portion of any highway affected thereby, and the ordinance or resolution shall not be effective unless and until such signs are erected and maintained.

c) Local authorities with respect to highways under their jurisdiction may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the weight thereof, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

d) The state road commission shall likewise have authority as hereinabove granted to local authorities to determine by resolution and to impose restrictions as to
the weight of vehicles operated upon any highway under
the jurisdiction of said commission and such restrictions
shall be effective when signs giving notice thereof are
erected upon the highway or portion of any highway af-
eced by such resolution.

Sec. 13. Liability for Damage to Highway or Struc-
ture.—(a) The owner, lessee or borrower of any vehicle,
object, or contrivance driven or moved upon any highway
or highway structure shall be liable for all damage which
said highway or structure may sustain as a result of any
illegal operation, driving, or moving of such vehicle, ob-
ject, or contrivance, or as a result of operating, driving,
or moving any vehicle, object, or contrivance weighing
in excess of the maximum weight in this chapter but
authorized by a special permit issued as provided in this
article.

(b) Such damage may be recovered in a civil action
brought by the authorities in control of such highway or
highway structure.

Sec. 14. Penalties for Violation of Weight Laws; Im-
pounding Vehicles.—(a) Any owner, lessee or borrower
who knowingly permits a vehicle or combination of ve-
hicles owned by him to be operated with any axle load in
excess of that permitted by section eight of this article,
plus a tolerance of five per cent or with a total gross weight
in excess of that permitted by section nine of this article
plus a tolerance of five per cent shall be guilty of a mis-
demeanor and upon conviction thereof shall be punished
as provided in paragraph (b) and (c) of this section.

(b) Any owner, lessee or borrower of a vehicle who
shall be convicted of a first offense for a violation of this
section shall be punished by a fine of not less than twen-
ty-five dollars nor more than one hundred dollars and in
addition thereto shall pay either a fine or one cent per
pound for any weight in excess of two thousand pounds
over the legal weight for each axle or a fine of one cent
per pound for any weight in excess of two thousand
pounds over the permissible gross weight for such vehicle
or combination of vehicles, whichever is the greater; and
any owner, lessee or borrower of a vehicle who shall be
convicted of a second offense for a violation of this section
shall be punished by a fine of not less than fifty dollars
nor more than one hundred dollars in addition thereto shall pay either a fine of two cents per pound for any weight in excess of two thousand pounds over the legal weight for each axle or a fine of two cents per pound for any weight in excess of two thousand pounds over the permissible gross weight for such vehicle or combination of vehicles, whichever is the greater; and any owner, lessee or borrower who shall be convicted of a third or subsequent violation of this section shall be punished by a fine of not less than seventy-five dollars nor more than one hundred dollars and in addition thereto shall pay either a fine of three cents per pound for any weight in excess of two thousand pounds over the legal weight for each axle or a fine of three cents per pound for any weight in excess of two thousand pounds over the permissible gross weight for such vehicle or combination of vehicles, whichever is the greater, and in any case where the gross weight exceeds the statutory limit by five thousand pounds or more, the owner, lessee or borrower of such vehicle shall be fined five cents per pound for each pound of excess gross weight over the said statutory limit, which fine shall be
in lieu of the additional fine per pound heretofore in this
section provided.

(c) In the event any owner, lessee or borrower of a
vehicle is charged with violating this section, the vehicle
which is charged to be overloaded shall be impounded by
the arresting officer and shall not be released to such
owner, lessee or borrower unless and until such owner, les-
see or borrower either shall have been found guilty and
paid any fine assessed against such owner, lessee or bor-
rower, or shall have furnished cash or surety bond in at
least double the amount of the fine which may be assessed
against such owner, lessee or borrower for such violation
of this section and conditioned upon the payment of any
such fine and costs assessed for such violation, or shall
have been acquitted of such charge. Such owner, lessee
or borrower shall be liable for any reasonable storage
costs incurred in storing such vehicles.

Article 18. Penalties.

Section 1. Penalties for Misdemeanor.—(a) It is a mis-
demeanor for any person to violate any of the provisions
of this chapter unless such violation is by this chapter or
other law of this state declared to be a felony.

(b) Every person convicted of a misdemeanor for a
violation of any of the provisions of this chapter for which
another penalty is not provided shall for a first conviction
thereof be punished by a fine of not more than one hun-
dred dollars or by imprisonment for not more than ten
days; for a second such conviction within one year there-
after such person shall be punished by a fine of not more
than two hundred dollars or by imprisonment for not
more than twenty days or by both such fine and imprison-
ment; upon a third or subsequent conviction such person
shall be punished by a fine of not more than five hundred
dollars or by imprisonment for not more than six months
or both such fine and imprisonment.

Article 19. Parties, Procedure upon Arrest, and Reports in
Criminal Cases.

Section 1. Parties to a Crime.—Every person who com-
mits, attempts to commit, conspires to commit, or know-
ingly aids or abets in the commission of, any act declared
herein to be a crime, whether individually or in connec-
tion with one or more other persons or as a principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this chapter is likewise guilty of such offense.

Sec. 2. Offenses By Persons Owning or Controlling Vehicles.—It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law.

Sec. 3. When Person Arrested Must Be Taken Immediately Before a Justice of the Peace or Court.—Whenever any person is arrested for any violation of this chapter punishable as a misdemeanor, the arrested person shall be immediately taken before a justice of the peace or court within the county in which the offense charged is alleged to have been committed and who has jurisdiction of such offense and is nearest or most accessible with
reference to the place where said arrest is made, in any of the following cases:

1. When a person arrested demands an immediate appearance before such justice or court;
2. When the person is arrested upon a charge of negligent homicide;
3. When the person is arrested upon a charge of driving while under the influence of intoxicating liquor or narcotic drugs;
4. When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injuries, or damage to property;
5. When the person is arrested upon a charge of violating section fourteen, article eighteen of this chapter relating to weight violations;

In any other event when the person arrested refuses to give his written promise to appear in court as hereinafter provided.

Sec. 4. When Person Arrested to Be Given Five Days' Notice to Appear in Court.—(a) Whenever a person is arrested for any violation of this chapter punishable as a
misdemeanor, and such person is not immediately taken
before a justice or court as hereinbefore required, the
arresting officer shall prepare written notice to appear in
court containing the name and address of such person, the
license number of his vehicle, if any, the offense charged,
and the time and place when and where such person shall
appear in court.

(b) The time specified in said notice to appear must be
at least five days after such arrest unless the person ar-
rested shall demand an earlier hearing.

(c) The place specified in said notice to appear must
be before a justice or court within the township or county
in which the offense charged is alleged to have been com-
mittet and who has jurisdiction of such offense.

(d) The arrested person in order to secure release, as
provided in this section; must accept a copy of the written
notice prepared by the arresting officer. The officer shall
deliver a copy of the notice to the person promising to
appear. Thereupon, said officer shall forthwith release the
person arrested from custody.

Sec. 5. Procedure Prescribed Herein Not Exclusive.—
The following provisions of this article shall govern all police officers in making arrests without a warrant for violations of this chapter, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade.

Sec. 6. Form for Traffic Citations.—(a) 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 article.

(b) 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.

Sec. 7. Disposition and Records of Traffic Citations.—(a) 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 jurisdiction over the alleged offense or with its traffic-violations bureau.

(b) Upon the deposit of the original or a copy of such traffic citation with a court having 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.

(c) 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.

(d) 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.

(e) 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.

Sec. 8. Record of Traffic Cases.—Every justice or judge of a court shall keep or cause to be kept a record of every traffic complaint, or other legal form of traffic charge deposited with or presented to said court or its 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
10 traffic complaint deposited with or presented to said court
11 or traffic-violations bureau.

Sec. 9. Jurisdiction of Crimes by Justices.—Justices of
the peace shall have concurrent jurisdiction with the cir-
cuit, criminal and intermediate courts to enforce the mis-
demeanor penalties prescribed by this chapter.

Article 20. West Virginia Turnpike Commission.

Section 1. Authority of West Virginia Turnpike Com-
misson.—The provisions of this chapter with respect to
weight, length and speed of motor vehicles shall not apply
to toll highways under the jurisdiction of the West Vir-
ginia turnpike commission. The provisions of this chapter
do not supersede the provisions of chapter seventeen, ar-
ticle sixteen-a of the code of West Virginia, as amended.


Section 1. Constitutionality.—If any part or parts of
this chapter shall be held to be unconstitutional such un-
constitutionality shall not affect the validity of the re-
maining parts of this chapter. The legislature hereby
declares that it would have passed the remaining parts of
this chapter if it had known that such part or parts thereof
would be declared unconstitutional.

Sec. 2. Repeal.—The provisions of all acts or parts of
acts, or of this code, which are inconsistent with the pro-
visions of this chapter are hereby repealed to the extent
of such inconsistency.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect July 1, 1957, passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 16th day of March, 1951.

Governor

Filed in the office of the Secretary of State of West Virginia MAR 16 1951

D. PITT O'BRIEN, Secretary of State