

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1951



ENROLLED

HOUSE BILL No. 189

(By Mr. Davis)



PASSED March 10, 1951

In Effect July 1, 1951, Passage



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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 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twenty-one, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed, and that said code be amended by adding thereto three new chapters to be designated chapters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.**

Article 1. Words and Phrases Defined.

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

3 on not more than three wheels in contact with the ground
4 but excluding a tractor.

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

Sec. 6. *Bus*.—Every motor vehicle designed for carry-
2 ing more than seven passengers and used for the trans-
3 portation of persons; and every motor vehicle, other
4 than a taxicab, designed and used for the transportation
5 of persons for compensation.

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

Sec. 8. *Farm Tractor*.—Every motor vehicle designed
2 and used primarily as a farm implement, for drawing
3 plows, mowing machines, and other implements of hus-
4 bandry.

Sec. 9. *Road Tractor*.—Every motor vehicle designed

2 and used for drawing other vehicles and not so con-
3 structed as to carry any load thereon either independent-
4 ly or any part of the weight of a vehicle or load so drawn.

Sec. 10. *Truck*.—Every motor vehicle designed, used,
2 or maintained primarily for the transportation of prop-
3 erty.

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

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

Sec. 13. *Pole Trailer*.—Every vehicle without motive
2 power designed to be drawn by another vehicle and at-
3 tached to the towing vehicle by means of a reach, or pole,
4 or by being boomed or otherwise secured to the towing
5 vehicle, and ordinarily used for transporting long or ir-
6 regularly 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 stantially 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

4 the ordinary course of business by or through a manu-
5 facturer or dealer and not registered in this State.

Sec. 18. *Implement of Husbandry*.—Every vehicle
2 which is designed for agricultural purposes and ex-
3 clusively used by the owner thereof in the conduct of
4 his agricultural operations.

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

Sec. 20. *Pneumatic Tire*.—Every tire in which com-
2 pressed air is designed to support the load.

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

Sec. 22. *Metal Tire*.—Every tire the surface of which

2 in contact with the highway is wholly or partly of metal
3 or other hard, nonresilient material.

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

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

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

Sec. 26. *Owner*.—A person who holds the legal title
2 of a vehicle or in the event a vehicle is the subject of an
3 agreement for the conditional sale or lease thereof with
4 the right of purchase upon performance of the conditions
5 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 gator shall be deemed the owner for the purpose of this
10 chapter.

Sec. 27. *Nonresident*.—Every person who is not a resi-
2 dent of this state.

Sec. 28. *Dealer*.—Every person engaged in the business
2 of buying, selling, or exchanging vehicles of a type re-
3 quired to be registered hereunder and who has an estab-
4 lished place of business for such purpose in this state.

Sec. 29. *Transporter*.—Every person engaged in the
2 business of delivering vehicles of a type required to be
3 registered hereunder from a manufacturing, assembling,
4 or distributing plant to dealers or sales agents of a manu-
5 facturer.

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

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

Sec. 32. *Street or Highway*.—The entire width between
2 boundary lines of every way publicly maintained when
3 any part thereof is open to the use of the public for pur-
4 poses of vehicular travel.

Article 2. Department of Motor Vehicles.

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

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

Sec. 3. *Qualifications.*—The commissioner at the time
2 of his appointment and qualification shall be a citizen
3 of the United States and a resident of the State of West
4 Virginia, shall have been a qualified voter in the state
5 for a period of at least one year next preceding his ap-
6 pointment, and shall be not less than thirty years of
7 age. No commissioner during his period of service as

8 such shall hold any other office under the laws of this
9 state or of the United States.

Sec. 4. *Filling Vacancies*.—All vacancies in the office
2 of the commissioner that occur while the legislature is
3 not in session shall be filled by appointment by the gov-
4 ernor, which appointment shall expire at the end of
5 thirty days after the date on which the legislature next
6 convenes. Prior to the expiration of the thirty days the
7 governor shall transmit to the senate for its approval
8 an appointment for the unexpired portion of the regular
9 term. Vacancies occurring during a session of the legis-
10 lature shall be filled as regular appointments before the
11 end of the session and for the unexpired portion of the
12 regular term.

Sec. 5. *Oath and Bond*.—The commissioner before en-
2 tering upon the duties of his office shall take and sub-
3 scribe to the oath prescribed by the Constitution. He
4 shall also execute a bond in the penalty of twenty-five
5 thousand dollars, conditioned according to law, and ap-
6 proved by the governor. The cost of such bond shall be
7 borne by the department as a part of the operating cost

8 of the department. The bond and the oath shall be filed
9 with the secretary of state.

Sec. 6. *Salary and Expenses.*—The commissioner shall
2 receive a salary of ^{seven}~~six~~ thousand dollars and the necessary
3 traveling expenses incident to the performance of his
4 duties. Requisition for traveling expenses shall be ac-
5 companied by a sworn and itemized statement which
6 shall be filed with the auditor and permanently preserved
7 as a public record.

Sec. 7. *Organization of Department; Assistants and Em-*
2 *ployees.*—The commissioner shall organize the depart-
3 ment in such manner as he may deem necessary to prop-
4 erly segregate and conduct the work of the department.
5 The commissioner shall employ such assistants and em-
6 ployees as may be necessary for the efficient operation
7 of his department, who shall possess all of the qualifi-
8 cations which may from time to time be prescribed for
9 such positions by the commissioner. The duties and
10 salaries of such assistants and employees shall be fixed
11 by the commissioner, who shall have authority to remove
12 any such assistant or employee at his will and pleasure.

13 The total compensation paid to assistants and employees
14 shall not exceed in any one year the appropriation made
15 by the legislature for that purpose.

16 The commissioner shall require every employee who
17 collects fees or handles funds or who has custody of
18 equipment and supplies belonging to the state to take
19 the constitutional oath and give an official bond, with
20 corporate surety, properly conditioned and in a sum to be
21 fixed by the commissioner, which bond shall be approved
22 by him and filed in the office of the secretary of state.
23 The cost of such bond shall be borne by the department as
24 a part of the operating cost of the department.

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

Sec. 9. *Powers and Duties of Commissioner.*—(a) The
2 commissioner is hereby vested with and is charged with

3 the duty of observing, administering and enforcing the
4 provisions of this chapter and of all laws the enforcement
5 of which is now or hereafter vested in the department:
6 *Provided, however,* That nothing in this chapter shall
7 deprive the public service commission of West Virginia
8 of any of the duties or powers now vested in it with re-
9 gard to the regulation of motor vehicle carriers.

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

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

Sec. 10. *Reciprocal Agreements with Other States.*—

2 The motor vehicle commissioner in co-operation with
3 the state road commissioner, the public service com-
4 mission and the department of public safety may enter
5 into such reciprocal agreements as he may deem proper
6 or expedient with the proper authorities of other states,
7 regulating the use, on the roads and highways of this

8 State, of trucks, automobiles and any other vehicles
9 owned in such other states and duly licensed under
10 the laws thereof. The commissioner may confer and
11 advise with the proper officers and legislative bodies of
12 this and other states and federal districts of the United
13 States, to promote reciprocal agreements under which
14 the registration of vehicles owned in this state, and the
15 licenses of operators and chauffeurs residing in this state
16 shall be recognized by other states and federal districts.

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

Sec. 12. *Commissioner to Prescribe Forms.*—The com-
2 missioner shall prescribe and provide suitable forms of
3 applications, certificates of title, registration cards, op-
4 erators' and chauffeurs' licenses, and all other forms
5 requisite or deemed necessary to carry out the provisions
6 of this chapter and any other laws, the enforcement

7 and administration of which are vested in the depart-
8 ment.

Sec. 13. *Authority to Administer Oaths and Certify*

2 *Copies of Records.*—(a) Officers and employees of the de-
3 partment designated by the commissioner are, for the
4 purpose of administering the motor vehicle laws, auth-
5 ized to administer oaths and acknowledge signatures,
6 and shall do so without fee.

7 (b) The commissioner and such officers of the de-
8 partment as he may designate are hereby authorized to
9 prepare under the seal of the department and deliver
10 upon request a certified copy of any record of the de-
11 partment, charging a fee of one dollar for each document
12 so authenticated, and every such certified copy shall be
13 admissible in any proceeding in any court in like man-
14 ner as the original thereof.

15 (c) The commissioner and such officers of the depart-
16 ment as he may designate are hereby authorized to
17 furnish to any person requesting same in writing in-
18 formation regarding the registration of any vehicle at a
19 fee prescribed by the commissioner but not to exceed

20 twenty-five cents for each such registration about which
21 information is furnished.

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

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

Sec. 15. *Authority to Grant or Refuse Application.*—
2 The department shall examine and determine the genu-
3 ineness, regularity, and legality of every application for
4 registration of a vehicle, for a certificate of title there-
5 for, and for an operator's or chauffeur's license and of
6 any other application lawfully made to the department,
7 and may in all cases make such investigation as may be
8 deemed necessary or require additional information, and
9 shall reject any such application if not satisfied of the
10 genuineness, regularity, or legality thereof or the truth

11 of any statement contained therein, or for any other
12 reason, when authorized by law.

Sec. 16. *Seizure of Documents and Plates.*—The de-
2 partment is hereby authorized to take possession of any
3 certificate of title, registration card, permit, license, or
4 registration plate issued by it upon expiration, revoca-
5 tion, cancellation, or suspension thereof, or which is
6 fictitious, or which has been unlawfully or erroneously
7 issued.

Sec. 17. *Distribution of Synopsis of Motor Vehicle*
2 *Laws.*—The department shall prepare in pamphlet form
3 a synopsis or summary of the laws of this state regu-
4 lating the operation of vehicles and shall deliver a copy
5 thereof without charge with each original vehicle regis-
6 tration and with each original operator's or chauffeur's
7 license, and to any other citizen of the State upon ap-
8 plication.

Sec. 18. *Department May Summon Witnesses and Take*
2 *Testimony.*—(a) The commissioner and officers of the
3 department designated by him shall have authority to
4 summon witnesses to give testimony under oath or to

5 give written deposition upon any matter under the juris-
6 diction of the department. Such summons may require
7 the production of relevant books, papers, or records.

8 (b) Every such summons shall be served at least five
9 days before the return date, either by personal service
10 made by any person over eighteen years of age or by
11 registered mail, but return acknowledgement is re-
12 quired to prove such latter service. Failure to obey such
13 a summons so served shall constitute a misdemeanor.
14 The fees for the attendance and travel of witnesses shall
15 be the same as for witnesses before the circuit court.

16 (c) Any circuit court shall have jurisdiction, upon ap-
17 plication by the commissioner, to enforce all lawful
18 orders of the commissioner under this section.

Sec. 19. *Giving of Notice.*—Whenever the department
2 is authorized or required to give any notice under this
3 chapter or other law regulating the operation of vehicles,
4 unless a different method of giving such notice is other-
5 wise expressly prescribed, such notice shall be given
6 either by personal delivery thereof to the person to be
7 so notified or by deposit in the United States mail of such

8 notice in an envelope with postage prepaid, addressed to
9 such person at his address as shown by the records of the
10 department. The giving of notice by mail is complete
11 upon the expiration of four days after such deposit of
12 said notice. Proof of the giving of notice in either such
13 manner may be made by the certificate of any officer or
14 employee of the department or affidavit of any person
15 over eighteen years of age, naming the person to whom
16 such notice was given and specifying the time, place, and
17 manner of the giving thereof.

Sec. 20. *Legal Service Rendered Commissioner.*—It

2 shall be the duty of the attorney general of this state and
3 of his assistants and of the prosecuting attorneys of the
4 several counties, to render to the commissioner, without
5 additional compensation, such legal services as he shall
6 require of them in the discharge of his duties under the
7 provisions of this chapter.

Sec. 21. *Revenue Collected Paid to State Treasurer.*

2 Taxes and fees imposed and collected under the provi-
3 sions of this chapter shall be paid to the state treasurer

4 in the manner provided by law, and credited to the state
5 road fund.

Sec. 22. *Administrative Expense.*—The expense of the
2 administration of the motor vehicle department shall be
3 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 Arti-*
2 *cle.*—It is a misdemeanor for any person to drive or move
3 or for an owner knowingly to permit to be driven or
4 moved upon any highway any vehicle of a type required
5 to be registered hereunder which is not registered or for
6 which a certificate of title has not been issued or applied
7 for or for which the appropriate fee has not been paid
8 when and as required hereunder, except as otherwise
9 permitted by the provisions of this chapter: *Provided,*
10 That in the event of the sale of a vehicle by a person other
11 than a registered dealer, the person purchasing the same
12 may, for a period of not more than ten days, operate such
13 vehicle under the registration of its previous owner and
14 display the registration thereof: *Provided further,* That

15 he shall have and display on the demand of any proper
16 officer the consent in writing of such previous owner so
17 to use such registration.

Sec. 2. *Vehicles Subject to Registration—Exception.*

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

6 (1) Any such vehicle driven or moved upon a high-
7 way in conformance with the provisions of this chapter
8 relating to manufacturers, transporters, dealers, lien
9 holders, or nonresidents or under a temporary registration
10 permit issued by the department as hereinafter author-
11 ized;

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

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

18 (4) No certificate of title need be obtained for any

19 vehicle of a type subject to registration owned by the
20 Government of the United States.

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

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

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

19 (3) In the event a motor vehicle is designed, con-

20 structed, converted, or rebuilt for the transportation of
21 property, the application shall include a statement of its
22 declared gross weight if such motor vehicle is to be used
23 alone, or if such motor vehicle is to be used in combination
24 with other vehicles the application for registration of
25 such motor vehicle shall include a statement of the com-
26 bined declared gross weight of such motor vehicle and
27 the vehicles to be drawn by such motor vehicle; declared
28 gross weight being the weight declared by the owner to
29 be the actual combined weight of the vehicle or combina-
30 tion of vehicles and load when carrying the maximum
31 load which the owner intends to place thereon; and the
32 application for registration of each such vehicle shall also
33 include a statement of the distance between the first and
34 last axles of that vehicle or combination of vehicles. The
35 declared gross weight stated in the application shall not
36 exceed the permissible gross weight for the axle spacing
37 listed therein as determined by the table of permissible
38 gross weights contained in chapter seventeen-c of this
39 code; and any vehicle registered for a declared gross
40 weight as stated in the application shall be subject to the

41 single-axle load limit set forth in chapter seventeen-c of
42 this code.

43 (4) Each such applicant shall state whether such ve-
44 hicle is or is not to be used in the public transportation of
45 passengers or property, or both, for compensation, and if
46 so used, or to be used, the applicants shall so certify, and
47 shall, as a condition precedent to the registration of such
48 vehicle, obtain a certificate of convenience, or permit from
49 the public service commission.

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

53 (6) Each such application for registration shall be ac-
54 companied by the fees hereafter provided.

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

2 Certificates of registration of any vehicle or registration
3 plates therefor, whether original issues or duplicates,
4 shall not be issued or furnished by the department of
5 motor vehicles or any other officer charged with such
6 duty, unless the applicant therefor already has received,
7 or shall at the same time make application for and be

8 granted, an official certificate of title of such vehicle.
9 Such application shall be upon a blank form to be fur-
10 nished by the department of motor vehicles and shall
11 contain a full description of the vehicle, which descrip-
12 tion shall contain the manufacturer's number, the motor
13 number and any distinguishing marks, together with a
14 statement of the applicant's title and of any liens or en-
15 cumberances upon such vehicles, the names and addresses
16 of the holders of such liens and such other information
17 as the department of motor vehicles may require. The
18 application shall be signed and sworn to by the applicant.
19 A tax is hereby imposed upon the privilege of effecting
20 the certification of title of each vehicle in the amount
21 equal to two per cent of the value of said motor vehicle
22 at the time of such certification. If the vehicle is new,
23 the actual purchase price or consideration to the pur-
24 chaser thereof shall be the value of said vehicle; If the
25 vehicle is a used or second-hand vehicle, the present mar-
26 ket value at time of transfer or purchase shall be deemed
27 the value thereof for the purpose of this section: *Pro-*
28 *vided*, 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 certificate of title for any vehicle shall be issued to any applicant unless such applicant shall have paid to the department 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 whatsoever except gifts between husband and wife or between 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 interstate commerce, nor shall the tax imposed by this section

50 apply to titling of vehicles by a registered dealer of this
51 state for resale only. The total amount of revenue col-
52 lected by reason of this tax shall be paid into the state
53 road fund and expended by the state road commissioner
54 in the maintenance and construction of the state's sec-
55 ondary roads. In addition to said tax, there shall be a
56 charge of one dollar for each original certificate of title so
57 issued.

58 Notwithstanding the provisions of this section, the
59 owners of trailers, semitrailers and other vehicles not
60 subject to the certificate of title tax prior to enactment
61 of this chapter shall not be required to pay the above men-
62 tioned tax upon making application for a certificate of
63 title for such vehicle, but shall be required to pay a fee of
64 one dollar for the issuance of each such certificate of title.

65 Such certificate shall be good for the life of the vehicle,
66 so long as the same is owned or held by the original holder
67 of such certificate, and need not be renewed annually, or
68 any other time, except as herein provided.

69 If, by will or direct inheritance, a person becomes the
70 owner of a motor vehicle upon which the tax herein im-

71 posed has been paid, he shall not be required to pay such
72 tax.

73 A person who has paid the tax imposed by this section
74 shall not be required to pay the tax a second time for the
75 same motor vehicle, but he shall be required to pay a
76 charge of one dollar for the certificate of re-title of that
77 motor vehicle, except that such tax shall be paid by such
78 person when the title to such vehicle has been transferred
79 either in this or another state from such person to another
80 person and transferred back to such person.

Sec. 5. *Application for Specially Constructed, Recon-*
2 *structed, Foreign Vehicles, or New Vehicles Purchased*
3 *from Dealers Other Than Licensed Dealers of This State.*

4 —(a) In the event the vehicle to be registered is specially
5 constructed, reconstructed, or foreign vehicle, such fact
6 shall be stated in the application and with reference to
7 every foreign vehicle which has been registered hereto-
8 fore outside of this state the owner shall surrender to the
9 department all registration plates, registration cards, and
10 certificates of title or other evidence of such foreign regis-

11 tration as may be in his possession or under his control
12 except as provided in subdivision (b) hereof.

13 (b) Where in the course of interstate operation of a
14 vehicle registered in another state it is desirable to retain
15 registration of said vehicle in such other state, such appli-
16 cant need not surrender but shall submit for inspection
17 said evidences of such foreign registration and the depart-
18 ment upon a proper showing shall register said vehicle in
19 this state but shall not issue a certificate of title for such
20 vehicle.

21 (c) In the event application for registration and cer-
22 tificate of title is made for a new vehicle purchased
23 from a dealer other than a licensed dealer of this state,
24 a certificate of title shall not be issued for such vehicle
25 nor shall such vehicle be registered by the department
26 unless and until such application shall be accompanied
27 by a certificate of title or other evidence of ownership
28 required by the state of purchase, or if the state of pur-
29 chase does not require a certificate of title such applica-
30 tion shall be accompanied by a properly authenticated
31 bill of sale bearing the verified signature of the dealer

32 from whom such vehicle was purchased, accompanied by
33 evidence that such seller is a bona fide dealer of the state
34 in which such vehicle was purchased.

Sec. 6. *Temporary Permit Pending Registration.*—

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

Sec. 7. *Grounds for Refusing Registration or Certifi-*
2 *cate of Title.*—The department shall refuse registration or
3 issuance of a certificate of title or any transfer of regis-
4 tration upon any of the following grounds:

5 (1) That the application contains any false or fraudu-
6 lent statement or that the applicant has failed to furnish
7 required information or reasonable additional informa-
8 tion requested by the department or that the applicant is
9 not entitled to the issuance of a certificate of title or regis-
10 tration of the vehicle under this chapter;

11 (2) That the vehicle is mechanically unfit or unsafe
12 to be operated or moved upon the highways;

13 (3) That the department has reasonable ground to
14 believe that the vehicle is a stolen or embezzled vehicle or
15 that the granting of registration or the issuance of certifi-
16 cate of title would constitute a fraud against the rightful
17 owner or other person having a valid lien upon such
18 vehicle;

19 (4) That the registration of the vehicle stands sus-
20 pended or revoked for any reason as provided in the motor
21 vehicle laws of this state;

22 (5) That the required fee has not been paid.

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

Sec. 9. *Registration Indexes.*—The department shall
2 file each application received and when satisfied as to the
3 genuineness and regularity thereof, and that the appli-

4 cant is entitled to register such vehicle and to the issuance
5 of a certificate of title shall register the vehicle therein
6 described and keep a record thereof in suitable books or
7 on index cards as follows:

8 (1) Under a distinctive registration number assigned
9 to the vehicle;

10 (2) Alphabetically, under the name of the owner;

11 (3) Under the motor number if available, otherwise
12 any other identifying number of the vehicle; and

13 (4) In the discretion of the department, in any other
14 manner it may deem desirable.

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

Sec. 11. *Registration of Vehicles According to Permis-*
2 *sible Gross Weight.*—The commissioner, upon registering
3 any truck, truck tractor, or road tractor, under the laws

4 of this state, may require such information and may make
5 such investigation or test as necessary to enable him to
6 determine whether such motor vehicle may safely be
7 operated upon the highways in compliance with all the
8 provisions of law relating to such vehicles. He shall reg-
9 ister every such vehicle for a permissible gross weight
10 under which the vehicle can, in his opinion, safely be
11 operated upon the highways, and, in any event, not ex-
12 ceeding the limitations set forth in chapter seventeen-c
13 of the code of West Virginia, one thousand nine hundred
14 thirty-one, as amended.

15 The commissioner shall insert in the registration card
16 issued for every such motor vehicle the gross weight for
17 which it is registered, and if it is a motor vehicle to be
18 used for propelling other vehicles he shall separately
19 insert the total permissible gross weight of such motor
20 vehicle and other vehicles to be propelled by it. The
21 owner of each such vehicle shall stencil or paint the gross
22 weight appearing on the registration card on the right
23 side of such vehicle using letters and numerals at least
24 four inches in height. The commissioner shall also cause

25 to be printed or stamped upon the registration card a
26 statement that the vehicle although registered for the
27 gross weight appearing on the registration card is subject
28 to an axle load limitation of eighteen thousand pounds per
29 axle.

Sec. 12. *Commissioner to Issue Certificate of Title.*—

2 The commissioner, if satisfied that the applicant for a
3 certificate of title is the owner of such motor vehicle, or
4 otherwise entitled to have the same registered in his
5 name, shall issue an appropriate certificate of title.

6 The certificate of title shall contain upon the face
7 thereof the date issued, the name and address of the
8 owner, such description of the vehicle as determined by
9 the commissioner, and a statement of the owner's title
10 and of all liens and encumbrances upon the vehicle there-
11 in described and whether possession is held by the owner
12 under a lease, contract of conditional sale, or other like
13 agreement, and shall bear thereon the seal of the depart-
14 ment.

15 The certificate of title shall contain upon the reverse
16 side a space for the signature of the owner and the owner

17 shall write his name with pen and ink in such space upon
18 receipt of the certificate. Such certificate shall also con-
19 tain upon the reverse side forms for assignment of title
20 or interest and warranty thereof by the owner with space
21 for notation of liens and encumbrances upon the vehicle
22 at the time of a transfer.

23 The certificate of title shall be delivered to the owner.

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

Sec. 14. *Registration Plates to be Furnished by the*
2 *Department.*—The department upon registering a vehicle
3 shall issue to the owner one registration plate for a
4 motorcycle, trailer, or semitrailer and two registration
5 plates for every other motor vehicle.

6 Every registration plate shall have displayed upon
7 it the registration number assigned to the vehicle for
8 which it is issued, also the name of this state, which
9 may be abbreviated, and the year number for which it
10 is issued or the date of expiration thereof.

11 Such registration plate and the required letters and
12 numerals thereon, except the year number for which is-
13 sued or the date of expiration, shall be of sufficient size
14 to be plainly readable from a distance of one hundred
15 feet during daylight.

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

Sec. 15. *Display of Registration Plates.*—Registration
2 plates issued for a motor vehicle other than a motorcycle

3 shall be attached thereto, one in the front and the other
4 in the rear. The registration plate issued for a motor-
5 cycle or other vehicle required to be registered here-
6 under shall be attached to the rear thereof.

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

Sec. 16. *Expiration of Registration and Certificates of*

2 *Title.*—Every vehicle registration under this chapter and
3 every registration card and registration plate issued here-
4 under shall expire at midnight on the thirtieth day of
5 June of the fiscal year for which issued:

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

9 Certificates of title need not be renewed annually

10 but shall remain valid until canceled by the department
11 for cause or upon a transfer of any interest shown
12 therein.

13 Notwithstanding the provisions of this section or of
14 any provision of this chapter, the commissioner may, in
15 his discretion, adopt, for the vehicles set forth below
16 which are subject to registration hereunder, a staggered
17 registration system whereby the registration of all such
18 vehicles shall be for a period of twelve consecutive cal-
19 endar months, the expiration dates thereof to be stag-
20 gered throughout the year. In the event the commission-
21 er shall adopt such system the change to such new sys-
22 tem shall be effective the first day of July, one thousand
23 nine hundred fifty-three and shall be accomplished as
24 follows:

25 (1) On or after the first day of July, one thousand
26 nine hundred fifty-three, all motor vehicles and vehicles,
27 except trucks, truck tractors, road tractors, trailers, semi-
28 trailers, motor busses, motorcycles, electric vehicles, ar-
29 mored cars, wreckers, tow cars, hearses and ambulances,
30 and except vehicles otherwise provided for herein shall

31 be registered for a period of twelve consecutive calendar
32 months. There hereby are established twelve registra-
33 tion periods, each of which shall start on the first day
34 of each calendar month of the year and shall end on
35 the last day of the twelfth month from date of begin-
36 ning. The period ending January thirty-first shall be
37 designated the first period; That ending February
38 twenty-eighth (twenty-ninth) shall be designated the
39 second; that ending March thirty-first shall be desig-
40 nated the third; that ending April thirtieth shall be desig-
41 nated the fourth; that ending May thirty-first shall be
42 designated the fifth; that ending June thirtieth shall be
43 designated the sixth; that ending July thirty-first shall
44 be designated the seventh; that ending August thirty-
45 first shall be designated the eighth; that ending Septem-
46 ber thirtieth shall be designated the ninth; that ending
47 October thirty-first shall be designated the tenth; that
48 ending November thirtieth shall be designated the
49 eleventh; and that ending December thirty-first shall
50 be designated the twelfth.

51 (2) All motor vehicles, other than those exempted

52 above, which are operated for the first time upon the
53 public highways of this State to and including the
54 fifteenth day of any given month shall be subject to
55 registration and payment of fee for the twelve month
56 period commencing the first day of the month of op-
57 eration; motor vehicles operated for the first time upon
58 the public highways of this state on and after the six-
59 teenth day of any given month shall be subject to regis-
60 tration and payment of fee for the twelve month period
61 commencing the first day of the month of the next
62 following calendar month.

63 (3) During the time necessary to accomplish the
64 change from the present system of annual registration
65 to the monthly series system, all motor vehicles, as de-
66 fined above, subject to registration on July first, one
67 thousand nine hundred fifty-three, shall be registered
68 for one of twelve registration periods, which shall vary
69 in length from a minimum of six consecutive calendar
70 months to a maximum of seventeen consecutive calendar
71 months as hereinafter provided. During this transitory
72 period the registration fees shall be computed on a basis

73 of one-twelfth of the annual fee per month. In the order
74 of the receipt of applications for registration of motor
75 vehicles by the owners thereof, the commissioner shall
76 allocate to each of the twelve registration periods such
77 number of motor vehicles as will, in his judgment, as
78 uniformly as practicable, distribute the clerical work of
79 registering such vehicles throughout the year. In de-
80 termining the number of registrations to be allocated
81 to any given period, he may take into consideration the
82 volume of registration of trucks and other vehicles not
83 under the monthly series registration system. The twelve
84 registration periods necessary to accomplish the change
85 from the present system of annual registration to the
86 monthly series system are established as follows: Each
87 period shall commence July first, one thousand nine hun-
88 dred fifty-three. The first period shall expire December
89 thirty-first, one thousand nine hundred fifty-three, the
90 second, January thirty-first, one thousand nine hundred
91 fifty-four; the third, February twenty-eighth, one thou-
92 sand nine hundred fifty-four; the fourth, March thirty-
93 first, one thousand nine hundred fifty-four; the fifth,

94 April thirtieth, one thousand nine hundred fifty-four;
95 the sixth, May thirty-first, one thousand nine hundred
96 fifty-four; the seventh, June thirtieth, one thousand nine
97 hundred fifty-four; the eighth, July thirty-first, one thou-
98 sand nine hundred fifty-four; the ninth, August thirty-
99 first, one thousand nine hundred fifty-four; the tenth,
100 September thirtieth, one thousand nine hundred fifty-
101 four; the eleventh, October thirty-first, one thousand
102 nine hundred fifty-four; and the twelfth, November
103 thirtieth, one thousand nine hundred fifty-four.

104 (4) Motor vehicles, other than those exempted above,
105 not previously registered in this state and operated upon
106 the highways of this state for the first time after the
107 first day of July, one thousand nine hundred fifty-three,
108 shall be registered for a full twelve month period without
109 regard to the varying periods of registration provided
110 for during the period of change to the staggered regis-
111 tration system; provided, that the commissioner may
112 initially register a motor vehicle for less than a twelve
113 month period when in his opinion such fractional regis-

114 tration shall tend to fulfill the purpose of the monthly
115 series registration system.

Sec. 17. *Application for and Renewal of Registration.*—

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

5 The department may receive applications for renewal
6 of registration and issue new registration cards and plates
7 at any time prior to expiration, but no person shall dis-
8 play upon a vehicle the new registration plates prior to
9 the twentieth day of the month preceding the new regis-
10 tration period.

Sec. 18. *Notice of Change of Address or Name.*—When-

2 ever any person after making application for or obtaining
3 the registration of a vehicle or a certificate of title shall
4 move from the address named in the application or shown
5 upon a registration card or certificate of title such person
6 shall within ten days thereafter notify the department in
7 writing of his old and new addresses.

8 Whenever the name of any person who has made appli-
9 cation for or obtained the registration of a vehicle or a

10 certificate of title is thereafter changed by marriage or
11 otherwise such person shall within ten days notify the
12 department of such former and new name upon a form
13 prescribed by the commissioner, such notification to be
14 accompanied by application for re-title under such new
15 name.

Sec. 19. Lost or Damaged Certificates, Cards, and Plates.

2 —In the event any registration card or registration plate
3 is lost, mutilated, or becomes illegible the owner or legal
4 representative or successor in interest of the owner of the
5 vehicle for which the same was issued as shown by the
6 records of the department shall immediately make appli-
7 cation for and may obtain a duplicate or a substitute or
8 a new registration under a new registration number, as
9 determined to be most advisable by the department, upon
10 the applicant furnishing information satisfactory to the
11 department.

12 In the event any certificate of title is lost, mutilated, or
13 becomes illegible, the owner or legal representative or
14 successor in interest of the owner of the vehicle for which
15 the same was issued, as shown by the records of the de-

16 partment, shall immediately make application for and
17 may obtain a duplicate upon the applicant furnishing in-
18 formation satisfactory to the department. Upon issuance
19 of any duplicate certificate of title the previous certificate
20 last issued shall be void.

Sec. 20. *Department May Assign New Identifying Num-*
2 *bers.*—The department may assign a distinguishing num-
3 ber to a motor vehicle whenever the serial number there-
4 on is destroyed or obliterated and issue to the owner a
5 special plate bearing such distinguishing number which
6 shall be affixed to the vehicle in a position to be deter-
7 mined by the commissioner. Such motor vehicle may
8 then be registered under such distinguishing number in
9 lieu of the former serial number.

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

Sec. 22. *Department to Issue Registration Bulletins.*—

2 The commissioner shall annually, following a renewal of
3 registration, compile and publish in books or bulletins a
4 list of all registered vehicles and shall thereafter compile
5 and publish monthly supplements thereto. The list of
6 registered vehicles shall be arranged serially according to
7 the registration numbers assigned to registered vehicles
8 and shall contain in addition the names and addresses of
9 registered owners and a brief description of each vehicle.
10 Officers of the state entrusted with the enforcement of
11 the laws may be furnished with copies of such lists, and
12 copies may also be furnished to such other interested
13 parties as may be authorized by the governor or by the
14 commissioner. The commissioner may also furnish copies
15 of such lists to similar officers in adjoining states. Copies
16 may be furnished to all other persons applying for same,
17 at a price to be fixed by the commissioner.

Article 4. Transfers of Title or Interest.

Section 1. *Registration Expires on Transfer by Owner;*
2 *Transfer, Surrender or Retention of Plates.*—Whenever
3 the owner of a registered vehicle transfers or assigns his
4 title, or interest thereto, the registration of such vehicle

5 shall expire. Upon such transfer, it shall be the duty of
6 the original owner to retain the registration plates issued
7 therefor and to immediately notify the commissioner of
8 such transfer upon such form as may be provided there-
9 for and to deliver to him the certificate of registration,
10 whereupon the commissioner shall, upon the payment of
11 a fee of one dollar, issue a new certificate showing the
12 use to be made of such plates. Such plates may then be
13 used by such owner on another vehicle of the same class
14 as the vehicle for which they were originally issued if
15 such other vehicle does not require a greater license fee
16 than was required for such original vehicle. If such other
17 vehicle requires a greater license fee than such original
18 vehicle, then such plates may be used by paying such
19 difference to the commissioner. When such transfer of
20 ownership is made to a licensed dealer in motor vehicles
21 it shall be the duty of such dealer to immediately execute
22 notification of transfer, in triplicate, and to have this noti-
23 fication properly signed by the owner making the trans-
24 fer. The dealer shall immediately forward to the depart-
25 ment the original copy of the notification of transfer. One

26 copy of the notification of transfer shall be given to the
27 owner and one shall be retained by the dealer. The owner
28 shall immediately send to the department the transfer
29 fee of one dollar with any additional fee that may be re-
30 quired under the terms of this chapter. The owner's copy,
31 properly signed by the dealer, will be the owner's identi-
32 fication until he receives a new registration card from the
33 department.

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

Sec. 2. *Endorsement of Certificate of Title upon Trans-*
2 *fer by Owner.*—Whenever the owner of a registered ve-
3 hicle transfers or assigns his title, he shall endorse an
4 assignment and warranty of title upon the certificate of
5 title for such vehicle with a statement of all liens and

6 encumbrances thereon, which statement shall be verified
7 under oath by the owner, and he shall deliver the cer-
8 tificate of title to the purchaser or transferee at the time
9 of delivering the vehicle, except in the case of a vehicle
10 sold as scrap or to be dismantled.

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

11 A transferee shall at the same time present the certifi-
12 cate of title endorsed and assigned as hereinbefore pro-
13 vided to the department and make application for and
14 obtain a new certificate of title for such vehicle, except
15 as otherwise permitted in sections four and five of this
16 article.

Sec. 4. *Transfers to Dealers and Others.*—When the
2 transferee of a vehicle is a dealer who holds the same for
3 resale and lawfully operates the same under dealer's
4 plates, such dealer shall not be required to obtain a new
5 registration of said vehicle or be required to forward the
6 certificate of title to the department, but such dealer upon
7 transferring his title or interest to another person shall
8 execute and acknowledge an assignment and warranty of
9 title upon the certificate of title and deliver the same to
10 the person to whom such transfer is made.

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

Sec. 5. *Transfer by Operation of Law.*—Whenever the
2 title or interest of an owner in or to a registered vehicle
3 shall pass to another otherwise than by voluntary trans-
4 fer, the registration thereof shall expire and the vehicle

5 shall not be operated upon the highways unless and until
6 the person entitled to possession of such vehicle shall
7 apply for and obtain the registration thereof, except that
8 such vehicle may be operated by the person entitled to
9 its possession or his legal representative upon the high-
10 ways for a distance not exceeding seventy-five miles upon
11 displaying upon such vehicle the registration plates issued
12 to the former owner, or in the event title has become
13 vested in the person holding a lien or encumbrance upon
14 said vehicle such person may apply to the department
15 for and obtain special plates as may be issued under this
16 chapter to dealers and may operate any said repossessed
17 vehicle under such special plates only for purposes of
18 transporting the same to a garage or warehouse or for
19 purposes of demonstrating or selling the same: *Provided*,
20 That the commissioner is authorized to transfer the plates
21 of a deceased person to his legal heir or legatee upon pay-
22 ment of a transfer fee of one dollar.

23 Upon any transfer the new owner may secure a new
24 registration and certificate of title upon proper applica-
25 tion and upon presentation of the last certificate of title

26 if available, and such instruments or documents of au-
27 thority or certified copies thereof as may be sufficient or
28 required by law to evidence or effect a transfer of title
29 or interest in or to chattels in such case.

Sec. 6. *When Department to Register Vehicle and Issue*
2 *New Certificate.*—The department upon receipt of a prop-
3 erly endorsed certificate of title and proper application
4 for registration accompanied by the required fee and
5 when satisfied as to the genuineness and regularity of said
6 transfer and of the right of the transferee to a certificate
7 of title shall reregister the vehicle as upon a new registra-
8 tion in the name of the new owner and issue a new cer-
9 tificate of title as upon an original application.

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

Sec. 7. *Release by Lien Holder to Owner.*—A person
2 holding a lien or encumbrance as shown upon a certificate
3 of title upon a vehicle may release such lien or encum-
4 brance or assign his interest to the owner without affect-

5 ing the registration of said vehicle. The department, upon
6 receiving a certificate of title upon which a lien holder has
7 released or assigned his interest to the owner or upon
8 receipt of a certificate of title not so endorsed but accom-
9 panied by a legal release from a lien holder of his interest
10 in or to a vehicle, shall issue a new certificate of title as
11 upon an original application.

Sec. 8. *Failure to Deliver Certificate a Misdemeanor.*—

2 It is a misdemeanor for any person to fail or neglect to
3 properly endorse and deliver a certificate of title to a
4 transferee or owner lawfully entitled thereto.

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

Sec. 10. *Owner Dismantling or Wrecking Vehicle to*
2 *Return Evidences of Registration.*—Any owner disman-

3 tling or wrecking any registered vehicle shall immedi-
4 ately forward to the department the certificate of title for
5 such vehicle.

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

Article 5. Permits to Nonresident Owners.

Section 1. *Nonresident Owners Exempt From Regis-*
2 *tration.*—A nonresident owner, except as otherwise pro-
3 vided in this section, owning any foreign vehicle of a
4 type otherwise subject to registration hereunder may
5 operate or permit the operation of such vehicle within

6 this state without registering such vehicle in, or paying
7 any fees to, this state subject to the condition that such
8 vehicle at all times when operated in this state is duly
9 registered in, and displays upon it a valid registration
10 card and registration plate or plates issued for such ve-
11 hicle in the place of residence of such owner.

12 Every nonresident, including any foreign corporation,
13 carrying on business within this state and owning and
14 regularly operating in such business any motor vehicle,
15 trailer, or semitrailer within this state, shall be required
16 to register each such vehicle and pay the same fees there-
17 for as is required with reference to like vehicles owned
18 by residents of this state, except as otherwise provided
19 by reciprocal agreements with other states accomplished
20 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*
2 *and Permits.*—A dealer owning any vehicle of a type
3 otherwise required to be registered hereunder may oper-
4 ate or move the same upon the highways without regis-
5 tering each such vehicle upon condition that any such

6 vehicle display thereon a special plate or plates issued to
7 such dealer as provided in this article and in article ten,
8 section six of this chapter.

9 The department shall have power to grant, in its dis-
10 cretion, special permits to a dealer for use on motor ve-
11 hicles driven under their own power from the factory
12 or distributing place of a manufacturer, or other dealer,
13 to the place of business of such dealer. Each special per-
14 mit shall be good only for one trip, and such permit shall
15 not be used by such dealer in lieu of any registration card
16 or plate required by this chapter.

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

Sec. 2. Application for and Issuance of Special Plates.—

2 Any dealer may make application to the department upon
3 the appropriate form for one or more pairs of special
4 plates or single special plates as appropriate to various
5 types of vehicles subject to registration hereunder. The
6 applicant shall also submit such proof of his status as a
7 bona fide dealer as may reasonably be required by the
8 department.

9 The department shall issue special plates as applied for.

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

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

Sec. 5. *Temporary Registration Plates or Markers.*—
2 The commissioner may, subject to the limitations and
3 conditions hereinafter set forth, deliver temporary vehicle
4 registration plates or markers to dealers when the appli-
5 cation therefor is accompanied by the fee prescribed in
6 this chapter. Such application shall be made upon a form
7 prescribed and furnished by the department. Dealers

8 subject to the limitations and conditions hereinafter set
9 forth, may issue such temporary registration plates or
10 markers to owners of vehicles, provided that such owners
11 shall comply with the pertinent provisions of this section.

12 Every dealer who has made application for temporary
13 registration plates or markers shall maintain in perma-
14 nent form a record of all temporary registration plates or
15 markers delivered to him, and shall also maintain in
16 permanent form a record of all temporary registration
17 plates or markers issued by him, and in addition thereto,
18 shall maintain in permanent form a record of any other
19 information pertaining to the receipt or the issuance of
20 temporary registration plates or markers that the commis-
21 sioner may require. Each record shall be kept for a period
22 of at least three years from the date of entry of such rec-
23 ord. Every dealer shall allow full and free access to such
24 records during regular business hours, to duly authorized
25 representatives of the department and to peace officers.
26 Every person who issues temporary registration plates or
27 markers shall, on the day that he issued such plates or
28 markers, send to the department a copy of the temporary

29 registration plates or marker application, properly exe-
30 cuted by such dealer and the owner.

31 A person shall not issue, assign, transfer or deliver tem-
32 porary registration plates or markers to any one other
33 than the bona fide purchaser or owner of the vehicle to
34 be registered: *Provided*, That for vehicles owned by
35 churches, or by trustees for churches, which vehicles are
36 regularly used for transporting parishioners to and from
37 church services, no license fee shall be charged, but not-
38 withstanding such exemption, the certificate of registra-
39 tion and license plates shall be obtained the same as other
40 cards and plates under this article; nor shall a person issue
41 temporary registration plates or markers to anyone pos-
42 sessed of annual registration plates for a vehicle that has
43 been sold or exchanged; nor shall a dealer lend to anyone
44 or use on any vehicle that he may own, temporary regis-
45 tration plates or markers. It shall be unlawful for any
46 person to issue any temporary registration plate or mark-
47 er, or plates or markers, containing any misstatement of
48 fact, or knowingly to insert any false information upon
49 the face thereof.

50 Every person who issues temporary plates or markers
51 shall affix or insert clearly and indelibly on the face of
52 each temporary registration plate or marker the date of
53 issuance and expiration, and the make and motor or serial
54 number of the vehicle for which issued.

55 If the commissioner finds that the provisions of this
56 section or the directions of the commissioner are not being
57 complied with by the dealer, he may suspend, after notice
58 and hearing, the right of a dealer to issue temporary reg-
59 istration plates or markers.

60 Every person who makes application for temporary
61 registration plates or markers shall execute the tempo-
62 rary registration plate or marker application and shall
63 return such application to the dealer from whom the
64 vehicle to be registered has been or will be purchased.

65 Every person who makes application for temporary
66 registration plates or markers shall execute and send an
67 application for annual registration plates to the depart-
68 ment, previous to or at the same time that the dealer
69 sends to the department a copy of the executed temporary
70 registration certificate, but in no event shall such appli-

71 cation for annual registration plates be made later than
72 the day on which the temporary registration plates or
73 markers are issued to such owner.

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

84 Temporary registration plates or markers shall expire
85 and become void upon the receipt of the annual registra-
86 tion plates from the department, or upon the rescission of
87 a contract to purchase a motor vehicle, or upon the expir-
88 ation of twenty days from the date of issuance, depending
89 upon whichever event shall first occur. No refund or
90 credit of fees paid by dealers to the department for tem-
91 porary registration plates or markers shall be allowed,

92 except in the event that the commissioner discontinues
93 the issuance of temporary registration plates or markers,
94 dealers returning temporary registration plates or mark-
95 ers to the department may petition for refund or a credit
96 thereof.

97 The commissioner shall have the power to make such
98 rules and regulations, not inconsistent herewith, as he
99 shall deem necessary for the purpose of carrying out the
100 provisions of this section.

101 Any person who violates any of the provisions of this
102 section is guilty of a misdemeanor.

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

Section 1. *Dealers and Wreckers Must be Licensed.*—

2 No person unless licensed so to do by the department,
3 under the provisions of this chapter, shall carry on or
4 conduct the business of:

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

7 (2) A dealer in used parts or used accessories of motor
8 vehicles;

9 (3) Wrecking or dismantling any such vehicle for re-
10 sale of the parts thereof.

11 Application for a dealer's or wrecker's license shall be
12 made upon the form prescribed by the department and
13 shall contain the name and address of the applicant; and
14 when the applicant is a partnership, the name and ad-
15 dress of each partner; or when the applicant is a corpo-
16 ration, the names of the principal officers of the corpora-
17 tion and the state in which incorporated, and the place or
18 places where the business is to be conducted, and the
19 nature of such business, and such other information as
20 may be required by the department. Every such appli-
21 cation shall be verified by the oath or affirmation of the
22 applicant, if an individual, or in the event an applicant is
23 a partnership or corporation, then by a partner or officer
24 thereof. Every such application shall be accompanied by
25 the fee required by law.

26 *Sec. 2. Department to Issue License Certificate.*—The
27 department, upon receiving application accompanied by
28 the required fee, and when satisfied that the applicant is
29 of good character, and so far as can be ascertained has

5 complied with and will comply with the laws of this state
6 with reference to the registration of vehicles and certifi-
7 cates of title and the provisions of this chapter, shall issue
8 to the applicant a license certificate which shall entitle
9 the licensee to carry on and conduct the business of a
10 dealer or wrecker, as the case may be, during the period
11 for which the license is issued. Every such license shall
12 expire on June thirtieth of each year, and may be re-
13 newed upon the application and payment of the fee re-
14 quired by law.

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

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

Sec. 3. *Records of Purchases and Sales and of Cars*

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

22 name and identifying numbers thereon to identify the
23 same.

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

Article 8. Special Antitheft Laws.

Section 1. Report of Stolen and Recovered Vehicles.—

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

Sec. 2. *Reports by Owners of Stolen and Recovered*
2 *Vehicles.*—The owner, or person having a lien or encum-
3 brance upon a registered vehicle which has been stolen
4 or embezzled, may notify the department of such theft or
5 embezzlement, but in the event of an embezzlement may

6 make such report only after having procured the issuance
7 of a warrant for the arrest of the person charged with
8 such embezzlement.

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

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

11 The department shall at least once each week compile
12 and maintain at its headquarters office a list of all vehicles
13 which have been stolen or embezzled or recovered as
14 reported to it during the preceding week and such lists
15 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 ward 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

11 to or an accomplice in any such unauthorized taking or
12 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

11 mechanism, brakes, or other mechanism or device of a
12 vehicle while the same is at rest and unattended or with
13 like intent sets in motion any vehicle while the same is at
14 rest and unattended is guilty of a misdemeanor.

Sec. 7. *Vehicles Without Manufacturers' Numbers.*—

2 Any person who knowingly buys, receives, disposes of,
3 sells, offers for sale, or has in his possession any motor
4 vehicle, or engine removed from a motor vehicle, from
5 which the manufacturer's serial or engine number or
6 other distinguishing number or identification mark or
7 number placed thereon under assignment from the de-
8 partment has been removed, defaced, covered, altered, or
9 destroyed for the purpose of concealing or misrepresent-
10 ing the identity of said motor vehicle or engine is guilty
11 of a misdemeanor, and, upon a second or subsequent con-
12 viction under this section, the conviction shall be for a
13 felony.

Sec. 8. *Altering or Changing Engine or other Numbers.*

2 —No person shall with fraudulent intent deface, destroy,
3 or alter the manufacturer's serial or engine number or
4 other distinguishing number or identification mark of a

5 motor vehicle nor shall any person place or stamp any
6 serial, engine, or other number or mark upon a motor
7 vehicle, except one assigned thereto by the department.

8 Any violation of this provision is a misdemeanor.

9 This section shall not prohibit the restoration by an
10 owner of an original serial, engine, or other number or
11 mark when such restoration is made under permit issued
12 by the department, nor prevent any manufacturer from
13 placing in the ordinary course of business numbers or
14 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
2 fraudulently uses a false or fictitious name in any applica-
3 tion for the registration of a vehicle or a certificate of title,
4 or knowingly makes a false statement, or knowingly con-
5 ceals a material fact, or otherwise commits a fraud in any
6 such application shall be guilty of a misdemeanor and
7 upon conviction thereof shall be punished by a fine of not
8 more than one thousand dollars or by imprisonment for
9 not more than one year or both.

Sec. 2. *Operation of Vehicles Without Evidences of*
2 *Registration.*—No person shall operate, nor shall an owner
3 knowingly permit to be operated, upon any highway any
4 vehicle required to be registered hereunder unless there
5 shall be attached thereto and displayed thereon or shall
6 be in the possession of the operator when and as required
7 by this chapter a valid registration card and registration
8 plate or plates issued therefor by the department for the
9 current registration year except as otherwise expressly
10 permitted in this chapter. Any violation of this section
11 is a misdemeanor.

Sec. 3. *Improper Use of Evidences of Registration.*—
2 No person shall lend to another any certificate of title,
3 registration card, registration plate, special plate, or per-
4 mit issued to him if the person desiring to borrow the
5 same would not be entitled to the use thereof, nor shall
6 any person knowingly permit the use of any of the same
7 by one not entitled thereto, nor shall any person display
8 upon a vehicle any registration card, registration plates,
9 or permit not issued for such vehicle or not otherwise

10 lawfully used thereon under this chapter. Any violation
11 of this section is a misdemeanor.

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

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

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

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

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

Sec. 5. *Authority of Department to Suspend or Revoke*
2 *a Registration.*—The department is hereby authorized to
3 suspend or revoke the registration of a vehicle or a cer-
4 tificate of title, registration card, or registration plate, or
5 any nonresident or other permit in any of the following
6 events:

7 (1) When the department is satisfied that such regis-

8 tration or that such certificate, card, plate, or permit was
9 fraudulently or erroneously issued;

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

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

15 (4) When a registration card, registration plate, or per-
16 mit is knowingly displayed upon a vehicle other than the
17 one for which issued;

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

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

Sec. 6. Suspending or Revoking Certificate or Special

2 *Plates of a Dealer.*—The department is also authorized to
3 suspend or revoke a certificate or the special plates issued
4 to a dealer upon determining that any said person is not
5 lawfully entitled thereto or has made or knowingly per-

6 mitted any illegal use of such plates or has committed
7 fraud in the registration of vehicles or failed to give no-
8 tices of transfers when and as required by this chapter.

Sec. 7. *Owner to Return Evidences of Registration*

2 *Upon Cancellation, Suspension or Revocation.*—Whenever
3 the department as authorized hereunder cancels, su-
4 spends, or revokes the registration of a vehicle or a cer-
5 tificate of title, registration card, or registration plate or
6 plates, or any nonresident or other permit or the license
7 of any dealer or wrecker, the owner or person in posses-
8 sion of the same shall immediately return the evidences
9 of registration, title, or license so canceled, suspended, or
10 revoked to the department. If any person shall willfully
11 fail to return to the department the evidences of regis-
12 tration, title, or license so canceled, suspended, or revoked,
13 the commissioner shall forthwith notify the superintend-
14 ent of the department of public safety who shall, as soon
15 as possible, secure possession thereof and return same to
16 the department. Said superintendent of the department
17 of public safety shall make a report in writing to the
18 commissioner, within two weeks after being so notified

19 by the commissioner, as to the result of his efforts to
20 secure the possession and return of such evidences of
21 registration, title or license.

Article 10. Registration, License and Other Fees.

Section 1. Classification of Vehicles for Purpose of

2 *Registration.*—Vehicles subject to registration under the
3 provisions of this chapter shall be placed in the following
4 classes for purpose of registration:

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

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

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

16 Class G. Motorcycles;

17 Class H. Motor vehicles operated regularly under a

18 certificate of public convenience and necessity or a con-
19 tract carrier permit for transportation of persons;

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

24 Class J. Motor vehicles operated for transportation of
25 persons for compensation by common carriers, not run-
26 ning over a regular route or between fixed termini, except
27 passenger motor vehicles rented without a driver;

28 Class K. Motor vehicles designated as trucks, truck
29 tractors, or road tractors leased or operated for transpor-
30 tation of property for compensation, not over a regular
31 route or between fixed termini, including such motor
32 vehicles rented without drivers;

33 Class L. All trailers and semitrailers used for transpor-
34 tation of property for compensation other than over a
35 regular route or between fixed termini by common
36 carriers;

37 Class R. House trailers;

38 Class S. Special mobile equipment as defined in sec-
39 tion nineteen, article one of this chapter;

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

43 Class U. Passenger motor vehicles rented for compen-
44 sation without a driver.

Sec. 2. *Registration Fees of Motor Vehicles Used for*
2 *Transportation of Property Determined by Declared Gross*
3 *Weight.*—The declared gross weight as stated in the ap-
4 plication for registration shall be the basis for determi-
5 nation of fees to be paid for operation of trucks used sep-
6 arately and not in combination with other vehicles in
7 transportation of property.

8 The basis for determination of fees to be paid for op-
9 eration of trucks, truck tractors, and road tractors used in
10 combination with other vehicles for the transportation of
11 property shall be the combined declared gross weight of
12 the truck, truck tractor, or road tractor and the vehicle
13 to be drawn by such truck, truck tractor or road tractor;
14 the declared gross weight of the entire combination of

15 truck, truck tractor, or road tractor and the trailer or
16 semitrailer to be drawn by such motive vehicle to be con-
17 sidered as one unit for purpose of determining the fees to
18 be paid for such truck, truck tractor, or road tractor.

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

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

16 Class B, Class I and Class K. The registration fee for

17 all motor vehicles of these three classes shall be as fol-
18 lows:

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

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

23 (3) For declared gross weights of eight thousand and
24 one pounds to sixteen thousand pounds—twenty dollars
25 plus forty cents for each hundred pounds or fraction
26 thereof that the gross weight of such vehicle or combina-
27 tion of vehicles exceeds eight thousand pounds;

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

33 If the declared gross weight of a Class B, Class I or Class
34 K motor vehicle includes the gross weight of a Class C
35 or Class L vehicle used in combination with such Class B,
36 Class I or Class K motor vehicle and the registration
37 fee prescribed hereunder for such Class C or Class L

38 vehicle has been paid, there shall be deducted from
39 the registration fee for such Class B, Class I or Class K
40 motor vehicle the amount of fifteen dollars.

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

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

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

57 In addition to the herein prescribed registration fee,
58 the following certificate fees shall be paid for vehicles

59 operating for transportation of persons for compensa-
60 tion under a Class H. certificate of public convenience and
61 necessity:

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

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

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

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

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

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

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

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

Sec. 5. *Public Service Commission Assessment Must*
2 *Be Paid Before Vehicle Registered; Commissioner to Fur-*
3 *nish Registration Information to Public Service Commis-*
4 *sion.*—The commissioner shall not register any Class H,
5 I, J, K, L or U vehicle unless the assessment for such vehi-
6 cle provided for in section six, article six, chapter twenty-
7 four-a of this code shall have been paid and notice of such
8 payment shall have been received by the commissioner in
9 the manner provided in said section.

10 The commissioner upon registering a vehicle in any of

11 the above classes shall certify to the public service com-
12 mission a written statement including for each such vehi-
13 cle the following information when applicable:

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

Sec. 6. *Fees to Be Paid by Dealers.*—Each dealer in
2 trailers, semitrailers or motor vehicles, except motorcy-
3 cles, shall pay a fee of seventy-five dollars, annually, in
4 consideration of which he shall receive a dealer's license
5 certificate as provided in article seven of this chapter and
6 four sets of Class D special plates as provided in article
7 six of this chapter. Additional sets of such special plates
8 shall be issued to any such dealer, upon application and
9 payment of a fee of five dollars for each additional set.

10 such Class D plates may be used for any purpose on any
11 vehicle owned by such dealer and which is being operated
12 with his knowledge and consent: *And provided further,*
13 That said Class D plates may not be used on any vehicle
14 which has been sold to any customer by said dealer.

15 Each dealer in motorcycles shall pay an annual fee of
16 ten dollars, in consideration of which he shall receive a
17 dealer's license certificate as provided in article seven of
18 this chapter and two sets of Class F motorcycle dealer's
19 special plates as provided in article six of this chapter.
20 For each additional set of such motorcycle dealer's special
21 plates the dealer shall pay a fee of five dollars.

22 Each dealer in motor vehicles, trailers, or semitrailers
23 shall pay a fee of one dollar for each temporary registra-
24 tion plate or marker issued to such dealer under the pro-
25 visions of section five, article six of this chapter.

26 Each dealer in used parts or used accessories of motor
27 vehicles and each person engaged in the business of
28 wrecking or dismantling any vehicle for resale of the
29 parts thereof shall pay an annual fee of fifteen dollars in

30 consideration of which he shall receive a license certificate
31 as provided in article seven of this chapter.

Sec. 7. *Reduced Fees for Portion of Year.*—The registration fees herein prescribed shall be for the entire
2 fiscal year: *Provided*, That where application for such
3 registration is made between the first day of October
4 and the thirty-first day of December, inclusive, in any
5 fiscal year, the charge therefor shall be three-quarters of
6 such yearly fee, and when application for such registration
7 is made between the first day of January and the
8 thirty-first day of March, inclusive, in any fiscal year, the
9 charges shall be one-half of such yearly fee, and where
10 application for such registration is made between the first
11 day of April and the thirtieth day of June, inclusive, in
12 any fiscal year, the charges shall be one-quarter of such
13 yearly fee.

Sec. 8. *Exemption from Registration Fees.*—The United
2 States Government, the State, or any political subdivision
3 thereof, shall be exempted from the payment of any fee
4 on account of registration of any vehicle owned or operated
5 by the United States Government, the State, or

6 any political subdivision thereof, as the case may be:
7 *Provided*, That the proper representative of the federal
8 government, the state, or any such political subdivision
9 thereof, shall make, or cause to be made, on the form pro-
10 vided for that purpose, an application for registration of
11 such vehicle so owned and operated, and that the regis-
12 tration plate or plates issued for such vehicle shall be
13 displayed or caused to be displayed as provided in this
14 chapter: *Provided further*, That fire apparatus owned by
15 the United States government, the state, or any political
16 subdivision thereof, and by an incorporated volunteer fire
17 department organized for protection of community prop-
18 erty shall be exempt from all the provisions of this article
19 except such provisions as relate to the qualification and
20 licensing of drivers: *Provided further*, That any ambu-
21 lance used exclusively for charitable purposes, for which
22 use there is no charge, shall be exempt from the payment
23 of all fees required by this article.

Sec. 9. *Municipalities and Other Political Subdivisions*

2 *Not to Levy or Charge License Tax on Motor Vehicles.—*
3 No license tax shall be levied or charged by any munici-

4 pality or other political subdivision of the state with re-
5 spect to motor vehicles and their operation except as pro-
6 vided in chapter eight-a, article five, section four, and
7 and also in chapter eight, article four, section twenty-
8 seven, of the code of West Virginia, as amended, but this
9 prohibition shall not prevent municipalities or other po-
10 litical subdivisions of the state from assessing and col-
11 lecting the regular property tax on such motor vehicle.

Sec. 10. *Fees Upon Transfer of Registration and Issu-*
2 *ance of Certificates of Title.*—A fee of one dollar shall be
3 paid for a transfer of registration by an owner from one
4 vehicle to another vehicle of the same class or for sur-
5 render of registration of one vehicle in exchange for reg-
6 istration of a vehicle of a different class in addition to the
7 payment of any difference in fees as provided in section
8 one, article four of this chapter.

9 A fee of one dollar shall be paid for the transfer of reg-
10 istration from a deceased person to his legal heir or lega-
11 tee as provided in section five, article four of this chapter.

12 A fee of one dollar shall be paid for the issuance of a
13 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

17 city or town instead of to the department of motor ve-
18 hicles, provided that any such city or town may collect
19 the fee or tax for the operation wholly within such city
20 or town in lieu of but not greater than the fees and taxes
21 provided in this article.

Article 12. Penalties.

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

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

Sec. 2. *Penalty for Felony.*—Any person who is con-
2 victed of a violation of any of the provisions of this chap-
3 ter herein or by the laws of this state declared to con-
4 stitute a felony shall be punished by imprisonment for
5 not less than one year nor more than five years, or by a

6 fine of not less than five hundred dollars nor more than
7 five thousand dollars, or by both such fine and imprison-
8 ment.

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

Article 13. Effect of Chapter.

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

Sec. 2. *Repeal.*—The provisions of any act or parts of
2 acts, or of the code of West Virginia, one thousand nine
3 hundred thirty-one, as amended, which are inconsistent
4 with the provisions of this chapter, are hereby repealed to
5 the extent of such inconsistency.

**CHAPTER 17-B. MOTOR VEHICLE OPERATORS' AND
CHAUFFEURS' LICENSE ACT.**

Article 1. Words and Phrases Defined.

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

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

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

Sec. 4. *Farm Tractor.*—Every motor vehicle designed
2 and used primarily as a farm implement for drawing
3 plows, mowing machines, and other implements of hus-
4 bandry.

Sec. 5. *School Bus.*—Every motor vehicle owned by a

2 public governmental agency and operated for the trans-
3 portation of children to or from school or privately
4 owned and operated for compensation for the trans-
5 portation of children to or from school.

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

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

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

Sec. 9. *Owner*.—A person who holds the legal title of a
2 vehicle or in the event a vehicle is the subject of an agree-
3 ment for the conditional sale or lease thereof with the
4 right of purchase upon performance of the conditions
5 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 gator 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. *Cancellation.*—Cancellation 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 cancellation of a license is
5 without prejudice and application for a new license may
6 be made at any time after such cancellation.

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

9 may operate a motor vehicle in this state only as an op-
10 erator for a period not to exceed ninety days in any one
11 calendar year;

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

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

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

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

7 (3) To any person, as an operator or chauffeur, whose
8 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

15 a prior act of the legislature, may be issued a chauffeur's
16 license as provided in section twelve of this article.

Sec. 5. *Instruction Permits.*—Any person who is at least
2 sixteen years of age may apply to the department for an
3 instruction permit. The department may in its discretion,
4 after the applicant has appeared before the department of
5 public safety and successfully passed all parts of the ex-
6 amination other than the driving test, issue to the appli-
7 cant an instruction permit which shall entitle the appli-
8 cant while having such permit in his immediate posses-
9 sion to drive a motor vehicle upon the public highways
10 for a period of sixty days when accompanied by a licensed
11 operator or chauffeur who is occupying a seat beside the
12 driver, except in the event the permittee is operating a
13 motorcycle. Any such instruction permit may be renewed
14 or a new permit issued for an additional period of sixty
15 days. The fee for each such instruction permit shall be
16 one dollar.

Sec. 6. *Application for License or Instruction Permit.*—
2 Every application for an instruction permit or for an
3 operator's or chauffeur's license shall be made upon a

4 form furnished by the department. Every application
5 shall be accompanied by the proper fee and payment of
6 such fee shall entitle the applicant to not more than
7 three attempts to pass the examination within a period
8 of sixty days from the date of application, except that
9 no applicant shall be examined twice within a period of
10 one week.

11 Every said application shall state the full name, date of
12 birth, sex, and residence address of the applicant, and
13 briefly describe the applicant, and shall state whether the
14 applicant has theretofore been licensed as an operator or
15 chauffeur, and, if so, when and by what state or country,
16 and whether any such license has ever been suspended
17 or revoked, or whether an application has ever been re-
18 fused, and, if so, the date of and reason for such suspen-
19 sion, revocation, or refusal, and such other pertinent in-
20 formation as the commissioner may require.

Sec. 7. *Examination of Applicants.*—(a) The depart-
2 ment of public safety shall examine every applicant for
3 an operator's or chauffeur's license, except as otherwise
4 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-

7 dress, and a brief description of the licensee, and either a
8 facsimile of the signature of the licensee or a space upon
9 which the licensee shall write his usual signature with
10 pen and ink immediately upon receipt of the license. No
11 license shall be valid until it has been so signed by the
12 licensee.

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

2079 Sec. 9. *License to Be Carried and Exhibited on Demand.*

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

2071 Sec. 10. *Restricted Licenses.*—The department upon is-
2 suing an operator's or chauffeur's license shall have au-

3 thority whenever good cause appears to impose restric-
4 tions suitable to the licensee's driving ability with respect
5 to the type of or special mechanical control devices re-
6 quired on a motor vehicle which the licensee may oper-
7 ate or such other restrictions applicable to the licensee as
8 the department may determine to be appropriate to assure
9 the safe operation of a motor vehicle by the licensee.

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

13 The department may upon receiving satisfactory evi-
14 dence of any violation of the restrictions of such license
15 suspend or revoke the same but the licensee shall be en-
16 titled to a hearing as upon a suspension or revocation
17 under this chapter.

18 It is a misdemeanor for any person to operate a motor
19 vehicle in any manner in violation of the restrictions im-
20 posed in a restricted license issued to him.

Sec. 11. *Duplicate Licenses.*—In the event that an oper-
2 ator's or chauffeur's license issued under the provisions
3 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

18 the regular fee for such renewal and, in the discretion of
19 the commissioner, without examination. The commis-
20 sioner shall notify by first-class mail not less than thirty
21 days prior to the expiration date, any person whose op-
22 erator's license is about to expire, giving the expiration
23 date and including therewith a renewal application form.
24 The commissioner may, in his discretion, renew any li-
25 cense without a driving examination.

26 The commissioner shall, upon the application and upon
27 payment of a fee of three dollars, issue a chauffeur's
28 license to any person holding a valid chauffeur's license
29 issued pursuant to the provisions of any prior act of the
30 Legislature. The commissioner may, in his discretion,
31 issue such chauffeur's license to any such applicant with-
32 out examination. Any chauffeur's license issued pursuant
33 to such prior act or the provisions of this chapter shall
34 expire by its own limitation one year from the date of
35 its issuance, and shall be thereafter renewable for suc-
36 cessive periods of one year upon application and upon
37 payment of the required fee as hereinbefore provided
38 in this section.

Sec. 13. *Notice of Change of Address or Name.*—When-
2 ever any person after applying for or receiving an op-
3 erator's or chauffeur's license shall move from the ad-
4 dress named in such application or in the license issued
5 to him or when the name of a licensee is changed by
6 marriage or otherwise such person shall within twenty
7 days thereafter notify the department in writing of his
8 old and new addresses or of such former and new names
9 and of the number of any license then held by him.

Sec. 14. *Records to Be Kept by the Department.*—The
2 department shall file every application for a license re-
3 ceived by it and shall maintain suitable indexes contain-
4 ing, in alphabetical order:

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

7 (2) All applications granted; and

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

11 The department shall also file all accident reports
12 and abstracts of court records of convictions received by

13 it under the laws of this state and in connection there-
14 with maintain convenient records or make suitable no-
15 tations in order than an individual record of each licensee
16 showing the convictions of such licensee and the traf-
17 fic accidents in which he has been involved shall be
18 readily ascertainable and available for the consideration
19 of the department upon any application for renewal of
20 license and at other suitable times.

Article 3. Cancellation, Suspension or Revocation of Licenses.

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

8 Upon such cancellation, the licensee must surrender
9 the license so canceled to the department.

Sec. 2. *Suspending Privileges of Nonresidents and Re-*
2 *porting Convictions.*—The privilege of driving a motor
3 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.*—

3 Whenever a conviction is had in any court of record, or
4 in a justice's court, or in the police court or mayor's
5 court of any incorporated municipality, for the violation
6 of any law of this state governing or regulating the li-
7 censing or operation of any motor vehicle, or for the
8 violation of any provision of a charter, or by-law, or ordi-
9 nance of such incorporated municipality governing or
10 regulating the operation of motor vehicles, except regu-
11 lations governing standing or parking, the clerk of every
12 such court, or the justice, or the clerk or recorder of
13 such municipality, as the case may be, shall in each
14 case transmit to the department within seventy-two
15 hours after such conviction is had a certified abstract of
16 the judgment on such conviction.

17 Whenever any person is convicted of any offense for
18 which a provision of this chapter makes mandatory the
19 revocation or suspension of the operator's or chauffeur's
20 license of such person by the department, the court in
21 which such conviction is had shall require the surrender
22 to it of all operator's and chauffeur's licenses then held
23 by the person so convicted and the clerk of every said

24 court, or the justice, or the clerk or the recorder of a
25 municipality, as the case may be, shall thereupon for-
26 ward the same to the department with the abstract of the
27 judgment on such conviction.

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

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

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

7 (1) Manslaughter or negligent homicide resulting from
8 the operation of a motor vehicle;

9 (2) Driving a motor vehicle while under the influence
10 of intoxicating liquor or a narcotic drug as provided
11 in section two, article five, chapter seventeen-c of the
12 code of West Virginia, one thousand nine hundred thirty-
13 one, as amended.

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

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

20 (5) Perjury or the making of a false affidavit or state-
21 ment under oath to the department under this chapter
22 or under any other law relating to the ownership or
23 operation of motor vehicles;

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

Sec. 6. Authority of Department to Suspend or Revoke

2 *License.*—The department is hereby authorized to sus-
3 pend the license of an operator or chauffeur without

4 preliminary hearing upon a showing by its records or
5 other sufficient evidence that the licensee:

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

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

12 (3) Has been convicted with such frequency of serious
13 offenses against traffic regulations governing the move-
14 ment of vehicles as to indicate a disrespect for traffic
15 laws and a disregard for the safety of other persons on
16 the highways;

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

19 (5) Is incompetent to drive a motor vehicle;

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

22 (7) Has committed an offense in another state which if
23 committed in this state would be a ground for suspension
24 or revocation.

25 Upon suspending the license of any person as herein-
26 before in this section authorized, the department shall
27 immediately notify the licensee in writing, sent by regis-
28 tered mail to the address given by the licensee in apply-
29 ing for license, and upon his request shall afford him an
30 opportunity for a hearing as early as practical within
31 not to exceed twenty days after receipt of such request
32 in the county wherein the licensee resides unless the
33 department and the licensee agree that such hearing
34 may be held in some other county. Upon such hearing
35 the commissioner or his duly authorized agent may ad-
36 minister oaths and may issue subpoenas for the attend-
37 ance of witnesses and the production of relevant books
38 and papers and may require a reexamination of the
39 licensee. Upon such hearing the department shall either
40 rescind its order of suspension or, good cause appearing
41 therefor, may extend the suspension of such license or
42 revoke such license.

Sec. 7. *Department May Require Reexamination.*—

2 The department, having good cause to believe that a
3 licensed operator or chauffeur is incompetent or other-

4 wise not qualified to be licensed, may upon written
5 notice of at least five days to the licensee require him
6 to submit to an examination. Upon the conclusion of
7 such examination the department shall take such action
8 as may be appropriate and may suspend or revoke the
9 license of such person or permit him to retain such license,
10 or may issue a license subject to restrictions as per-
11 mitted under section ten, article two of this chapter.
12 Refusal or neglect of the licensee to submit to such ex-
13 amination shall be ground for suspension or revocation
14 of his license.

Sec. 8. *Period of Suspension or Revocation.*—The de-
2 partment shall not suspend a driver's license or privilege
3 to drive a motor vehicle on the public highways for a
4 period of more than one year, except as permitted under
5 section three, article four of this chapter.

6 Except as otherwise provided in section two, article
7 five, chapter seventeen-c of the code of West Virginia,
8 one thousand nine hundred thirty-one, as amended, any
9 person whose license or privilege to drive a motor ve-
10 hicle on the public highways has been revoked shall

11 not be entitled to have such license or privilege renewed
12 or restored unless the revocation was for a cause which
13 has been removed, except that after the expiration of
14 one year from the date on which the revoked license
15 was surrendered to and received by the department,
16 such person may make application for a new license as
17 provided by law, but the department shall not then
18 issue a new license unless and until it is satisfied after
19 investigation of the character, habits, and driving abil-
20 ity of such person that it will be safe to grant the privi-
21 lege of driving a motor vehicle on the public highways.

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

Sec. 10. *No Operation Under Foreign License During*
2 *Suspension or Revocation in This State.*—Any resident
3 or nonresident whose operator's or chauffeur's license or
4 right or privilege to operate a motor vehicle in this state

5 has been suspended or revoked as provided in this chapter
6 shall not operate a motor vehicle in this state under a
7 license, permit, or registration certificate issued by any
8 other jurisdiction or otherwise during such suspension
9 or after such revocation until a new license is obtained
10 when and as permitted under this chapter.

Article 4. Violation of License Provisions.

Section 1. *Unlawful Use of License.*—It is a misdemeanor for any person to commit anyone of the following
2 acts:
3

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

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

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

12 (4) To fail or refuse to surrender to the department
13 upon its lawful demand any operator's or chauffeur's
14

15 license which has been suspended, revoked, or canceled;

16 (5) To use a false or fictitious name in any application
17 for an operator's or chauffeur's license or to knowingly
18 make a false statement or to knowingly conceal a material
19 fact or otherwise commit a fraud in any such application;

20 (6) To permit any unlawful use of an operator's or
21 chauffeur's license issued to him; or

22 (7) To do any act forbidden or fail to perform any
23 act required by this chapter.

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

Sec. 3. *Driving While License Suspended or Revoked.*—
2 Any person who drives a motor vehicle on any public
3 highway of this state at a time when his privilege so to
4 do is suspended or revoked shall be guilty of a misde-
5 meanor and upon conviction shall be punished by im-

6 imprisonment for not less than two days nor more than six
7 months and there may be imposed in addition thereto a
8 fine of not more than five hundred dollars.

9 The department upon receiving a record of the con-
10 viction of any person under this section upon a charge
11 of driving a vehicle while the license of such person was
12 suspended shall extend the period of such suspension for
13 an additional like period and if the conviction was upon
14 a charge of driving while a license was revoked the de-
15 partment shall not issue a new license for an additional
16 period of one year from and after the date such person
17 would otherwise have been entitled to apply for a new
18 license.

Sec. 4. *Permitting Unauthorized Person to Drive.*—No

2 person shall authorize or knowingly permit a motor ve-
3 hicle owned by him or under his control to be driven
4 upon any highway by any person who is not authorized
5 hereunder or in violation of any of the provisions of this
6 chapter.

Sec. 5. *Employing Unlicensed Chauffeur.*—No person

2 shall employ as a chauffeur of a motor vehicle any person
3 not then licensed as provided in this chapter.

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

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

11 Every person renting a motor vehicle to another shall
12 keep a record of the registration number of the motor
13 vehicle so rented, the name and address of the person to
14 whom the vehicle is rented, the number of the license of
15 said latter person and the date and place when and where
16 said license was issued. Such record shall be open to in-
17 spection by any police officer or officer or employee of
18 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

6 this chapter if it had known that such part or parts thereof
7 would be declared unconstitutional.

Sec. 2. *Repeal.*—The provisions of all acts or parts of
2 acts, or of this code, which are inconsistent with the provi-
3 sions of this chapter are hereby repealed to the extent
4 of such inconsistency.

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

Article 1. Words and Phrases Defined.

Section 1. *Definition of Words and Phrases.*—The fol-
2 lowing words and phrases when used in this chapter
3 shall, for the purpose of this chapter, have the meanings
4 respectively ascribed to them in this article.

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

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

Sec. 4. *Motorcycle*.—Every motor vehicle having a
2 seat or saddle for the use of the rider and designed to
3 travel on not more than three wheels in contact with the
4 ground, but excluding a tractor.

Sec. 5. *Motor-driven Cycle*.—Every motorcycle, in-
2 cluding every motor scooter, with a motor which produces
3 not to exceed five horsepower, and every bicycle with
4 motor attached.

Sec. 6. *Authorized Emergency Vehicle*.—Vehicles of
2 the fire department, police vehicles, and such ambulances
3 and emergency vehicles of municipal departments or
4 public service corporations as are designated or author-
5 ized by the commissioner or the chief of police of an in-
6 corporated city, and such privately owned ambulances
7 and emergency vehicles as are designated by the com-
8 missioner.

Sec. 7. *School Bus*.—Every motor vehicle owned by a
2 public or governmental agency and operated for the trans-
3 portation of children to or from school or privately
4 owned and operated for compensation for the transporta-
5 tion of children to or from school.

Sec. 8. *Bicycle*.—Every device propelled by human
2 power upon which any person may ride, having two
3 tandem wheels either of which is more than twenty inches
4 in diameter.

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

Sec. 10. *Farm Tractor*.—Every motor vehicle designed
2 and used primarily as a farm implement for drawing
3 plows, mowing machines, and other implements of hus-
4 bandry.

Sec. 11. *Road Tractor*.—Every motor vehicle designed
2 and used for drawing other vehicles and not so con-
3 structed as to carry any load thereon either independent-
4 ly or any part of the weight of a vehicle or load so drawn.

Sec. 12. *Truck*.—Every motor vehicle designed, used
2 or maintained primarily for the transportation of prop-
3 erty.

Sec. 13. *Bus*.—Every motor vehicle designed for carry-
2 ing more than seven passengers and used for the trans-

3 portation of persons; and every motor vehicle, other than
4 a taxicab, designed and used for the transportation of
5 persons for compensation.

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

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

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

Sec. 17. *Pole Trailer*.—Every vehicle without motive
2 power designed to be drawn by another vehicle and at-
3 tached to the towing vehicle by means of a reach, or pole,
4 or by being boomed or otherwise secured to the towing

5 vehicle, and ordinarily used for transporting long or ir-
6 regularly shaped loads such as poles, pipes, or structural
7 members capable, generally, of sustaining themselves as
8 beams between the supporting connections.

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

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

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

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

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

Sec. 23. *Streetcar*.—A car other than a railroad train
2 for transporting persons or property and operated upon
3 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-

2 hicles of this state acting directly or through its duly
3 authorized officers and agents.

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

Sec. 30. *Pedestrian*.—Any person afoot.

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

Sec. 32. *Owner*.—A person who holds the legal title of
2 a vehicle or in the event a vehicle is the subject of an
3 agreement for the conditional sale or lease thereof with
4 the right of purchase upon performance of the conditions
5 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 gator shall be deemed the owner for the purpose of this
10 chapter.

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

Sec. 34. *Local Authorities*.—Every county, municipal,

2 and other local board or body having authority to enact
3 laws relating to traffic under the constitution and laws of
4 this state.

Sec. 35. *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. 36. *Private Road or Driveway*.—Every way or
2 place in private ownership and used for vehicular travel
3 by the owner and those having express or implied per-
4 mission from the owner, but not by other persons.

Sec. 37. *Roadway*. That portion of a highway improved,
2 designed, or ordinarily used for vehicular travel, exclu-
3 sive of the berm or shoulder. In the event a highway in-
4 cludes two or more separate roadways the term “road-
5 way” as used herein shall refer to any such roadway
6 separately but not to all such roadways collectively.

Sec. 38. *Sidewalk*.—That portion of a street between
2 the curb lines, or the lateral lines of a roadway, and
3 the adjacent property lines, intended for the use of
4 pedestrians.

Sec. 39. *Laned Roadway*.—A roadway which is divided
2 into two or more clearly marked lanes for vehicular
3 traffic.

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

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

Sec. 42. *Intersection*.—(a) The area embraced within
2 the prolongation or connection of the lateral curb lines,
3 or, if none, then the lateral boundary lines of the road-
4 ways of two highways which join one another at, or
5 approximately at, right angles, or the area within which

6 vehicles traveling upon different highways joining at any
7 other angle may come in conflict.

8 (b) Where a highway includes two roadways thirty feet
9 or more apart, then every crossing of each roadway of such
10 divided highway by an intersecting highway shall be re-
11 garded as a separate intersection. In the event such inter-
12 secting highway also includes two roadways thirty feet
13 or more apart, then every crossing of two roadways of
14 such highways shall be regarded as a separate inter-
15 section.

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

6 (b) Any portion of a roadway at an intersection or else-
7 where distinctly indicated for pedestrian crossing by lines
8 or other markings on the surface.

Sec. 44. *Safety Zone*.—The area or space officially set
2 apart within a roadway for the exclusive use of pedes-
3 trians and which is protected or is so marked or indicated

4 by adequate signs as to be plainly visible at all times
5 while set apart as a safety zone.

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

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

Sec. 47. *Official Traffic-control Devices*.—All signs, sig-
2 nals, markings, and devices not inconsistent with this
3 chapter placed or erected by authority of a public body
4 or official having jurisdiction, for the purpose of regulat-
5 ing, warning, or guiding traffic.

Sec. 48. *Traffic-control Signal*.—Any device, whether
2 manually, electrically, or mechanically operated, by
3 which traffic is alternately directed to stop and to proceed.

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

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

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

Sec. 52. *Stop*.—When required means complete cessa-
2 tion from movement.

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

Sec. 54. *Park*.—When prohibited means the standing of

2 a vehicle, whether occupied or not, otherwise than tem-
3 porarily for the purpose of and while actually engaged in
4 loading or unloading.

Article 2. Obedience to and Effect of Traffic Laws.

Section 1. *Provisions of Chapter Refer to Vehicles upon*
2 *the Highways; Exceptions.*—The provisions of this chap-
3 ter relating to the operation of vehicles refer exclusively
4 to the operation of vehicles upon highways except;

5 (1) Where a different place is specifically referred to
6 in a given section.

7 (2) The provisions of article four and five shall apply
8 upon highways and elsewhere throughout the state.

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

Sec. 3. *Enforcement of Highway Laws; Bond.*—(a) It
2 shall be the duty of the department of public safety and its
3 members to enforce the provisions of this chapter and
4 other laws of this state governing the operation of ve-

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

26 invested by law with authority to direct, control or regu-
27 late traffic.”

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

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

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

Sec. 5. *Authorized Emergency Vehicles.*—(a) The
2 driver of an authorized emergency vehicle, when re-
3 sponding to an emergency call or when in the pursuit of
4 an actual or suspected violator of the law or when re-

5 sponding to but not upon returning from a fire alarm,
6 may exercise the privileges set forth in this section, but
7 subject to the conditions herein stated.

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

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

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

15 (3) Exceed the speed limits so long as he does not en-
16 danger life or property;

17 (4) Disregard regulations governing direction of move-
18 ment of turning in specified directions.

19 (c) The exemptions herein granted to an authorized
20 emergency vehicle shall apply only when the driver of
21 any said vehicle while in motion sounds audible signal by
22 bell, siren, or exhaust whistle as may be reasonably nec-
23 essary, and when the vehicle is equipped with at least
24 one lighted lamp displaying a red light visible under
25 normal atmospheric conditions from a distance of five

26 hundred feet to the front of such vehicle, except that an
27 authorized emergency vehicle operated as a police vehicle
28 need not be equipped with or display a red light visible
29 from in front of the vehicle.

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

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

Sec. 7. *Provisions of Chapter Uniform Throughout*
2 *State.*—The provisions of this chapter shall be applicable
3 and uniform throughout this state and in all political

4 subdivisions and municipalities therein and no local au-
5 thority shall enact or enforce any ordinance, rule, or regu-
6 lation in conflict with the provisions of this chapter unless
7 expressly authorized herein. Local authorities may, how-
8 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-
2 sions of this chapter shall not be deemed to prevent local
3 authorities with respect to streets and highways under
4 their jurisdiction and within the reasonable exercise of
5 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-
10 blages on the highways;
- 11 (4) Designating particular highways as one-way high-
12 ways and requiring that all vehicles thereon be moved
13 in one specific direction;
- 14 (5) Regulating the speed of vehicles in public
15 parks;

16 (6) Designating any highway as a through highway
17 and requiring that all vehicles stop before entering or
18 crossing the same or designating any intersections as a
19 stop intersection and requiring all vehicles to stop at one
20 or more entrances to such intersection;

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

23 (8) Regulating the operation of bicycles and requiring
24 the registration and licensing of same, including the re-
25 quirement of a registration fee;

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

28 (10) Altering the speed limits as authorized herein;

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

31 (b) No local authority shall erect or maintain any
32 stop sign or traffic-control signal at any location so as to
33 require the traffic on any state highway to stop before
34 entering or crossing any intersecting highway unless
35 approval in writing has first been obtained from the state
36 road commission.

37 (c) No ordinance or regulation enacted under subdi-
38 visions (4), (5), (6), (7), or (10), of paragraph (a) of this
39 section shall be effective until signs giving notice of such
40 local traffic regulations are posted upon or at the en-
41 trances to the highway or part thereof affected as may be
42 most appropriate.

Sec. 9. *This Chapter not to Interfere with Rights of*
2 *Owners of Real Property with Reference Thereto.*—Noth-
3 ing in this chapter shall be construed to prevent the
4 owner of real property used by the public for purposes of
5 vehicular travel by permission of the owner and not as
6 matter of right from prohibiting such use, or from requir-
7 ing other or different or additional conditions than those
8 specified in this chapter, or otherwise regulating such use
9 as may seem best to such owner.

Article 3. Traffic Signs, Signals and Markings.

Section 1. *State Road Commission to Adopt Sign*
2 *Manual.*—The state road commission shall adopt a manual
3 and specifications for a uniform system of traffic-control
4 devices consistent with the provisions of this chapter for
5 use upon highways within this state. Such uniform system

6 shall correlate with and so far as possible conform to the
7 system then current as approved by the American Asso-
8 ciation of State Highway Officials.

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

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

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

7 All such traffic-control devices hereafter erected shall
8 conform to the state manual and specifications.

Sec. 4. *Obedience to and Required Traffic-control*

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

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

Sec. 5. *Traffic-control Signal Legend.*—Whenever traf-

2 fic is controlled by traffic-control signals exhibiting the
3 words "Go," "Caution," or "Stop," or exhibiting different

4 colored lights successively one at a time, or with arrows,
5 the following colors only shall be used and said terms
6 and lights shall indicate and apply to drivers of vehicles
7 and pedestrians as follows:

8 (a) Green alone or "Go".

9 (1) Vehicular traffic facing the signal, except when
10 prohibited under section two, article twelve of this chap-
11 ter may proceed straight through or turn right or left
12 unless a sign at such place prohibits either such turn. But
13 vehicular traffic, including vehicles turning right or left,
14 shall yield the right-of-way to other vehicles and to pedes-
15 trians lawfully within the intersection or an adjacent
16 cross walk at the time such signal is exhibited.

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

19 (b) Yellow alone or "Caution" when shown following
20 the green or "Go" signal;

21 (1) Vehicular traffic facing the signal is thereby
22 warned that the red or "Stop" signal will be exhibited
23 immediately thereafter and such vehicular traffic shall

24 not enter or be crossing the intersection when the red
25 or "Stop" signal is exhibited.

26 (2) Pedestrians facing such signal are thereby advised
27 that there is insufficient time to cross the roadway, and
28 any pedestrian then starting to cross shall yield the right-
29 of-way to all vehicles.

30 (c) Red alone or "Stop":

31 (1) Vehicular traffic facing the signal shall stop be-
32 fore entering the cross walk on the near side of the inter-
33 section or, if none, then before entering the intersection
34 and shall remain standing until green or "Go" is shown
35 alone.

36 (2) No pedestrian facing such signal shall enter the
37 roadway unless he can do so safely and without inter-
38 fering with any vehicular traffic.

39 (d) Red with green arrow:

40 (1) Vehicular traffic facing such signal may cau-
41 tiously enter the intersection only to make the movement
42 indicated by such arrow but shall yield the right-of-way
43 to pedestrians lawfully within a cross walk and to other
44 traffic lawfully using the intersection.

45 (2) No pedestrian facing such signal shall enter the
46 roadway unless he can do so safely and without inter-
47 fering with any vehicular traffic.

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

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

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

5 (a) Walk.—Pedestrians facing such signal may pro-
6 ceed across the roadway in the direction of the signal and
7 shall be given the right-of-way by the drivers of all
8 vehicles.

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

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

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

12 (2) Flashing yellow (caution signal).—When a yellow
13 lens is illuminated with rapid intermittent flashes,
14 drivers of vehicles may proceed through the intersection
15 or past such signal only with caution.

Sec. 8. *Display of Unauthorized Signs, Signals, or*

2 *Markings.*—(a) No person shall place, maintain, or dis-
3 play upon or in view of any highway any unauthorized
4 sign, signal, marking, or device which purports to be or is
5 an imitation of or resembles an official traffic-control
6 device or railroad sign or signal, or which attempts to
7 direct the movement of traffic, or which hides from view
8 or interferes with the effectiveness of any official traffic-
9 control device or any railroad sign or signal, and no per-
10 son shall place or maintain nor shall any public authority
11 permit upon any highway any traffic sign or signal bear-
12 ing thereon any commercial advertising. This shall not
13 be deemed to prohibit the erection upon private property
14 adjacent to highways of signs giving useful directional
15 information and of a type that cannot be mistaken for
16 official signs.

17 (b) Every such prohibited sign, signal, or marking is
18 hereby declared to be a public nuisance and the authority
19 having jurisdiction over the highway is hereby empow-
20 ered to remove the same or cause it to be removed without
21 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

15 than one hundred dollars nor more than five thousand
16 dollars, or by both such fine and imprisonment.

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

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

Sec. 3. *Duty to Give Information and Render Aid.*—
2 The driver of any vehicle involved in an accident result-
3 ing in injury to or death of any person or damage to any
4 vehicle which is driven or attended by any person shall

5 give his name, address, and the registration number of
6 the vehicle he is driving and shall upon request and if
7 available exhibit his operator's or chauffeur's license to
8 the person struck or the driver or occupant of or person
9 attending any vehicle collided with and shall render to
10 any person injured in such accident reasonable assistance,
11 including the carrying, or the making arrangements for
12 the carrying of such person to a physician, surgeon, or
13 hospital for medical or surgical treatment if it is apparent
14 that such treatment is necessary or if such carrying is
15 requested by the injured person.

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

Sec. 5. *Duty upon Striking Fixtures upon a Highway.*—

2 The driver of any vehicle involved in an accident result-
3 ing only in damage to fixtures or other property legally
4 upon or adjacent to a highway shall take reasonable steps
5 to locate and notify the owner or person in charge of such
6 property of such fact and of his name and address and of
7 the registration number of the vehicle he is driving and
8 shall upon request and if available exhibit his operator's
9 or chauffeur's license and shall make report of such acci-
10 dent when and as required in section seven of this article.

Sec. 6. *Immediate Reports of Accidents.*—The driver

2 of a vehicle involved in an accident resulting in injury to
3 or death of any person shall immediately by the quickest
4 means of communication, whether oral or written give
5 notice of such accident to the local police department if
6 such accident occurs within a municipality, otherwise to
7 the office of the county sheriff or the nearest office of the
8 department of public safety.

Sec. 7. *Written Reports of Accidents.*—(a) The driver

2 or the attorney or agent of such driver, of a vehicle in-
3 volved in an accident occurring on the public highways

4 of this state resulting in bodily injury to or death of any
5 person or total property damage to an apparent extent
6 of one hundred dollars or more shall, within five days
7 after such accident, forward a written report of such
8 accident to the department of motor vehicles.

9 (b) The department may require any driver of a ve-
10 hicle involved in an accident of which report must be
11 made as provided in this section to file supplemental re-
12 ports whenever the original report is insufficient in the
13 opinion of the department and may require witnesses of
14 accidents to render reports to the department.

15 (c) Every law enforcement officer who, in the regular
16 course of duty, investigates a motor vehicle accident of
17 which report must be made as required in this section,
18 either at the time of and at the scene of the accident or
19 thereafter by interviewing participants or witnesses shall,
20 within twenty-four hours after completing such investiga-
21 tion, forward a written report of such accident to the
22 department.

23 Sec. 8. *When Driver Unable to Report.*—(a) When-
24 ever the driver of a vehicle is physically incapable of mak-

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-

10 erence to a traffic accident the cause, conditions then
11 existing, and the persons and vehicles involved.

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

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

Sec. 10. *Penalty for Failure to Report.*—The commis-
2 sioner shall suspend the license or permit to drive and any
3 nonresident operating privileges of any person failing to
4 report an accident as herein provided until such report
5 has been filed. Any person convicted of failing to make
6 a report as required herein shall be punished as provided
7 in section one, article nineteen of this chapter.

Sec. 11. *Coroners to Report.*—Every coroner or other
2 official performing like functions shall on or before the

3 tenth day of each month report in writing to the depart-
4 ment the death of any person within his jurisdiction dur-
5 ing the preceding calendar month as the result of a traffic
6 accident giving the time and place of the accident and the
7 circumstances relating thereto.

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

Sec. 13. *Accident Reports Confidential.*—All accident
2 reports made by persons involved in accidents or by
3 garages shall be without prejudice to the individual so
4 reporting and shall be for the confidential use of the
5 department or other state agencies having use for the
6 records for accident prevention purposes, or for the ad-
7 ministration of the laws of this state relating to the

8 deposit of security and proof of financial responsibility
9 by persons driving or the owners of motor vehicles, except
10 that the department may disclose the identity of a person
11 involved in an accident when such identity is not other-
12 wise known or when such person denies his presence at
13 such accident. No such report shall be used as evidence
14 in any trial, civil or criminal, arising out of an accident,
15 except that the department shall furnish upon demand of
16 any person who has, or claims to have, made such a report
17 or upon demand of any court, a certificate showing that a
18 specified accident report has or has not been made to the
19 department solely to prove a compliance or a failure to
20 comply with the requirement that such a report be made
21 to the department.

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

27 Sec. 15. *Any Incorporated City May Require Accident*
28 *Reports.*—Any incorporated city, town, village, or other

3 municipality may by ordinance require that the driver of
4 a vehicle involved in an accident shall also file with a
5 designated city department a report of such accident or
6 a copy of any report herein required to be filed with the
7 department. All such reports shall be for the confidential
8 use of the city department and subject to the provisions
9 of section thirteen of this article.

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

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

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

12 (c) The commissioner shall revoke the license or per-

13 mit to drive and any nonresident operating privilege of
14 any person convicted of negligent homicide.

Sec. 2. *Persons under the Influence of Intoxicating*

2 *Liquor or of Drugs.*—(a) It is unlawful and punishable
3 as provided in paragraph (c) of this section for any per-
4 son who is under the influence of intoxicating liquor to
5 drive or be in actual physical control of any vehicle on any
6 highway of this state or for any owner of such vehicle
7 to knowingly permit the same to be so operated by one
8 under the influence of intoxicating liquor.

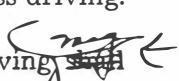
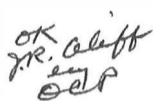
9 (b) It is unlawful and punishable as provided in para-
10 graph (c) of this section for any person who is an habitual
11 user of or under the influence of any narcotic drug or who
12 is under the influence of any other drug to a degree which
13 renders him incapable of safely driving a vehicle to drive
14 a vehicle within this state. The fact that any person
15 charged with a violation of this paragraph is or has been
16 entitled to use such drug under the laws of this state shall
17 not constitute a defense against any charge of violating
18 this paragraph.

19 (c) A person violating any provision of this section

20 shall for the first offense, be guilty of a misdemeanor, and
21 upon conviction thereof shall be punished by a fine of not
22 less than fifty nor more than one hundred dollars or by
23 imprisonment in the county jail for a period of not less
24 than five days nor more than six months, or by both such
25 fine and imprisonment, and his operator's or chauffeur's
26 license shall be revoked for a period of six months. A
27 person violating any provision of this section shall, for
28 the second offense, be guilty of a misdemeanor, and upon
29 conviction thereof shall be punished by imprisonment in
30 the county jail for a period of not less than six months
31 nor more than one year, which sentence shall not be sub-
32 ject to probation, and whenever the records of the depart-
33 ment disclose that a conviction is the second such con-
34 viction of such person for a violation of this section his
35 operator's or chauffeur's license shall be revoked by the
36 commissioner for a period of ten years, unless reissued by
37 the department of motor vehicles as hereinafter provided.
38 Whenever the commissioner of motor vehicles, after full
39 investigation, shall find that the character of any person
40 who was convicted of a second offense under this section

41 and the circumstances at the time indicate that he is not
42 likely again to repeat his offense, and that the public good
43 does not require that his license be longer revoked, the
44 commissioner may if it is deemed advisable reissue such
45 license at any time more than five years after the date on
46 which it was revoked. A person violating any provision of
47 this section shall, for the third or any subsequent offense,
48 be guilty of a felony, and upon conviction thereof shall
49 be punished by imprisonment in the penitentiary for not
50 less than one nor more than three years, and whenever
51 the records of the department disclose that a conviction
52 is the third such or any subsequent conviction of such
53 person for a violation of this section his operator's or
54 chauffeur's license shall be revoked by the commissioner
55 for a period of ten years and indefinitely thereafter unless
56 reissued as hereinafter provided. Whenever the commis-
57 sioner of motor vehicles, after full investigation, shall
58 find that the character of any person who was convicted
59 of a third or subsequent offense under this section and the
60 circumstances at the time indicate that he is not likely
61 again to repeat his offense, and the public good does not

62 require that his license be longer revoked, the commis-
63 sioner may if it is deemed advisable reissue such license
64 at any time more than ten years after the date on which it
65 was revoked. The discretionary power herein conferred
66 may be exercised by the commissioner and the depart-
67 ment of motor vehicles with respect to the reissuing of
68 licenses, revoked because of convictions prior to the
69 passage of this chapter.

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

Article 6. Speed Restrictions.

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

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

17 (1) Fifteen miles per hour when passing a school
18 building or the grounds thereof during school recess or
19 while children are going to or leaving school during
20 opening or closing hours;

21 (2) Twenty-five miles per hour in any business or
22 residence district;

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

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

27 (c) The driver of every vehicle shall, consistent with
28 the requirements of paragraph (a), drive at an appropri-
29 ate reduced speed when approaching and crossing an in-
30 tersection or railway grade crossing, when approaching
31 and going around a curve, when approaching a hill crest,
32 when traveling upon any narrow or winding roadway,
33 and when special hazard exists with respect to pedestrians
34 or other traffic or by reason of weather or highway con-
35 ditions.

 Sec. 2. *Establishment of State Speed Zones.*—When-
2 ever the state road commission shall determine upon the
3 basis of an engineering and traffic investigation that any
4 speed limit hereinbefore set forth is greater or less than
5 is reasonable or safe under the conditions found to exist
6 at any intersection or other place or upon any part of a

7 highway, said commissioner may determine and declare
8 a reasonable and safe speed limit thereat which shall be
9 effective at all times or during hours of daylight or dark-
10 ness or at such other times as may be determined when
11 appropriate signs giving notice thereof are erected at such
12 intersection or other place or part of the highway, but no
13 speed in excess of fifty-five miles per hour shall be indi-
14 cated.

Sec. 3. *When Local Authorities May Alter Speed*

2 *Limits.*—(a) At intersection.—Whenever local authori-
3 ties within their respective jurisdictions determine upon
4 the basis of an engineering and traffic investigation that
5 the speed permitted under this chapter at any intersection
6 is greater than is reasonable or safe under the conditions
7 found to exist at such intersection, such local authority
8 subject to paragraph (d) of this section shall determine
9 and declare a reasonable and safe speed limit thereat,
10 which shall be effective at all times or during hours of
11 daylight or darkness or at such other times as may be
12 determined when appropriate signs giving notice thereof

13 are erected at such intersection or upon the approaches
14 thereto.

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

29 (c) Authority to decrease fifty-five mile limit.—When-
30 ever local authorities within their respective jurisdictions
31 determine upon the basis of an engineering and traffic
32 investigation that the speed under this chapter upon open
33 country highway outside a business or residence district

34 is greater than is reasonable or safe under the conditions
35 found to exist upon such street or highway, the local
36 authority may determine and declare a reasonable and
37 safe limit thereon but in no event less than thirty-five
38 miles per hour and subject to paragraph (d) of this sec-
39 tion, which reduced limit shall be effective at all times
40 or during hours of darkness or at other times as may be
41 determined when appropriate signs giving notice thereof
42 are erected upon such street or highway.

43 (d) Alteration of limits on state highways or exten-
44 sions thereof in a municipality by local authorities shall
45 not be effective until such alteration has been approved by
46 the state road commission.

Sec. 4. *Special Speed Limitations on Vehicles Not De-*
2 *signed for Carrying Passengers and Equipment with Pneu-*
3 *matic Tires.*—Subject to all other speed restrictions of
4 this chapter no person shall drive a vehicle not designed
5 for carrying passengers and equipped with pneumatic
6 tires at a speed in excess of:

7 (1) Twenty miles per hour in any business district:

8 (2) Twenty-five miles per hour in any residence dis-
9 trict;

10 (3) Forty miles per hour on open country high-
11 way.

12 (4) Trucks licensed at four thousand pounds gross
13 vehicle weight or less shall be permitted the same speed
14 as passenger cars.

Sec. 5. Special Speed Limitations.—(a) No person
2 shall drive any vehicle equipped with other than pneu-
3 matic tires at a speed greater than a maximum of ten
4 miles per hour.

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

11 (c) The state road commission upon request from any
12 local authority shall, or upon its own initiative may,
13 conduct an investigation of any bridge or other elevated
14 structure constituting a part of a highway, and if it shall

15 thereupon find that such structure cannot with safety to
16 itself withstand vehicles traveling at the speed otherwise
17 permissible under this chapter, the commission shall de-
18 termine and declare the maximum speed of vehicles
19 which such structure can withstand, and shall cause or
20 permit suitable signs stating such maximum speed to be
21 erected and maintained at a distance of one hundred feet
22 before each end of such structure.

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

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

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

8 this chapter, the complaint and the summons or notice
9 to appear shall also specify such other offense alleged to
10 have been committed.

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

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

Section 1. *Drive on Right Side of Roadway, Excep-*
2 *tions.*—(a) Upon all roadways of sufficient width a ve-
3 hicle shall be driven upon the right half of the road-
4 way, except as follows:

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

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

10 (3) Upon a roadway divided into three marked lanes
11 for traffic under the rules applicable thereon; or

12 (4) Upon a roadway designated and signposted for
13 one-way traffic.

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

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

Sec. 3. *Overtaking a Vehicle on the Left.*—The follow-
2 ing rules shall govern the overtaking and passing of
3 vehicles proceeding in the same direction, subject to

4 these limitations, exceptions, and special rules herein-
5 after stated.

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

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

Sec. 4. *When Overtaking on the Right Is Permitted.*—

2 (a) The driver of a vehicle may overtake and pass upon
3 the right of another vehicle only under the following
4 conditions:

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

7 (2) Upon a street or highway with unobstructed pave-
8 ment not occupied by parked vehicles of sufficient width

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-

11 hand side of the roadway before coming within one
12 hundred feet of any vehicle approaching from the op-
13 posite direction.

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

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

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

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

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

100 *Sec. 7. No-passing Zones.*—The state road commission
2 is hereby authorized to determine those portions of any
3 highway where overtaking and passing or driving to the

4 left of the roadway would be especially hazardous and
5 may by appropriate signs or markings on the roadway
6 indicate the beginning and end of such zones and when
7 such signs or markings are in place and clearly visible
8 to an ordinarily observant person every driver of a
9 vehicle shall obey the directions thereof.

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

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

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

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

5 (a) A vehicle shall be driven as nearly as practicable

6 entirely within a single lane and shall not be moved
7 from such lane until the driver has first ascertained that
8 such movement can be made with safety.

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

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

Sec. 10. *Following Too Closely.*—(a) The driver of a
2 motor vehicle shall not follow another vehicle more
3 closely than is reasonable and prudent, having due re-

4 gard for the speed of such vehicles and the traffic upon
5 and the condition of the highway.

6 (b) The driver of any motor truck or motor vehicle
7 drawing another vehicle when traveling upon a road-
8 way outside of a business or residence district and which
9 is following another motor truck or motor vehicle draw-
10 ing another vehicle shall whenever conditions permit
11 leave sufficient space so that an overtaking vehicle may
12 enter and occupy such space without danger, except
13 that this shall not prevent a motor truck or motor vehicle
14 drawing another vehicle from overtaking and passing any
15 like vehicle or other vehicle.

16 (c) Motor vehicles being drawn upon any roadway
17 outside of a business or residence district in a caravan
18 or motorcade whether or not towing other vehicles shall
19 be so operated as to allow sufficient space between each
20 such vehicle or combination of vehicles so as to enable
21 any other vehicle to enter and occupy such space without
22 danger. This provision shall not apply to funeral pro-
23 cessions.

Sec. 11. *Driving on Divided Highways.*—Whenever any

2 highway has been divided into two roadways by leaving
3 an intervening space or by a physical barrier or clearly
4 indicated dividing section so constructed as to impede
5 vehicular traffic, every vehicle shall be driven only upon
6 the right-hand roadway and no vehicle shall be driven
7 over, across, or within any such dividing space, barrier,
8 or section, except through an opening in such physical
9 barrier or dividing section or space or at a cross-over or
10 intersection established by public authority.

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

Sec. 13. *Restrictions on Use of Controlled-access Road-*
2 *way.*—The state road commission may by resolution or
3 order entered in its minutes and local authorities may
4 by ordinance with respect to any controlled-access road-
5 way under their respective jurisdictions prohibit the use
6 of any such roadway by pedestrians, bicycles, or other
7 nonmotorized traffic or by any person operating a motor-
8 driven cycle.

9 The state road commission or the local authority
10 adopting any such prohibitory regulation shall erect and
11 maintain official signs on the controlled-access roadway
12 on which such regulations are applicable and when so
13 erected no person shall disobey the restrictions stated on
14 such signs.

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

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

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

Sec. 3. *Left Turns on Two-way Roadways.*—At any
2 intersection where traffic is permitted to move in both
3 directions on each roadway entering the intersection, an
4 approach for a left turn shall be made in that portion
5 of the right half of the roadway nearest the center line
6 thereof and by passing to the right of such center line

7 where it enters the intersection and after entering the
8 intersection the left turn shall be made so as to leave the
9 intersection to the right of the center line of the roadway
10 being entered. Whenever practicable the left turn shall
11 be made in that portion of the intersection to the left
12 of the center of the intersection.

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

Sec. 5. *Local Authority May Specify a Different Course*
2 *for Turns.*—Local authorities in their respective juris-
3 dictions may cause markers, buttons, or signs to be
4 placed within or adjacent to intersections and thereby

5 require and direct that a different course from that speci-
6 fied in this article be traveled by vehicles turning at an
7 intersection, and when markers, buttons, or signs are so
8 placed no driver of a vehicle shall turn a vehicle at an
9 intersection other than as directed and required by such
10 markers, buttons, or signs.

Sec. 6. *Turning on Curve or Crest of Grade Prohib-*
2 *ited.*—No vehicle shall be turned so as to proceed in the
3 opposite direction upon any curve, or upon the approach
4 to, or near the crest of a grade, where such vehicle
5 cannot be seen by the driver of any other vehicle ap-
6 proaching from either direction within five hundred feet.

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

Sec. 8. *Turning Movements and Required Signals.*—
2 (a) No person shall turn a vehicle at an intersection
3 unless the vehicle is in proper position upon the road-
4 way as required in section two, three, four or five of this
5 article, or turn a vehicle to enter a private road or drive-

6 way or otherwise turn a vehicle from a direct course or
7 move right or left upon a roadway unless and until such
8 movement can be made with reasonable safety. No per-
9 son shall so turn any vehicle without giving an appropri-
10 ate signal in the manner hereinafter provided in the
11 event any other traffic may be affected by such move-
12 ment.

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

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

Sec. 9. Signals by Hand and Arm or Signal Device.—

2 Any stop or turn signal when required herein shall be
3 given either by means of the hand and arm or by a
4 signal lamp or lamps or mechanical signal device, but
5 when a vehicle is so constructed or loaded that hand-

6 and-arm signal would not be visible both to the front
7 and rear of such vehicle then said signals must be given
8 by such a lamp or lamps or signal device.

Sec. 10. *Method of Giving Hand-and-Arm Signals.*—

2 All signals herein required given by hand and arm shall
3 be given from the left side of the vehicle in the follow-
4 ing manner and such signals shall indicate as follows:

- 5 (1) Left turn.—Hand and arm extended horizontally.
- 6 (2) Right turn.—Hand and arm extended upward.
- 7 (3) Stop or decrease speed.—Hand and arm extended
8 downward.

Article 9. Right of Way.

Section 1. *Vehicle Approaching or Entering Intersec-*
2 *tion.*—(a) The driver of a vehicle approaching an inter-
3 section shall yield the right-of-way to a vehicle which
4 has entered the intersection from a different highway.

5 (b) When two vehicles enter an intersection from a
6 different highway at approximately the same time the
7 driver of the vehicle on the left shall yield the right-of-
8 way to the vehicle on the right.

9 (c) The right-of-way rules declared in paragraphs

10 (a) and (b) are modified at through highways and oth-
11 erwise as hereinafter stated in this article.

Sec. 2. *Vehicle Turning Left at Intersection.*—The
2 driver of a vehicle within an intersection intending to
3 turn to the left shall yield the right-of-way to any vehicle
4 approaching from the opposite direction which is within
5 the intersection or so close thereto as to constitute an
6 immediate hazard, but said driver, having so yielded and
7 having given a signal when and as required by this chap-
8 ter, may make such left turn and the drivers of all other
9 vehicles approaching the intersection from said opposite
10 direction shall yield the right-of-way to the vehicles
11 making the left turn.

Sec. 3. *Vehicle Entering Through Highway or Stop*
2 *Intersections.*—(a) The driver of a vehicle shall stop as
3 required by section five, article thirteen of this chapter
4 at the entrance to a through highway and shall yield the
5 right-of-way to other vehicles which have entered the
6 intersection from said through highways or which are
7 approaching so closely on said through highway as to

8 constitute an immediate hazard, but said driver having
9 so yielded may proceed.

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

Sec. 4. *Vehicle Entering Highway from Private Road*

2 *or Driveway.*—The driver of a vehicle about to enter
3 or cross a highway from a private road or driveway shall
4 yield the right-of-way to all vehicles approaching on
5 said highway.

Sec. 5. *Operation of Vehicles and Streetcars on Ap-*

2 *proach of Authorized Emergency Vehicles.*—(a) Upon
3 the immediate approach of authorized emergency vehicle
4 equipped with at least one lighted lamp exhibiting red
5 light visible under normal atmospheric conditions from
6 a distance of five hundred feet to the front of such vehicle

7 other than a police vehicle when operated as an author-
8 ized emergency vehicle, and when the driver is giving
9 audible signal by siren, exhaust whistle, or bell:

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

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

23 (b) This section shall not operate to relieve the driver
24 of an authorized emergency vehicle from the duty to
25 drive with due regard for the safety of all persons using
26 the highway.

Article 10. Pedestrians' Rights and Duties.**Section 1. Pedestrians Subject to Traffic Regulations.—**

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

8 (b) Local authorities are hereby empowered by ordi-
9 nance to require that pedestrians shall strictly comply
10 with the directions of any official traffic-control signal
11 and may by ordinance prohibit pedestrians from cross-
12 ing any roadway in a business district or any designated
13 highways except in across walk.

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

2 (a) When traffic-control signals are not in place or not
3 in operation the driver of a vehicle shall yield the right-
4 of-way, slowing down or stopping if need be to so yield,
5 to a pedestrian crossing the roadway within a cross
6 walk when the pedestrian is upon the half of the road-
7 way upon which the vehicle is traveling, 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.

10 (c) Between adjacent intersections at which traffic-
11 control signals are in operation pedestrians shall not
12 cross at any place except in a marked cross walk.

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

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

Sec. 6. *Pedestrians on Roadways.*—(a) Where side-
2 walks are provided it shall be unlawful for any pedes-
3 trian to walk along and upon an adjacent roadway.

4 (b) Where sidewalks are not provided any pedestrian
5 walking along and upon a highway shall when practicable
6 walk only on the left side of the roadway or its shoulder
7 facing traffic which may approach from the opposite
8 direction.

9 (c) No person shall stand in a roadway for the pur-
10 pose of soliciting a ride from the driver of any vehicle.

Sec. 7. *Protection of Blind Pedestrians on Public Streets*
2 *and Highways.*—Whenever a pedestrian is crossing or
3 attempting to cross a public street or highway, at or near
4 an intersection or crosswalk, guided by a guide dog, or
5 carrying in a raised or extended position a cane or walk-
6 ing stick which is metallic or white in color, or white
7 tipped with red, the driver of every vehicle approaching
8 such intersection or crosswalk shall take such precau-
9 tions as may be necessary to avoid injuring or endanger-
10 ing such pedestrian, and if injury or danger to such
11 pedestrian can be avoided only by bringing the vehicle to
12 a full stop, the driver shall do so. No person, who is not
13 totally or partially blind or otherwise incapacitated,
14 shall carry on any public street or highway in a raised or
15 extended position a cane or walking stick which is metallic
16 or white in color, or white tipped with red.

17 Nothing contained in this section shall be construed to
18 deprive any totally or partially blind or otherwise in-
19 capacitated 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.

Article 11. Operation of Bicycles and Play Vehicles.

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.

8 (c) These regulations applicable to bicycles shall apply
9 whenever a bicycle is operated upon any highway or
10 upon any path set aside for the exclusive use of bicycles
11 subject to those exceptions stated herein.

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

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

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

Sec. 4. *Clinging to Vehicles.*—No person riding upon
2 any bicycle, coaster, roller skates, sled, or toy vehicle
3 shall attach the same or himself to any streetcar or
4 vehicle upon a roadway.

Sec. 5. *Riding on Roadways and Bicycle Paths.*—(a)

2 Every person operating a bicycle upon a roadway shall
3 ride as near to the right side of the roadway as prac-
4 ticable, exercising due care when passing a standing
5 vehicle or one proceeding in the same direction.

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

9 (c) Whenever a usable path for bicycles has been pro-
10 vided adjacent to a roadway, bicycle riders shall use
11 such path and shall not use the roadway.

Sec. 6. *Carrying Articles.*—No person operating a bi-
2 cycle shall carry any package, bundle, or article which
3 prevents the driver from keeping at least one hand
4 upon the handle bars.

Sec. 7. *Lamps and Other Equipment on Bicycles.*—

2 Every bicycle when in use at nighttime shall be equipped
3 with a lamp on the front which shall emit a white light
4 visible from a distance of at least five hundred feet to the
5 front and with a red reflector on the rear of a type ap-
6 proved by the department which shall be visible from

7 all distances from fifty feet to three hundred feet to the
8 rear when directly in front of lawful upper beams of
9 head lamps on a motor vehicle. A lamp emitting a red
10 light visible from a distance of five hundred feet to the
11 rear may be used in addition to the red reflector.

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

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

Article 12. Special Stops Required.

Section 1. Obedience to Signal Indicating Approach of

2 *Train.*—(a) Whenever any person driving a vehicle ap-
3 proaches a railroad grade crossing under any of the cir-
4 cumstances stated in this section, the driver of such
5 vehicle shall stop within fifty feet but not less than
6 fifteen feet from the nearest rail of such railroad, and

7 shall not proceed until he can do so safely. The fore-

8 going requirements shall apply when:

9 (1) A clearly visible electric or mechanical signal de-
10 vice gives warning of the immediate approach of a rail-
11 road train;

12 (2) A crossing gate is lowered or when a human flag-
13 man gives or continues to give a signal of the approach
14 or passage of a railroad train;

15 (3) A railroad train approaching within approximate-
16 ly one thousand five hundred feet of the highway cross-
17 ing emits a signal audible from such distance and such
18 railroad train, by reason of its speed or nearness to such
19 crossing, is an immediate hazard;

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

22 (b) No person shall drive any vehicle through, around,
23 or under any crossing gate or barrier at a railroad cross-
24 ing while such gate or barrier is closed or is being opened
25 or closed.

Sec. 2. *All Vehicles Must Stop at Certain Railroad*

2 *Grade Crossings.*—The state road commission and local

3 authorities with the approval of the state road commis-
4 sion are hereby authorized to designate particularly dan-
5 gerous highway grade crossings of railroads and to erect
6 stop signs thereat. When such stop signs are erected
7 the driver of any vehicle shall stop within fifty feet but
8 not less than fifteen feet from the nearest rail of such
9 railroad and shall proceed only upon exercising due care.

Sec. 3. *Certain Vehicles Must Stop at All Railroad*
2 *Grade Crossings.*—(a) The driver of any motor vehicle
3 carrying passengers for hire, or of any school bus carry-
4 ing any school child, or of any vehicle carrying ex-
5 plosive substances or flammable liquids as a cargo or
6 part of a cargo, or of any vehicle owned by an employer
7 which, in carrying on such employer's business or in
8 carrying employees to and from work, is carrying more
9 than six employees of such employer, before crossing at
10 grade any track or tracks of a railroad, shall stop such
11 vehicle within fifty feet but not less than fifteen feet from
12 the nearest rail of such railroad and while so stopped
13 shall listen and look in both directions along such track
14 for any approaching train, and for signals indicating the

15 approach of a train, except as hereinafter provided, and
16 shall not proceed until he can do so safely. After stopping
17 as required herein and upon proceeding when it is safe
18 to do so the driver of any said vehicle shall cross only in
19 such gear of the vehicle that there will be no necessity
20 for changing gears while traversing such crossing and the
21 driver shall not shift gears while crossing the track or
22 tracks.

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

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

Sec. 4. Moving Heavy Equipment at Railroad Grade

2 *Crossings.*—(a) No person shall operate or move any
3 crawler-type tractor, steam shovel, derrick, roller, or any
4 equipment or structure having a normal operating speed
5 of ten or less miles per hour or a vertical body or load
6 clearance of less than one-half inch per foot of the dis-
7 tance between any two adjacent axles or in any event
8 of less than nine inches, measured above the level surface

9 of a roadway, upon or across any tracks at a railroad
10 grade crossing without first complying with this section.

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

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

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

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

2 (a) The state road commission with reference to state

3 highways and local authorities with reference to other
4 highways under their jurisdiction may designate through
5 highways and erect stop signs at specified entrances
6 thereto or may designate any intersection as a stop in-
7 tersection and erect like signs at one or more entrances
8 to such intersection.

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

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

18 (d) Every driver of a vehicle and every motorman of
19 a streetcar approaching a stop sign shall stop before
20 entering the cross walk on the near side of the intersec-
21 tion or in the event there is no cross walk shall stop at a
22 clearly marked stop line, but if none, then at the point
23 nearest the intersecting highway where the driver has

24 a view of approaching traffic on the intersecting high-
25 way before entering the intersection except when di-
26 rected to proceed by a police officer or traffic-control
27 signal.

Sec. 6. *Stop Before Emerging from Alley or Private
2 Driveway.*—The driver of a vehicle within a business or
3 residence district emerging from any alley, driveway,
4 or building shall stop such vehicle immediately prior to
5 driving onto a sidewalk or onto the sidewalk area ex-
6 tending across any alleyway or private driveway, and
7 shall yield the right-of-way to any pedestrian as may be
8 necessary to avoid collision, and upon entering the road-
9 way shall yield the right-of-way to all vehicles approach-
10 ing on said roadway.

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

8 bus resumes motion, or until signaled by the driver to
9 proceed.

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

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

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

2 (a) The commissioner of motor vehicles is authorized to
3 adopt standards and specifications applicable to lighting
4 equipment on and special warning devices to be carried

5 by school busses consistent with the provisions of this
6 chapter, but supplemental thereto, and except that such
7 standards and specifications may designate and permit
8 the use of flashing warning signal lights on school busses
9 for the purpose of indicating when children are boarding
10 or alighting from any said bus. Such standards and
11 specifications shall correlate with and, so far as possible,
12 conform to the specifications then current as approved
13 by the Society of Automotive Engineers.

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

Article 13. Stopping, Standing and Parking.

Section 1. *Stopping, Standing, or Parking Outside of*
2 *Business or Residence Districts.*—(a) Upon any highway
3 outside of a business or residence district no person shall
4 stop, park, or leave standing any vehicle, whether at-
5 tended or unattended, upon the paved or main-traveled
6 part of the highway when it is practicable to stop, park,

7 or so leave such vehicle off such part of said highway,
8 but in every event an unobstructed width of the high-
9 way opposite a standing vehicle shall be left for the free
10 passage of other vehicles and a clear view of such stopped
11 vehicles shall be available from a distance of two hun-
12 dred feet in each direction upon such highway.

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

Sec. 2. Officers Authorized to Remove Illegally Stopped

2 *Vehicles.*—(a) Whenever any police officer finds a vehicle
3 standing upon a highway in violation of any of the fore-
4 going provisions of this article such officer is hereby au-
5 thorized to move such vehicle, or require the driver or
6 other person in charge of the vehicle to move the same,
7 to a position off the paved or main-traveled part of such
8 highway.

9 (b) Whenever any police officer finds a vehicle unat-
10 tended upon any bridge or causeway or in any tunnel

11 where such vehicle constitutes an obstruction to traffic,
12 such officer is hereby authorized to provide for the re-
13 moval of such vehicle to the nearest garage or other
14 place of safety.

Sec. 3. *Stopping, Standing, or Parking Prohibited in*

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

- 7 (1) On a sidewalk;
- 8 (2) In front of a public or private driveway;
- 9 (3) Within an intersection;
- 10 (4) Within fifteen feet of a fire hydrant;
- 11 (5) On a cross walk;
- 12 (6) Within twenty feet of a cross walk at an inter-
13 section;
- 14 (7) Within thirty feet upon the approach to any flash-
15 ing beacon, stop sign, or traffic-control signal located at
16 the side of a roadway;
- 17 (8) Between a safety zone and the adjacent curb or

18 within thirty feet of points on the curb immediately op-
19 posite the ends of a safety zone, unless a different length
20 is indicated by signs or markings;

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

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

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

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

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

34 (14) At any place where official signs prohibit stop-
35 ping.

36 (15) Within twenty feet of any mail receptacle served
37 regularly by a carrier using a motor vehicle for daily

38 deliveries, if such parking interferes with or causes delay
39 in the carrier's schedule.

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

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

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

11 (c) Local authorities may by ordinance permit angle
12 parking on any roadway, except that angle parking shall
13 not be permitted on any Federal-aid or state highway
14 unless the state road commission has determined by reso-
15 lution 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.

Article 14. Miscellaneous Rules.

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

2 shall not back the same unless such movement can be
3 made with reasonable safety and without interfering with
4 other traffic.

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

Sec. 4. *Obstruction to Driver's View or Driving Mech-*
2 *anism.*—(a) No person shall drive a vehicle when it is so
3 loaded as to obstruct the view of the driver to the front
4 or sides of the vehicle or as to interfere with the driver's
5 control over the driving mechanism of the vehicle.

6 (b) No passenger in a vehicle or streetcar shall ride in
7 such position as to interfere with the driver's or motor-
8 man's view ahead or to the sides, or to interfere with his

9 control over the driving mechanism of the vehicle or
10 streetcar.

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

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

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

Sec. 8. *Coasting Prohibited.*—(a) The driver of any

2 motor vehicle when traveling upon a down grade shall
3 not coast with the gears of such vehicle in neutral.

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

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

Sec. 10. *Crossing Fire Hose.*—No streetcar or vehicle
2 shall be driven over any unprotected hose of a fire de-
3 partment when laid down on any street, private drive-
4 way, or streetcar track, to be used at any fire or alarm of
5 fire, without the consent of the fire department official in
6 command.

Sec. 11. *Putting Glass, etc., on Highway Prohibited.*—
2 (a) No person shall throw or deposit upon any highway
3 any glass bottle, glass, nails, tacks, wire, cans, or any

4 other substance likely to injure any person, animal, or
5 vehicle upon such highway.

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

10 (c) Any person removing a wrecked or damaged ve-
11 hicle from a highway shall remove any glass or other
12 injurious substance dropped upon the highway from such
13 vehicle.

Sec. 12. *Regulations Relative to School Busses.*—(a)

2 The West Virginia board of education by and with the
3 advice of the motor vehicle commissioner shall adopt and
4 enforce regulations not inconsistent with this chapter to
5 govern the design and operation of all school busses used
6 for the transportation of school children when owned and
7 operated by any county board of education or privately
8 owned and operated under contract with any county
9 board of education in this state and such regulations shall
10 by reference be made a part of any such contract with a
11 county board of education. Every county board of edu-

12 cation, its officers and employees, and every person em-
13 ployed under contract by a county board of education
14 shall be subject to said regulations.

15 (b) Any officer or employee of any county board of
16 education who violates any of said regulations or fails to
17 include obligation to comply with said regulations in any
18 contract executed by him on behalf of a county board of
19 education shall be guilty of misconduct and subject to
20 removal from office or employment. Any person operat-
21 ing a school bus under contract with a county board of
22 education who fails to comply with any said regulations
23 shall be guilty of breach of contract and such contract
24 shall be canceled after notice and hearing by the respon-
25 sible officers of such county board of education.

Article 15. Equipment.

Section 1. *Scope and Effect of Regulations.*—(a) It is
2 a misdemeanor for any person to drive or move or for
3 the owner to cause or knowingly permit to be driven or
4 moved on any highway any vehicle or combination of
5 vehicles which is in such unsafe condition as to endanger
6 any person, or which does not contain those parts or is

7 not at all times equipped with such lamps and other
8 equipment in proper condition and adjustment as re-
9 quired in this article, or which is equipped in any man-
10 ner in violation of this article, or for any person to do any
11 act forbidden or fail to perform any act required under
12 this article.

13 (b) Nothing contained in this article shall be con-
14 strued to prohibit the use of additional parts and acces-
15 sories on any vehicle not inconsistent with the provisions
16 of this article.

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

Sec. 2. *When Lighted Lamps Are Required.*—Every
2 vehicle upon a highway within this state at any time

3 from a half hour after sunset to a half hour before sun-
4 rise and at any other time when there is not sufficient
5 light to render clearly discernible persons and vehicles on
6 the highway at a distance of five hundred feet ahead shall
7 display lighted lamps and illuminating devices as here-
8 inafter respectively required for different classes of ve-
9 hicles, subject to exceptions with respect to parked ve-
10 hicles as hereinafter stated.

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

11 (b) Whenever requirement is hereinafter declared as
12 to the mounted height of lamps or devices it shall mean
13 from the center of such lamp or device to the level ground

14 upon which the vehicle stands when such vehicle is with-
15 out a load.

Sec. 4. *Head Lamps on Motor Vehicles.*—(a) Every
2 motor vehicle other than a motorcycle or motor-driven
3 cycle shall be equipped with at least two headlamps with
4 at least one on each side of the front of the motor vehicle,
5 which head lamps shall comply with the requirements
6 and limitations set forth in this article.

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

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

Sec. 5. *Tail Lamps.*—(a) Every motor vehicle, trailer
2 or semitrailer, and any other vehicle which is being
3 drawn at the end of a train of vehicles, shall be equipped

4 with at least one tail lamp mounted on the rear, which,
5 when lighted as hereinbefore required, shall emit a red
6 light plainly visible from a distance of five hundred feet
7 to the rear, provided that in the case of a train of vehicles
8 only the tail lamp on the rearmost vehicle need actually
9 be seen from the distance specified.

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

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

Sec. 6. *New Motor Vehicles to Be Equipped with Re-*
2 *flectors.*—(a) Every new motor vehicle hereafter sold
3 and operated upon a highway, other than a truck tractor,

4 shall carry on the rear, either as a part of the tail lamps
5 or separately, two red reflectors, except that every motor-
6 cycle and every motor-driven cycle shall carry at least
7 one reflector, meeting the requirements of this section,
8 and except that vehicles of the type mentioned in section
9 nine of this article shall be equipped with reflectors as
10 required in those sections applicable thereto.

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

Sec. 7. Stop Lamps Required on New Motor Vehicles.—

2 From and after the first day of January, one thousand
3 nine hundred fifty-two it shall be unlawful for any per-
4 son to sell any new motor vehicle, including any motor-
5 cycle or motor-driven cycle, in this state or for any per-

6 son to drive such vehicle on the highway unless it is
7 equipped with a stop lamp meeting the requirements of
8 section eighteen of this article.

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

Sec. 9. *Additional Equipment Required on Certain*
2 *Vehicles.*—In addition to other equipment required in

3 this chapter the following vehicles shall be equipped as
4 herein stated under the conditions stated in section eight
5 of this article.

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

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

10 (b) On every bus or truck eighty inches or more in
11 over-all width, in addition to the requirements in para-
12 graph (a):

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

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

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

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

19 (c) On every truck tractor:

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

21 On the rear, one stop light.

22 (d) On every trailer or semitrailer having a gross
23 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
26 the front and one at or near the rear.

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

29 On the rear, two clearance lamps, one at each side, also
30 two reflectors, one at each side, and one stop light.

31 (e) On every pole trailer in excess of three thousand
32 pounds gross weight:

33 On each side, one side marker lamp and one clearance
34 lamp which may be in combination, to show to the front,
35 side, and rear.

36 On the rear of the pole trailer or load, two reflectors,
37 one at each side.

38 (f) On every trailer, semitrailer, or pole trailer weigh-
39 ing three thousand pounds gross or less:

40 On the rear, two reflectors, one on each side. If any
41 trailer or semitrailer is so loaded or is of such dimensions
42 as to obscure the stop light on the towing vehicle, then
43 such vehicle shall also be equipped with one stop light.

Sec. 10. *Color of Clearance Lamps, Side Marker Lamps,*

2 *and Reflectors.*—(a) Front clearance lamps and those
3 marker lamps and reflectors mounted on the front or on
4 the side near the front of a vehicle shall display or re-
5 flect an amber color.

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

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

Sec. 11. *Mounting of Reflectors, Clearance Lamps, and*

2 *Side Marker Lamps.*—(a) Reflectors when required by
3 section nine of this article shall be mounted at a height
4 not less than twenty-four inches and not higher than
5 sixty inches above the ground on which the vehicle
6 stands, except that if the highest part of the permanent
7 structure of the vehicle is less than twenty-four inches

8 the reflector at such point shall be mounted as high as
9 that part of the permanent structure will permit.

10 The rear reflectors on a pole trailer may be mounted on
11 each side of the bolster or load.

12 Any required red reflector on the rear of a vehicle may
13 be incorporated with the tail lamp, but such reflector
14 shall meet all the other reflector requirements of this
15 chapter.

16 (b) Clearance lamps shall be mounted on the perma-
17 nent structure of the vehicle in such manner as to indi-
18 cate its extreme width and as near the top thereof as prac-
19 ticable. Clearance lamps and side marker lamps may be
20 mounted in combination provided illumination is given
21 as required herein with reference to both.

Sec. 12. *Visibility of Reflectors, Clearance Lamps, and*

2 *Marker Lamps.*—(a) Every reflector upon any vehicle
3 referred to in section nine of this article shall be of such
4 size and characteristics and so maintained as to be readily
5 visible at nighttime from all distances within five hundred

6 feet to fifty feet from the vehicle when directly in front
7 of lawful upper beams of head lamps. Reflectors required
8 to be mounted on the sides of the vehicle shall reflect the
9 required color of light to the sides, and those mounted on
10 the rear shall reflect a red color to the rear.

11 (b) Front and rear clearance lamps shall be capable of
12 being seen and distinguished under normal atmospheric
13 conditions at the times lights are required at a distance
14 of five hundred feet from the front and rear, respectively,
15 of the vehicle.

16 (c) Side marker lamps shall be capable of being seen
17 and distinguished under normal atmospheric conditions
18 at the times lights are required at a distance of five hun-
19 dred feet from the side of the vehicle on which mounted.

Sec. 13. *Obstructed Lights Not Required.*—Whenever
2 motor and other vehicles are operated in combination
3 during the time that lights are required, any lamp (except
4 tail lamps) need not be lighted which, by reason of its
5 location on a vehicle of the combination, would be ob-
6 scured by another vehicle of the combination, but this

7 shall not affect the requirement that lighted clearance
8 lamps be displayed on the front of the foremost vehicle
9 required to have clearance lamps, nor that all lights re-
10 quired on the rear of the rearmost vehicle of any combi-
11 nation shall be lighted.

Sec. 14. *Lamp or Flag on Projecting Load.*—Whenever
2 the load upon any vehicle extends to the rear four feet or
3 more beyond the bed or body of such vehicle there shall
4 be displayed at the extreme rear end of the load, at the
5 times specified in section two of this article, a red light or
6 lantern plainly visible from a distance of at least five
7 hundred feet to the sides and rear. The red light or
8 lantern required under this section shall be in addition
9 to the red rear light required upon every vehicle. At any
10 time there shall be displayed at the extreme rear end of
11 such load a red flag or cloth not less than twelve inches
12 square and so hung that the entire area is visible to the
13 driver of a vehicle approaching from the rear.

Sec. 15. *Lamps on Parked Vehicles.*—(a) Whenever a
2 vehicle is lawfully parked upon a street or highway dur-

3 ing the hours between a half hour after sunset and a half
4 hour before sunrise and in the event there is sufficient
5 light to reveal any person or object within a distance of
6 five hundred feet upon such street or highway no lights
7 need be displayed upon such parked vehicle.

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

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

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

2 All vehicles including animal-drawn vehicles and in-

3 cluding those referred to in section one (c) of this article
4 not hereinbefore specifically required to be equipped with
5 lamps, shall at the times specified in section two of this
6 article be equipped with at least one lighted lamp or
7 lantern exhibiting a white light visible from a distance of
8 five hundred feet to the front of such vehicle and with a
9 lamp or lantern exhibiting a red light visible from a dis-
10 tance of five hundred feet to the rear.

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

9 (b) Fog lamps. Any motor vehicle may be equipped
10 with not to exceed two fog lamps mounted on the front at
11 a height not less than twelve inches nor more than thirty
12 inches above the level surface upon which the vehicle
13 stands and so aimed that when the vehicle is not loaded

14 none of the high-intensity portion of the light to the left
15 of the center of the vehicle shall at a distance of twenty-
16 five feet ahead project higher than a level of four inches
17 below the level of the center of the lamp from which it
18 comes.

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

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

Sec. 18. *Signal Lamps and Signal Devices.*—(a) Any
2 motor vehicle may be equipped and when required under

3 this chapter shall be equipped with the following signal
4 lamps or devices:

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

9 (2) A lamp or lamps or mechanical signal device cap-
10 able of clearly indicating any intention to turn either to
11 the right or to the left and which shall be visible both
12 from the front and rear.

13 (b) A stop lamp shall be plainly visible and under-
14 standable from a distance of one hundred feet to the rear
15 both during normal sunlight and at nighttime and a sig-
16 nal lamp or lamps indicating intention to turn shall be
17 visible and understandable during daytime and night-
18 time from a distance of one hundred feet both to the front
19 and rear. When a vehicle is equipped with a stop lamp or
20 other signal lamps, such lamp or lamps shall at all times
21 be maintained in good working condition. No stop lamp
22 or signal lamp shall project a glaring or dazzling light.

23 (c) All mechanical signal devices shall be self-illumi-

24 nated when in use at the times mentioned in section two
25 of this article.

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

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

8 (c) Any motor vehicle may be equipped with not more
9 than two back-up lamps either separately or in combina-
10 tion with other lamps, but any such back-up lamp shall
11 not be lighted when the motor vehicle is in forward mo-
12 tion.

Sec. 20. *Multiple-beam Road-lighting Equipment.*—Ex-
2 cept as hereinafter provided, the head lamps or the aux-
3 iliary driving lamp, or the auxiliary passing lamp, or
4 combinations thereof, on motor vehicles other than a
5 motorcycle or motor-driven cycle shall be so arranged
6 that the driver may select at will between distributions

7 of light projected to different elevations, subject to the
8 following requirements and limitations:

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

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

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

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

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

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

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

47 (e) Every new motor vehicle, other than a motorcycle
48 or motor-driven cycle, registered in this State after the

49 first day of January, one thousand nine hundred fifty-two,
50 which has multiple-beam road-lighting equipment shall
51 be equipped with a beam indicator, which shall be lighted
52 whenever the uppermost distribution of light from the
53 head lamps is in use, and shall not otherwise be lighted.
54 Said indicator shall be so designed and located that when
55 lighted it will be readily visible without glare to the
56 driver of the vehicle so equipped.

Sec. 21. *Use of Multiple-beam Road-lighting Equip-*
2 *ment.*—(a) Whenever a motor vehicle is being operated
3 on a roadway or shoulder adjacent thereto during the
4 times specified in section two of this article, the driver
5 shall use a distribution of light, or composite beam, di-
6 rected high enough and of sufficient intensity to reveal
7 persons and vehicles at a safe distance in advance of the
8 vehicle, subject to the following requirements and limi-
9 tations:

10 (b) Whenever the driver of a vehicle approaches an
11 oncoming vehicle within five hundred feet, such driver
12 shall use a distribution of light or composite beam so
13 aimed that the glaring rays are not projected into the

14 eyes of the oncoming driver, and in no case shall the high-
15 intensity portion which is projected to the left of the pro-
16 longation of the extreme left side of the vehicle be aimed
17 higher than the center of the lamp from which it comes
18 at a distance of twenty-five feet ahead, and in no case
19 higher than a level of forty-two inches above the level
20 upon which the vehicle stands at a distance of seventy-
21 five feet ahead.

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

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

8 (1) The head lamps shall be so aimed that when the
9 vehicle is not loaded none of the high-intensity portion of

10 the light shall at a distance of twenty-five feet ahead pro-
11 ject higher than a level of five inches below the level of
12 the center of the lamp from which it comes, and in no
13 case higher than forty-two inches above the level on
14 which the vehicle stands at a distance of seventy-five feet
15 ahead.

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

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

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

6 (1) Every said head lamp or head lamps on a motor-
7 driven cycle shall be of sufficient intensity to reveal a
8 person or a vehicle at a distance of not less than one
9 hundred feet when the motor-driven cycle is operated at
10 any speed less than twenty-five miles per hour and at a
11 distance of not less than two hundred feet when the motor-
12 driven cycle is operated at a speed of twenty-five or more
13 miles per hour.

14 (2) In the event the motor-driven cycle is equipped
15 with a multiple-beam head lamp or head lamps the upper
16 beam shall meet the minimum requirements set forth
17 above and shall not exceed the limitations set forth in
18 section twenty (a) of this article and the lowermost beam
19 shall meet the requirements applicable to a lowermost
20 distribution of light as set forth in section twenty (b) of
21 this article.

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

Sec. 24. *Alternate Road-lighting Equipment.*—Any
2 motor vehicle may be operated under the conditions speci-
3 fied in section two of this article when equipped with two
4 lighted lamps upon the front thereof capable of revealing
5 persons and objects seventy-five feet ahead in lieu of
6 lamps required in section twenty or section twenty-two
7 of this article: *Provided, however, That at no time shall*

8 it be operated at a speed in excess of twenty miles per
9 hour.

Sec. 25. *Number of Driving Lamps Required or Per-*
2 *mitted.*—(a) At all times specified in section two of this
3 article at least two lighted lamps shall be displayed, one
4 on each side at the front of every motor vehicle other than
5 a motorcycle or motor-driven cycle, except when such
6 vehicle is parked subject to the regulations governing
7 lights on parked vehicles.

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

Sec. 26. *Special Restrictions on Lamps.*—(a) Any
2 lighted lamp or illuminating device upon a motor vehicle
3 other than head lamps, spot lamps, auxiliary lamps, or
4 flashing front-direction signals which projects a beam of
5 light of an intensity greater than three hundred candle-

6 power shall be so directed that no part of the beam will
7 strike the level of the roadway on which the vehicle
8 stands at a distance of more than seventy-five feet from
9 the vehicle.

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

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

Sec. 27. *Standards for Lights on Snow Removal Equip-*

2 *ment.*—(a) The state road commission shall adopt stand-
3 ards and specifications applicable to head lamps, clear-
4 ance lamps, identification and other lamps on snow re-
5 moval equipment when operated on the highways of this
6 state in lieu of the lamps otherwise required on motor
7 vehicles by this chapter. Such standards and specifica-

8 tions may permit the use of flashing lights for purposes
9 of identification on snow removal equipment when in
10 service upon the highways. The standards and specifica-
11 tions for lamps referred to in this section shall correlate
12 with and, so far as possible, conform with those approved
13 by the American Association of State Highway Officials.
14 (b) It shall be unlawful to operate any snow removal
15 equipment on any highway unless the lamps thereon
16 comply with and are lighted when and as required by
17 the standards and specifications adopted as provided in
18 this section.

Sec. 28. *Selling or Using Lamps or Devices.*—(a) No
2 person shall have for sale, sell, or offer for sale for use
3 upon or as a part of the equipment of a motor vehicle,
4 trailer, or semitrailer or use upon any such vehicle any
5 head lamp, auxiliary or fog lamp, rear lamp, signal lamp,
6 or reflector which reflector is required hereunder, or parts
7 of any of the foregoing which tend to change the original
8 design or performance, unless of a type which has been
9 submitted to the state road commissioner and approved
10 by him.

11 (b) No person shall have for sale, sell, or offer for
12 sale for use upon or as a part of the equipment of a motor
13 vehicle, trailer, or semitrailer any lamp or device men-
14 tioned in this section which has been approved by the
15 state road commissioner unless such lamp or device bears
16 thereon the trade-mark or name under which it is ap-
17 proved so as to be legible when installed.

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

Sec. 29. Authority of State Road Commissioner with

2 *Reference to Lighting Devices.*—(a) The state road com-
3 missioner is hereby authorized to approve or disapprove
4 lighting devices.

5 (b) The state road commissioner is hereby required
6 to approve or disapprove any lighting device, of a type
7 on which approval is specifically required in this chapter,

8 within a reasonable time after such device has been sub-
9 mitted.

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

13 (d) The state road commissioner upon approving any
14 such lamp or device shall issue to the applicant a certifi-
15 cate of approval together with any instructions deter-
16 mined by him.

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

Sec. 30. *Revocation of Certificate of Approval on Light-*
2 *ing Devices.*—When the state road commissioner has rea-
3 son to believe that an approved device as being sold com-
4 mercially does not comply with the requirements of this
5 chapter, he may, after giving thirty days' previous notice

6 to the person holding the certificate of approval for such
7 device in this state, conduct a hearing upon the question
8 of compliance of said approved device. After said hear-
9 ing the state road commissioner shall determine whether
10 said approved device meets the requirements of this
11 chapter. If said device does not meet the requirements
12 of this chapter he shall give notice to the person holding
13 the certificate of approval for such device in this state.

14 If at the expiration of ninety days after such notice
15 the person holding the certificate of approval for such
16 device has failed to satisfy the state road commissioner
17 that said approved device as thereafter to be sold meets
18 the requirements of this chapter, the state road commis-
19 sioner shall suspend or revoke the approval issued there-
20 for until or unless such device is resubmitted to and re-
21 tested by an authorized testing agency and is found to
22 meet the requirements of this chapter, and may require
23 that all said devices sold since the notification following
24 the hearing be replaced with devices that do comply with
25 the requirements of this chapter. The state road commis-
26 sioner may at the time of the retest purchase in the open

27 market and submit to the testing agency one or more
28 sets of such approved devices, and if such device upon
29 such retest fails to meet the requirements of this chap-
30 ter, the state road commissioner may refuse to renew the
31 certificate of approval of such device.

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

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

13 (2) Every motorcycle and every motor-driven cycle,
14 when operated upon a highway, shall be equipped with
15 at least one brake which may be operated by hand or
16 foot.

17 (3) Every trailer or semitrailer of a gross weight of
18 three thousand pounds or more when operated upon a
19 highway shall be equipped with brakes adequate to con-
20 trol the movement of and to stop and to hold such vehicle
21 and so designed as to be applied by the driver of the
22 towing motor vehicle from its cab, and said brakes shall
23 be so designed and connected that in case of an accidental
24 breakaway of the towed vehicle the brakes shall be auto-
25 matically applied.

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

33 (5) In any combination of motor-driven vehicles,
34 means shall be provided for applying the rearmost trailer
35 brakes, of any trailer equipped with brakes, in approxi-
36 mate synchronism with the brakes on the towing vehicle
37 and developing the required braking effort on the rear-

38 most wheels at the fastest rate; or means shall be pro-
39 vided for applying braking effort first on the rearmost
40 trailer equipped with brakes; or both of the above means
41 capable of being used alternatively may be employed.

42 (6) One of the means of brake operation shall consist
43 of a mechanical connection from the operating lever to
44 the brake shoes or bands and this brake shall be capable
45 of holding the vehicle, or combination of vehicles, sta-
46 tionary under any condition of loading on any upgrade
47 or down grade upon which it is operated.

48 (7) The brake shoes operating within or upon the
49 drums on the vehicle wheels of any motor vehicle may
50 be used for both service and hand operation.

51 (b) Performance ability of brakes. Every motor ve-
52 hicle or combination of motor-drawn vehicles shall be
53 capable, at all times and under all conditions of loading,
54 of being stopped on a dry, smooth, level road free from
55 loose material, upon application of the service (foot)
56 brake, within the distances specified below, or shall be
57 capable of being decelerated at a sustained rate corre-
58 sponding to these distances:

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.

9 (b) The commissioner may refuse to register or may
10 suspend or revoke the registration of any vehicle referred
11 to in this section when he determines that the brake
12 thereon does not comply with the provisions of this
13 section.

14 (c) No person shall operate on any highway any ve-
15 hicle referred to in this section in the event the commis-
16 sioner has disapproved the brake equipment upon such
17 vehicle or type of vehicle.

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

11 (b) No vehicle shall be equipped with nor shall any

12 person use upon a vehicle any siren, whistle, or bell, ex-
13 cept as otherwise permitted in this section.

14 (c) It is permissible but not required that any com-
15 mercial vehicle be equipped with a theft alarm signal de-
16 vice which is so arranged that it cannot be used by the
17 driver as an ordinary warning signal.

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

Sec. 34. *Mufflers, Prevention of Noise.*—(a) Every
2 motor vehicle shall at all times be equipped with a muf-
3 fler in good working order and in constant operation to
4 prevent excessive or unusual noise and annoying smoke,

5 and no person shall use a muffler cut-out, bypass, or sim-
6 ilar device upon a motor vehicle on a highway.

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

Sec. 35. *Mirrors.*—Every motor vehicle which is so con-
2 structed or loaded as to obstruct the driver's view to the
3 rear thereof from the driver's position shall be equipped
4 with a mirror so located as to reflect to the driver a view
5 of the highway for a distance of at least two hundred feet
6 to the rear of such vehicle.

Sec. 36. *Windshields Must be Unobstructed and Equip-*
2 *ped with Wipers.*—(a) No person shall drive any motor
3 vehicle with any sign, poster, or other nontransparent
4 material upon the front windshield, side wings, or side
5 or rear windows of such vehicle which obstructs the
6 driver's clear view of the highway or any intersecting
7 highway.

8 (b) The windshield on every motor vehicle shall be
9 equipped with a device for cleaning rain, snow, or other
10 moisture from the windshield, which device shall be so

11 constructed as to be controlled or operated by the driver
12 of the vehicle.

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

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

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

8 (c) No tire on a vehicle moved on a highway shall have
9 on its periphery any block, stud, flange, cleat, or spike or
10 any other protuberance of any material other than rubber
11 which projects beyond the tread of the traction surface of
12 the tire, except that it shall be permissible to use farm
13 machinery with tires having protuberances which will not
14 injure the highway, and except also that it shall be per-
15 missible to use tire chains of reasonable proportions upon
16 any vehicle when required for safety because of snow,
17 ice, or other conditions tending to cause a vehicle to skid.

18 (d) The state road commission and local authorities in
19 their respective jurisdictions may in their discretion is-
20 sue special permits authorizing the operation upon a high-
21 way of traction engines or tractors having movable tracks
22 with transverse corrugations upon the periphery of such
23 movable tracks or farm tractors or other farm machinery,
24 the operation of which upon a highway would otherwise
25 be prohibited under this chapter.

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

13 and windshields in the drivers' compartments of such
14 vehicles.

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

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

Sec. 39. *Certain Vehicles to Carry Flares or Other*

2 *Warning Devices.*—(a) No person shall operate any
3 motor truck, passenger bus, road tractor or truck tractor

4 upon any highway outside the corporate limits of mu-
5 nicipalities at any time from a half hour after sunset to a
6 half hour before sunrise unless there shall be carried in
7 such vehicle the following equipment except as provided
8 in paragraph (b):

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

13 Each flare (liquid-burning pot torch) shall be capable of
14 burning for not less than twelve hours in five miles per
15 hour wind velocity and capable of burning in any air
16 velocity from zero to forty miles per hour. Every such
17 flare shall be substantially constructed so as to withstand
18 reasonable shocks without leaking. Every such flare
19 shall be carried in the vehicle in a metal rack or box.
20 Every such red electric lantern shall be capable of op-
21 erating continuously for not less than twelve hours and
22 shall be substantially constructed so as to withstand rea-
23 sonable shock without breakage.

24 (2) At least three red-burning fuses unless red electric
25 lanterns are carried.

26 Every fuse shall be made in accordance with specifica-
27 tions of the Bureau of Explosives, thirty Vesey Street,
28 New York City, and so marked and shall be capable of
29 burning at least fifteen minutes.

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

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

40 (c) As an alternative it shall be deemed a compliance
41 with this section in the event a person operating any
42 motor vehicle described in this section shall carry in such
43 vehicle three portable reflector units on standards of a
44 type approved by the state road commissioner. No port-

45 able reflector unit shall be approved unless it is so de-
46 signed and constructed as to include two reflectors, one
47 above the other, each of which shall be capable of re-
48 flecting red light clearly visible from all distances within
49 five hundred feet to fifty feet under normal atmospheric
50 conditions at nighttime when directly in front of lawful
51 upper beams of head lamps.

Sec. 40. *Display of Warning Devices When Vehicle Dis-*

2 abled.—(a) Whenever any motor truck, passenger bus,
3 truck tractor, trailer, semitrailer, or pole trailer is dis-
4 abled upon the traveled portion of any highway or the
5 shoulder thereof outside of any municipality at any time
6 when lighted lamps are required on vehicles the driver of
7 such vehicle shall display the following warning devices
8 upon the highway during the time the vehicle is so dis-
9 abled on the highway except as provided in paragraph
10 (b):

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

14 (2) Within the burning period of the fusee and as

15 promptly as possible three lighted flares (pot torches) or
16 three electric lanterns shall be placed on the roadway as
17 follows:

18 One at a distance of approximately one hundred feet
19 in advance of the vehicle, one at a distance of approxi-
20 mately one hundred feet to the rear of the vehicle, each
21 in the center of the lane of traffic occupied by the disabled
22 vehicle, and one at the traffic side of the vehicle approxi-
23 mately ten feet rearward or forward thereof.

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

35 When a vehicle of a type specified in paragraph (b) is

36 disabled the use of flares, fusees, or any signal produced
37 by flame as warning signals is prohibited.

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

48 (d) In the alternative it shall be deemed a compliance
49 with this section in the event three portable reflector
50 units on standards of a type approved by the state road
51 commissioner are displayed at the times and under the
52 conditions specified in this section either during the day-
53 time or at nighttime and such portable reflector units
54 shall be placed on the roadway in the locations as de-
55 scribed with reference to the placing of electric lanterns
56 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
deem 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

3 upon reasonable cause to believe that a vehicle is unsafe
4 or not equipped as required by law, or that its equip-
5 ment is not in proper adjustment or repair, require the
6 driver of such vehicle to stop and submit such vehicle
7 to an inspection and such test with reference thereto
8 as may be appropriate.

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

15 (c) In the event such vehicle is found to be in unsafe
16 condition or any required part or equipment is not pres-
17 ent or is not in proper repair and adjustment the officer
18 shall give a written notice to the driver and shall send a
19 copy to the department. Said notice shall require that
20 such vehicle be placed in safe condition and its equipment
21 in proper repair and adjustment specifying the particu-
22 lars with reference thereto and that a certificate of in-
23 spection and approval be obtained within five days.

Sec. 3. *Owners and Drivers to Comply with Inspection*

2 *Laws.*—(a) No person driving a vehicle shall refuse to
3 submit such vehicle to an inspection and test when re-
4 quired to do so by the department of public safety.

5 (b) Every owner or driver, upon receiving a notice as
6 provided in section two of this article shall comply there-
7 with and shall within five days secure an official certifi-
8 cate of inspection and approval which shall be issued in
9 duplicate, one copy to be retained by the owner or driver
10 and the other copy to be forwarded to the department.
11 In lieu of compliance with this paragraph the vehicle
12 shall not be operated, except as provided in the next suc-
13 ceeding paragraph.

14 (c) No person shall operate any vehicle after receiving
15 a notice with reference thereto as above provided, except
16 as may be necessary to return such vehicle to the resi-
17 dence or place of business of the owner or driver, if within
18 a distance of twenty miles, or to a garage, until said
19 vehicle and its equipment has been placed in proper re-
20 pair and adjustment and otherwise made to conform to
21 the requirements of this chapter and a certificate of in-

22 spection and approval shall be obtained as promptly as
23 possible thereafter.

24 (d) In the event repair or adjustment of any vehicle
25 or its equipment is found necessary upon inspection, the
26 owner of said vehicle may obtain such repair or adjust-
27 ment at any place he may choose, but in every event an
28 official certificate of inspection and approval must be ob-
29 tained, otherwise such vehicle shall not be operated upon
30 the highways of this state.

Sec. 4. *Commissioner to Require Periodical Inspection.*

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

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

11 The commissioner is hereby authorized to make neces-
12 sary rules and regulations for the administration and

13 enforcement of this section and to designate any period
14 or periods of time during which owners of any vehicles,
15 subject to this section, shall display upon such vehicles
16 certificates of inspection and approval or shall produce
17 the same upon demand of any officer or employee of the
18 department designated by the commissioner or any police
19 or peace officer when authorized by the commissioner.

20 (b) The commissioner may authorize the acceptance
21 in this state of a certificate of inspection and approval
22 issued in another state having an inspection law similar
23 to this chapter and may extend the time within which a
24 certificate shall be obtained by the resident owner of a
25 vehicle which was not in this state during the time an
26 inspection was required.

27 (c) The commissioner may suspend the registration of
28 any vehicle which he determines is in such unsafe con-
29 dition as to constitute a menace to safety or which after
30 notice and demand is not equipped as required in this
31 chapter or for which a required certificate has not been
32 obtained.

Sec. 5. *Appointment of Official Inspection Stations.*—

2 (a) The commissioner shall issue permits for and fur-
3 nish instructions and all necessary forms to official in-
4 spection stations for the inspection of vehicles as herein
5 required and the issuance of official certificates of inspec-
6 tion and approval.

7 (b) Application for permit shall be made upon an offi-
8 cial form and shall be granted only when the commis-
9 sioner is satisfied that the station is properly equipped
10 and has competent personnel to make such inspections
11 and adjustments and will be properly conducted. The
12 commissioner before issuing a permit may require the
13 applicant to file a bond conditioned that it will make
14 compensation for any damage to a vehicle during an in-
15 spection or adjustment due to negligence on the part of
16 such applicant or its employees.

17 (c) The commissioner shall properly supervise and
18 cause inspections to be made of such stations and shall
19 revoke and require the surrender of the permit issued to
20 a station which he finds is not properly equipped or
21 conducted. The commissioner shall maintain and post at
22 the office of the department lists of all stations holding

23 permits and of those whose permits have been revoked.

Sec. 6. *Operation of Official Inspection Stations.*—(a)

2 No permit for an official station shall be assigned or trans-
3 ferred or used at any location other than therein desig-
4 nated and every said permit shall be posted in a conspicu-
5 ous place at the location designated.

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

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

Sec. 7. *Improper Representation as Official Stations.*—

2 (a) No person shall in any manner represent any place as
3 an official inspection station unless such station is op-
4 erating under a valid permit issued by the department.

5 (b) No person shall issue a certificate of inspection and
6 approval unless then holding a valid permit hereunder.

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

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

Article 17. Size, Weight and Load.

Section 1. *Scope and Effect of Article.*—(a) It shall be
2 unlawful for any person to drive or move or the owner,
3 lessee or borrower to cause or knowingly permit to be
4 driven or moved on any highway any vehicle or vehicles
5 of a size and weight exceeding the limitations state in this
6 article or otherwise in violation of this article, and the
7 maximum size and weight of vehicles herein specified
8 shall be lawful throughout this state, and local authori-
9 ties shall have no power or authority to alter said limi-
10 tations except as express authority may be granted in this

11 article. Violation of this section shall constitute a mis-
12 demeanor.

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

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

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

9 (c) No motor bus or trackless trolley coach exceeding
10 a total outside width of ninety-six inches shall be operated
11 on any highway outside of an incorporated city or mu-
12 nicipality, except that any motor bus or trackless trolley
13 coach with a total outside width of not exceeding one

14 hundred two inches may be operated upon any highway
15 route or routes having traffic-lane widths of not less than
16 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

11 damage when any such damage is proximately caused by
12 the height of such vehicle or vehicles and load being in
13 excess of twelve feet six inches.

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

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

Sec. 5. *Special Load Limits.*—(a) Subject to the fore-
2 going provisions of this article limiting the length of ve-
3 hicles and loads, the load upon any vehicle operated alone
4 or the load upon the front vehicle of a combination of

5 vehicles shall not extend more than three feet beyond the
6 foremost part of the vehicle, and the load upon any ve-
7 hicle operated alone or the load upon the rear vehicle of
8 a combination of vehicles shall not extend more than six
9 feet beyond the rear of the bed or body of such vehicle.

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

Sec. 6. *Loads on Vehicles.*—(a) No vehicle shall be
2 driven or moved on any highway unless such vehicle is so
3 constructed or loaded as to prevent any of its load from
4 dropping, sifting, leaking, or otherwise escaping there-
5 from, except that sand may be dropped for the purpose of
6 securing traction, or water or other substance may be

7 sprinkled on a roadway in cleaning or maintaining such
8 roadway.

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

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

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

Sec. 8. *Single-axle Load Limit.*—(a) The gross weight
2 imposed on the highway by the wheels of any one axle

3 of a vehicle shall not exceed eighteen thousand pounds.

4 (b) For the purpose of this article an axle load shall
5 be defined as the total load transmitted to the road by
6 all wheels whose centers are included between two par-
7 allel transverse vertical planes forty inches apart, extend-
8 ing across the full width of the vehicle.

Sec. 9. *Gross Weight of Vehicles and Loads.*—(a) It
2 shall be unlawful for any owner, lessee or borrower to op-
3 erate any vehicle or combination of vehicles of a gross
4 weight in excess of the gross weight for which such ve-
5 hicle or combination of vehicles is registered or in excess
6 of the limitations set forth in this chapter.

7 (b) Subject to the limit upon the weight imposed upon
8 the highway through any one axle as set forth in section
9 eight of this article the total gross weight with load im-
10 posed upon the highway by any one group of two or more
11 consecutive axles of a vehicle or combination of vehicles
12 shall not exceed the gross weight given for the respective
13 distance between the first and last axle of the total group
14 of axles measured longitudinally to the nearest foot as
15 set forth in the following table:

16	Distance in	Maximum	Distance in	Maximum
17	feet between	load in	feet between	load in
18	first and	pounds	first and	pounds
19	last axles	on group	last axles	on group
20	of group	of axles	of group	of axles
21	4.....	32,000	31.....	53,490
22	5.....	32,000	32.....	54,330
23	6.....	32,000	33.....	55,160
24	7.....	32,000	34.....	55,980
25	8.....	32,610	35.....	56,800
26	9.....	33,580	36.....	57,610
27	10.....	34,550	37.....	58,420
28	11.....	35,510	38.....	59,220
29	12.....	36,470	39.....	60,010
30	13.....	37,420	40.....	60,800
31	14.....	38,360	41.....	61,580
32	15.....	39,300	42.....	62,360
33	16.....	40,230	43.....	63,130
34	17.....	41,160	44.....	63,890
35	18.....	42,080	45.....	64,650
36	19.....	42,990	46.....	65,400

37	20.....	43,900	47.....	66,150
38	21.....	44,800	48.....	66,890
39	22.....	45,700	49.....	67,620
40	23.....	46,590	50.....	68,350
41	24.....	47,470	51.....	69,070
42	25.....	48,350	52.....	69,790
43	26.....	49,220	53.....	70,500
44	27.....	50,090	54.....	71,200
45	28.....	50,950	55.....	71,900
46	29.....	51,800	56.....	72,590
47	30.....	52,650	57.....	73,280

48 *Provided*, That in no event shall the gross weight of
49 any vehicle, including its load, exceed sixty thousand
50 eight hundred pounds.

Sec. 10. *Officers May Weigh Vehicles and Require Re-*
2 *moval or Rearrangement of Excess Loads.*—(a) Any
3 police officer or employee of the state road commission
4 designated by the state road commissioner as a member
5 of an official weighing crew, having reason to believe that
6 the weight of a vehicle and load is unlawful is authorized
7 to require the driver to stop and submit to a weighing of

8 the same by means of either portable or stationary scales
9 and may require that such vehicle be driven to the near-
10 est public scales in the event such scales are within two
11 miles.

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

24 (c) Any driver of a vehicle who fails or refuses to stop
25 and submit the vehicle and load to a weighing, or who
26 fails or refuses when directed by an officer, or by an of-
27 ficer or employee of the state road commission, desig-
28 nated as a member of a weighing crew by the state road

29 commissioner, upon a weighing of the vehicles to stop the
30 vehicle and otherwise comply with the provisions of this
31 section, shall be guilty of a misdemeanor.

Sec. 11. *Permits for Excess Size and Weight.*—(a) The
2 state road commissioner may in his discretion upon ap-
3 plication in writing and good cause being shown therefor,
4 issue a special permit in writing authorizing the applicant
5 to operate or move a vehicle or combination of vehicles
6 of a size or weight of vehicle or load exceeding the max-
7 imum specified in this chapter or otherwise not in con-
8 formity with the provisions of this chapter, but in the
9 event the application is for a permit for continuous op-
10 eration of a vehicle not in conformity with the provisions
11 of this article relating to weight limitations the state road
12 commissioner shall not issue such permit unless and until
13 the applicant satisfies said commissioner that a bona fide
14 effort has been made by said applicant to replace or alter
15 such vehicle to conform with said provisions and any
16 such permit for continuous operation of such vehicle shall
17 expire one year after the effective date of this chapter
18 unless a shorter period is specified by said commissioner:

19 *Provided, however,* That specially designed vehicles which
20 can only be used to transport and haul specific liquid or
21 semi-liquid products shall be exempt from the provisions
22 of this chapter, relating to weight limitations, during the
23 life of such vehicles: *Provided further,* That this exemp-
24 tion shall only apply to vehicles registered in this state
25 prior to the effective date of this chapter. In order for
26 this exemption to apply the owner or operator shall apply
27 for and the state road commissioner shall issue a permit
28 for such vehicle allowing such owner or operator to use
29 the same upon the roads and highways of this state for the
30 life of such vehicle.

31 (b) The application for any such permit shall specific-
32 ally describe the vehicle or vehicles and load to be op-
33 erated or moved and the particular highways for which
34 permit to operate is requested, and whether such permit
35 is requested for a single trip or for continuous operation.

36 (c) The state road commissioner is authorized to issue
37 or withhold such permit at his discretion; or, if such per-
38 mit is issued, to limit the number of trips, or to establish
39 seasonal or other time limitations within which the ve-

40 hicles described may be operated on the highways indi-
41 cated, or otherwise to limit or prescribe conditions of
42 operation of such vehicle or vehicles, when necessary to
43 assure against undue damage to the road foundations,
44 surfaces, or structures, and may require such undertaking
45 or other security as may be deemed necessary to compen-
46 sate for any injury to any roadway structure.

47 (d) Every such permit shall be carried in the vehicle
48 or combination of vehicles to which it refers and shall be
49 open to inspection by any police officer or authorized
50 agent of the state road commissioner granting such per-
51 mit, and no person shall violate any of the terms or con-
52 ditions of such special permit.

Sec. 12. *When the State Road Commission or Local Au-*
2 *thorities May Restrict Right to Use Highways.*—(a) Local
3 authorities with respect to highways under their jurisdic-
4 tion may by ordinance or resolution prohibit the opera-
5 tion of vehicles upon any such highway or impose re-
6 strictions as to the weight of vehicles to be operated upon
7 any such highway, for a total period of not to exceed
8 ninety days in any one calendar year, whenever any said

9 highway by reason of deterioration, rain, snow, or other
10 climatic conditions will be seriously damaged or destroyed
11 unless the use of vehicles thereon is prohibited or the per-
12 missible weights thereof reduced.

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

20 (c) Local authorities with respect to highways under
21 their jurisdiction may also, by ordinance or resolution,
22 prohibit the operation of trucks or other commercial ve-
23 hicles, or may impose limitations as to the weight thereof,
24 on designated highways, which prohibitions and limita-
25 tions shall be designated by appropriate signs placed on
26 such highways.

27 (d) The state road commission shall likewise have
28 authority as hereinabove granted to local authorities to
29 determine by resolution and to impose restrictions as to

30 the weight of vehicles operated upon any highway under
31 the jurisdiction of said commission and such restrictions
32 shall be effective when signs giving notice thereof are
33 erected upon the highway or portion of any highway af-
34 fected by such resolution.

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

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

Sec. 14. *Penalties for Violation of Weight Laws; Im-*
2 *pounding Vehicles.*—(a) Any owner, lessee or borrower

3 who knowingly permits a vehicle or combination of ve-
4 hicles owned by him to be operated with any axle load in
5 excess of that permitted by section eight of this article,
6 plus a tolerance of five per cent or with a total gross weight
7 in excess of that permitted by section nine of this article
8 plus a tolerance of five per cent shall be guilty of a mis-
9 demeanor and upon conviction thereof shall be punished
10 as provided in paragraph (b) and (c) of this section.

11 (b) Any owner, lessee or borrower of a vehicle who
12 shall be convicted of a first offense for a violation of this
13 section shall be punished by a fine of not less than twen-
14 ty-five dollars nor more than one hundred dollars and in
15 addition thereto shall pay either a fine or one cent per
16 pound for any weight in excess of two thousand pounds
17 over the legal weight for each axle or a fine of one cent
18 per pound for any weight in excess of two thousand
19 pounds over the permissible gross weight for such vehicle
20 or combination of vehicles, whichever is the greater; and
21 any owner, lessee or borrower of a vehicle who shall be
22 convicted of a second offense for a violation of this section
23 shall be punished by a fine of not less than fifty dollars

24 nor more than one hundred dollars in addition thereto
25 shall pay either a fine of two cents per pound for any
26 weight in excess of two thousand pounds over the legal
27 weight for each axle or a fine of two cents per pound
28 for any weight in excess of two thousand pounds over the
29 permissible gross weight for such vehicle or combination
30 of vehicles, whichever is the greater; and any owner, lessee
31 or borrower who shall be convicted of a third or subse-
32 quent violation of this section shall be punished by a fine
33 of not less than seventy-five dollars nor more than one
34 hundred dollars and in addition thereto shall pay either a
35 fine of three cents per pound for any weight in excess of
36 two thousand pounds over the legal weight for each axle
37 or a fine of three cents per pound for any weight in excess
38 of two thousand pounds over the permissible gross weight
39 for such vehicle or combination of vehicles, whichever is
40 the greater, and in any case where the gross weight ex-
41 ceeds the statutory limit by five thousand pounds or more,
42 the owner, lessee or borrower of such vehicle shall be
43 fined five cents per pound for each pound of excess gross
44 weight over the said statutory limit, which fine shall be

45 in lieu of the additional fine per pound heretofore in this
46 section provided.

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

Article 18. Penalties.

Section 1. *Penalties for Misdemeanor.*—(a) It is a mis-
2 demeanor for any person to violate any of the provisions

3 of this chapter unless such violation is by this chapter or
4 other law of this state declared to be a felony.

5 (b) Every person convicted of a misdemeanor for a
6 violation of any of the provisions of this chapter for which
7 another penalty is not provided shall for a first conviction
8 thereof be punished by a fine of not more than one hun-
9 dred dollars or by imprisonment for not more than ten
10 days; for a second such conviction within one year there-
11 after such person shall be punished by a fine of not more
12 than two hundred dollars or by imprisonment for not
13 more than twenty days or by both such fine and imprison-
14 ment; upon a third or subsequent conviction such person
15 shall be punished by a fine of not more than five hundred
16 dollars or by imprisonment for not more than six months
17 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-
2 mits, attempts to commit, conspires to commit, or know-
3 ingly aids or abets in the commission of, any act declared
4 herein to be a crime, whether individually or in connec-

5 tion with one or more other persons or as a principal,
6 agent, or accessory, shall be guilty of such offense, and
7 every person who falsely, fraudulently, forcibly, or will-
8 fully induces, causes, coerces, requires, permits, or directs
9 another to violate any provision of this chapter is likewise
10 guilty of such offense.

Sec. 2. *Offenses By Persons Owning or Controlling*
2 *Vehicles.*—It is unlawful for the owner, or any other per-
3 son, employing or otherwise directing the driver of any
4 vehicle to require or knowingly to permit the operation
5 of such vehicle upon a highway in any manner contrary
6 to law.

Sec. 3. *When Person Arrested Must Be Taken Immedi-*
2 *ately Before a Justice of the Peace or Court.*—Whenever
3 any person is arrested for any violation of this chapter
4 punishable as a misdemeanor, the arrested person shall
5 be immediately taken before a justice of the peace or
6 court within the county in which the offense charged is
7 alleged to have been committed and who has jurisdiction
8 of such offense and is nearest or most accessible with

9 reference to the place where said arrest is made, in any
10 of the following cases:

11 (1) When a person arrested demands an immediate ap-
12 pearance before such justice or court;

13 (2) When the person is arrested upon a charge of neg-
14 ligent homicide;

15 (3) When the person is arrested upon a charge of driv-
16 ing while under the influence of intoxicating liquor or
17 narcotic drugs;

18 (4) When the person is arrested upon a charge of fail-
19 ure to stop in the event of an accident causing death,
20 personal injuries, or damage to property;

21 (5) When the person is arrested upon a charge of vio-
22 lating section fourteen, article eighteen of this chapter
23 relating to weight violations;

24 In any other event when the person arrested refuses to
25 give his written promise to appear in court as hereinafter
26 provided.

Sec. 4. *When Person Arrested to Be Given Five Days'*

2 *Notice to Appear in Court.*—(a) Whenever a person is
3 arrested for any violation of this chapter punishable as a

4 misdemeanor, and such person is not immediately taken
5 before a justice or court as hereinbefore required, the
6 arresting officer shall prepare written notice to appear in
7 court containing the name and address of such person, the
8 license number of his vehicle, if any, the offense charged,
9 and the time and place when and where such person shall
10 appear in court.

11 (b) The time specified in said notice to appear must be
12 at least five days after such arrest unless the person ar-
13 rested shall demand an earlier hearing.

14 (c) The place specified in said notice to appear must
15 be before a justice or court within the township or county
16 in which the offense charged is alleged to have been com-
17 mitted and who has jurisdiction of such offense.

18 (d) The arrested person in order to secure release, as
19 provided in this section; must accept a copy of the written
20 notice prepared by the arresting officer. The officer shall
21 deliver a copy of the notice to the person promising to
22 appear. Thereupon, said officer shall forthwith release the
23 person arrested from custody.

Sec. 5. *Procedure Prescribed Herein Not Exclusive.*—

2 The following provisions of this article shall govern all
3 police officers in making arrests without a warrant for
4 violations of this chapter, but the procedure prescribed
5 herein shall not otherwise be exclusive of any other
6 method prescribed by law for the arrest and prosecution
7 of a person for an offense of like grade.

Sec. 6. *Form for Traffic Citations.*—(a) Every traffic-
2 enforcement agency in this state shall provide in appro-
3 priate form traffic citations containing notices to appear
4 which shall be issued in books with citations in quadrup-
5 licate and meeting the requirements of this article.

6 (b) The chief administrative officer of every such
7 traffic-enforcement agency shall be responsible for the
8 issuance of such books and shall maintain a record of
9 every such book and each citation contained therein
10 issued to individual members of the traffic-enforcement
11 agency and shall require and retain a receipt for every
12 book so issued.

Sec. 7. *Disposition and Records of Traffic Citations.*—

2 (a) Every traffic-enforcement officer upon issuing a traf-
3 fice citation to an alleged violator of any provision of the

4 motor-vehicle laws of this state or of any traffic ordinance
5 of any city or town shall deposit the original or a copy of
6 such traffic citation with a court having jurisdiction over
7 the alleged offense or with its traffic-violations bureau.

8 (b) Upon the deposit of the original or a copy of such
9 traffic citation with a court having jurisdiction over the
10 alleged offense or with its traffic-violations bureau as
11 aforesaid, said original or copy of such traffic citation may
12 be disposed of only by trial in said court or other official
13 action by a judge of said court, including forfeiture of the
14 bail or by the deposit of sufficient bail with or payment
15 of a fine to said traffic-violations bureau by the person to
16 whom such traffic citation has been issued by the traffic-
17 enforcement officer.

18 (c) It shall be unlawful and official misconduct for any
19 traffic-enforcement officer or other officer or public em-
20 ployee to dispose of a traffic citation or copies thereof or
21 of the record of the issuance of the same in a manner other
22 than as required herein.

23 (d) The chief administrative officer of every traffic-
24 enforcement agency shall require the return to him of a

25 copy of every traffic citation issued by an officer under his
26 supervision to an alleged violator of any traffic law or
27 ordinance and of all copies of every traffic citation which
28 has been spoiled or upon which any entry has been made
29 and not issued to an alleged violator.

30 (e) Such chief administrative officer shall also main-
31 tain or cause to be maintained in connection with every
32 traffic citation issued by an officer under his supervision
33 a record of the disposition of the charge by the court or its
34 traffic-violations bureau in which the original or copy of
35 the traffic citation was deposited.

Sec. 8. *Record of Traffic Cases.*—Every justice or judge
2 of a court shall keep or cause to be kept a record of every
3 traffic complaint, or other legal form of traffic charge de-
4 posited with or presented to said court or its traffic-viola-
5 tions bureau, and shall keep a record of every official
6 action by said court or its traffic-violations bureau in refer-
7 ence thereto, including but not limited to a record of every
8 conviction, forfeiture of bail, judgment of acquittal, and
9 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
2 the peace shall have concurrent jurisdiction with the cir-
3 cuit, criminal and intermediate courts to enforce the mis-
4 demeanor penalties prescribed by this chapter.

Article 20. West Virginia Turnpike Commission.

Section 1. *Authority of West Virginia Turnpike Com-*
2 *mission.*—The provisions of this chapter with respect to
3 weight, length and speed of motor vehicles shall not apply
4 to toll highways under the jurisdiction of the West Vir-
5 ginia turnpike commission. The provisions of this chapter
6 do not supersede the provisions of chapter seventeen, ar-
7 ticle sixteen-a of the code of West Virginia, as amended.

Article 21. Effect of Chapter.

Section 1. *Constitutionality.*—If any part or parts of
2 this chapter shall be held to be unconstitutional such un-
3 constitutionality shall not affect the validity of the re-
4 maining parts of this chapter. The legislature hereby
5 declares that it would have passed the remaining parts of

6 this chapter if it had known that such part or parts thereof
7 would be declared unconstitutional.

Sec. 2. *Repeal.*—The provisions of all acts or parts of
2 acts, or of this code, which are inconsistent with the pro-
3 visions of this chapter are hereby repealed to the extent
4 of such inconsistency.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Robert C. Byrd
Chairman Senate Committee

James H. Loop
Chairman House Committee

Originated in the House of Delegates

Takes effect

July 1, 1951

~~passage.~~

Howard Meyer
Clerk of the Senate

J. R. Aliff
Clerk of the House of Delegates

F. Langley Sherburne
President of the Senate

W. E. Ham
Speaker House of Delegates

The within

approved

this the

16th

day of

March

, 1951.

Chas. L. Patton
Governor



Filed in the Office of the Secretary of State

of West Virginia

MAR 16 1951

D. PITT O'BRIEN,

SECRETARY OF STATE