

UNIFORM VEHICLE CODE AND MODEL TRAFFIC ORDINANCE



Revised-1968

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ON
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UNIFORM VEHICLE CODE

Revised—1968



FOREWORD

This volume contains the 1968 revised editions of the *Uniform Vehicle Code* and *Model Traffic Ordinance*. Although published together, these are two separate documents and each has its own Foreword, Table of Contents and Index.

Earlier editions of the Code and Ordinance were published in separate booklets and republished each time they were revised. Under the new format, future revisions will be published in a pocket supplement to be used with this book.

THE UNIFORM VEHICLE CODE

The *Uniform Vehicle Code* is a specimen set of motor vehicle laws, designed and advanced as a comprehensive guide or standard for state motor vehicle and traffic laws. It is not based on theory; it is based on actual experience under various state laws throughout the nation. It reflects the need for uniformity in traffic regulation throughout the United States and, to this end, serves as a reliable, contemporary guide for use by state legislatures.

Since its inception, the Code has been reviewed periodically and revised where warranted by new developments in state and federal laws and by practical experience. However, changes are not made lightly or in any hope of any easy panacea but only on a clear preponderance of evidence of need and practicality. This edition of the Code reflects changes made following such a review in 1968.

Nature of Code Provisions

The Code does not purport to cover every conceivable legal provision applicable to motor vehicles and traffic, nor is it a mere compendium of all imaginable laws and regulations. Provisions that offer a sound legal framework within which effective high-

¹ The Code and Ordinance were first published in 1926 and 1928, respectively, and have been revised and republished at two- to six-year intervals since then. A complete history of these documents is published in the Uniform Vehicle Code: Rules of the Road with Statutory Annotations, National Committee on Uniform Traffic Laws and Ordinances (1967 and Supp.).

way safety programs can be carried out and within which efficient traffic administration can be conducted—all directed to the ultimate service of highway users—are advanced in the Code, which represents a concise statement of significant principles of traffic law in the form of essential legislation and not in the form of administrative details best left to administrative regulation and handling.

The Desirable Degree of Uniformity

Certain portions of the Code set forth rules of the road—the things that people shall and shall not do as they drive or walk. If the public is to understand, remember and observe these rules in moving from state to state, they should be exactly the same, word for word, in every state. Such uniformity also makes easier the task of police officers, judges, traffic engineers, motor vehicle administrators and educators. The language of the Code has been tested by long experience and there is no need for deviation.

Substantial, but not necessarily verbatim, uniformity is a clear necessity in the chapters of the Code dealing with motor vehicle equipment, because vehicles are designed for use anywhere in the country. Similarly, an effective driver licensing law need not follow the precise language of the Code but should embody such essential principles as central administration, licensing drivers based on qualification to operate a particular vehicle, the "one license" concept, authority to examine and re-examine, mandatory revocation after conviction of certain offenses, authority to suspend or revoke for cause, issuance of licenses for a fixed period, and a central records file. The same principle applies to Code provisions on financial responsibility.

Finally, on such subjects as vehicle registration the need is not for exact uniformity but only for some kind of organization and procedure that will accomplish the desired ends. Even on these latter subjects, however, both the substance and the language of the Code are recommended as having stood the test of time.

The concept of "uniform laws" does not, of course, mean that all laws on all aspects of motoring must be the same everywhere, but that situations similar in nature should be treated similarly. Thus it is not inconsistent with the principle of uniformity that

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laws may provide special exceptions for those cases deserving special treatment.

The *Uniform Vehicle Code* is not advanced as a straitjacket or as a deterrent to such innovation as may be reasonably expected to improve the safe and efficient use of the highways. Rather, it is a guide for reasonable uniformity.

Use of the Code

Today, all states have reasonably comprehensive traffic codes. The task is to fill such gaps as remain and to modernize such provisions as are non-uniform or obsolete. The best approach is through a detailed, parallel-column comparison of existing laws with the *Uniform Vehicle Code*. This edition of the Code indicates in the text, in the Table of Contents, and in a Table of Amendments, all sections modified in 1968, to facilitate such comparisons and to assist in updating previous comparative studies.²

The Code serves as a constant reminder that safe, efficient highway transportation requires, in every state, adequate statutory coverage of not merely one but all of the subjects included in the *Uniform Vehicle Code*.

The proper purpose of all traffic legislation is not to impose unnecessary or unreasonable restrictions on highway traffic, but to insure, as far as this can be done by law and its application, that traffic shall move smoothly, expeditiously and safely; that no legitimate user of the highway, whether in a vehicle or on foot, shall be killed, injured or frustrated in such use by the improper behavior of others. Such is the purpose of the *Uniform Vehicle Code*.

The motto of the National Committee, "Salus, Libertas, Lex"—"Safety with Freedom Through Law"—summarizes the philosophy of both the *Uniform Vehicle Code* and the Committee: to provide to every highway user, through law, a maximum degree of safety within the framework of traditional freedoms.

² The Uniform Vehicle Code: Rules of the Road with Statutory Annotations (1967), together with its most recent supplement, indicates the current status of all state laws in comparison with all Code provisions on rules of the road (Chapter 11) and accidents and accident reports (Chapter 10). This publication should prove useful in the portions of any such study dealing with those subjects.

Role of the Code in the National Highway Safety Program

The Foreword to the 1962 Uniform Vehicle Code described the proper function of the federal government in highway safety as directing attention to the more serious problems and strengthening the ability of the several states to solve them. The passage by Congress in 1966 of the Highway Safety Act has directed attention to highway safety as a national problem and promises to strengthen the ability of state and local governments to solve it.8

The Act contemplates that each state will have a comprehensive highway safety program approved by the United States Secretary of Transportation and meeting uniform standards set by him.4 As of December 31, 1968, the Secretary had issued 16 highway safety program standards 5 covering the following elements of a highway safety program for each state:

Periodic Motor Vehicle Inspection Motor Vehicle Registration Motorcycle Safety Driver Education Driver Licensing Codes and Laws Traffic Courts Alcohol in Relation to Highway Safety Identification and Surveillance of Accident Locations Traffic Records **Emergency Medical Services** Highway Design, Construction and Maintenance Traffic Control Devices Pedestrian Safety Police Traffic Services Debris Hazard Control and Cleanup

932, 938 (1966).

³ Signed into law by the President on September 9, 1966, the Highway Safety Act can be found in 80 Stat. 731 (1966) or 23 USCA §§ 401 to 404 (Supp. 1969). A second law passed by Congress in 1966, authorizing the establishment of standards for motor vehicle design and equipment, is discussed in footnotes 1, 4 and 8 of Chapter 12.

⁴ The Department of Transportation was created by a law signed on October 15, 1966, and §§ 3(f)2 and 6(a)(6)(B) vested the administration and implementation of the Highway Safety Act in the Secretary of Transportation. Public Law No. 670, 89th Congress, 2d Sess., 80 Stat. 931, 932, 938 (1966)

⁵Copies of these 16 standards can be obtained from the National Highway Safety Bureau, Department of Transportation, Washington, D.C. 20591, or may be found in 23 Code of Federal Regulations Part 204, as added by 33 Federal Register 16336-39, 16560-64 (Nov. 7 and 14, 1968). The first 13 standards, however, were initially issued on June 27, 1967.

These highway safety program elements require state and local implementation and emphasize the responsibility of state and local governments in any effort toward progress in highway safety. In addition, some of the standards will require reexamination and revisions in state and local laws. Where necessarv and appropriate in the context of formulating recommendations for uniform motor vehicle laws, all of the standards were taken into account by the National Committee in 1968 and, prior to that time, by its subcommittees and staff.

The state and local legislative responsibility for uniform traffic laws is stated in Highway Safety Program Standard No. 6 on "Codes and Laws." as follows:

Each State shall develop and implement a program to achieve uniformity of traffic codes and laws throughout the State. The program shall provide at least that:

I. There is a plan to achieve uniform rules of the road in all

of its jurisdictions.

II. There is a plan to make the State's unified rules of the road consistent with similar unified plans of other States.

Toward this end, each State shall undertake and maintain continuing comparisons of all State and local laws, statutes and orthogonal state and state and orthogonal state and state and state and orthogonal state and state dinances with the comparable provisions of the Rules of the Road section of the Uniform Vehicle Code.6

It should also be noted that the United States Department of Transportation is issuing an extensive *Highway Safety Program* Manual designed to provide guidance and advice as to preferred practices for each of the 16 areas covered by the standards. The volume of this Manual for the "Codes and Laws" standard urges each state to develop and implement plans that will "further the adoption of appropriate aspects of the Rules of the Road chapter of the Uniform Vehicle Code" 7 and contains these general statements of policy:

The general policy of the Department of Transportation, as specified in the Standard, is identification and elimination of major variations among traffic laws and ordinances within a State and among the several States, using as a basis the Rules of the Road portion of the latest edition of the Uniform Vehicle Code.

The only rational foundation for traffic regulation throughout the nation is uniformity of traffic laws and ordinances within and among the several States.

^{6 33} Federal Register 16562 (Nov. 14, 1968).
7 Highway Safety Program Manual, Volume 6, Chapter I, page 2, issued on January 17, 1969, by the National Highway Safety Bureau of the Federal Highway Administration, Department of Transportation, Washington, D.C. 20591.

Maximum uniformity should be achieved by the voluntary and cooperative action of State and local governments and not by

coercive or direct Federal action.

Although the minimum degree of standardization implicit in the concept of uniform traffic laws is that common conduct should everywhere be expected of drivers and pedestrians in essentially similar situations, fewer doubts concerning such conduct will occur when the rules of the road are textually identical in each and every State.

The purpose of the Standard, which is to achieve uniformity among traffic laws and ordinances, should not, however, be a deterrent to such experimentation or innovation as may be reasonably expected to improve the safe and efficient use of the na-

tion's highways.8

Recognition of the necessity for sound, uniform laws as a part of a national highway safety program is not, however, limited to rules of the road. For instance, the volume of the Manual on driver licensing notes that each state should be responsible for:

(3) Reviewing on a regular basis the laws relating to the licensing of drivers to assure the compatibility with and/or conformance to Chapter 6, "Drivers' Licenses," of the *Uniform Vehicle Code* (1962 as revised in 1968).

These developments emphasize the urgency and necessity of a substantial degree of uniformity among laws and many other aspects of a successful local, state or national highway safety program and, in this context, the 1968 revised edition of the *Uniform Vehicle Code* is the most significant edition ever published by the National Committee.

THE NATIONAL COMMITTEE ON UNIFORM TRAFFIC LAWS AND ORDINANCES

The custodian of the *Uniform Vehicle Code* and *Model Traffic Ordinance* is the National Committee on Uniform Traffic Laws and Ordinances, an independent, non-profit, voluntary association.

The Committee is a carefully selected group of more than 100 representatives of federal, state and local governmental units (legislators, police officers, traffic engineers, highway officials, motor vehicle administrators, governors' highway safety representatives, judges, prosecutors, city attorneys, educators, physicians, mayors, county officials and attorneys general), insurance

⁸ Ibid., Chapter III, page 1.

⁹ Highway Safety Program Manual, volume 5, Chapter III, pages 1-2, op. cit. supra, at footnote 7.

companies, motor clubs, safety councils, manufacturers, dealers, trade associations, unions, national transportation associations and other individuals and groups interested in achieving sound, uniform motor vehicle laws and regulations.¹⁰

Members of the Committee are people in daily contact, as officials or otherwise, with the complex problems of highway transportation. The broadly representative membership, representing all groups and all sections of the country, precludes undue influence by any one viewpoint or interest.

The Committee operates through careful studies and reports made by a number of subcommittees on various subjects, each composed of officials and others best qualified in that particular field. In addition, the Committee maintains a full-time staff of attorneys to keep abreast of developments in highway safety and motor vehicle legislation and to provide information necessary for a complete and accurate determination of the best legal principles.

¹⁰ The entire membership of the National Committee is published in the most recent supplement to the *Uniform Vehicle Code: Rules of the Road with Statutory Annotations*.



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^{*}The definitions of the following terms were revised or added in 1968: Alley (§ 1-102), Authorized emergency vehicle (§ 1-104), Bicycle (§ 1-105), Driver's license (§ 1-114.1), Intersection (§ 1-126), License or license to operate a motor vehicle (§ 1-128), Revocation of driver's license (§ 1-155), State (§ 1-169), Suspension of driver's license (§ 1-174) and Through highway (§ 1-175).

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1-102	New	6-115(b)	New
1-103	Renumbered	6-115(c)	New
1-104	Revised, Renumbered	6-116	Revised
1-105	Revised, Renumbered	6-118	New
1-106	Renumbered	6-201	Revised Revised
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1-108	Renumbered	6-202(b) 6-202(c)	New
1-114.1	New	6-203(a)	Revised
1-126(c)	New	6-203(b)	New
1-128	Revised Renumbered	6-204	Revised
1-140	Renumbered	6-205	Revised
1-141 1-142	Renumbered	6-205.1(c)	Revised
1-142	Revised	6-205.1(d)	Revised
1-155	Revised	6-205.1(e)	Revised
1-169	Revised	6-206(a)	Revised
1-174	Revised	6-206(b)	New
1-175	Revised	6-205(c)	Revised
2-101	New	6-207 6-208	Revised
2-102	New	6-208 6-209(a)	Revised Repositioned
2-103	New	6-209(b)	New
2-201	New	6-210(a)	Revised, Repositioned
2-202	New	6-210(b)	New
2-203	New New	6-211	Revised, Renumbered
2-204	New	6-212	Renumbered
2-205 2-301	Repositioned	6-301	Revised
2-301 Alt. (a)	New	6- <i>3</i> 03(b)	Revised
2-302	Repositioned	6-305	Revised
2-303	Revised, Repositioned	6-401	New
2-304	Revised, Repositioned	6-402	New
2-305	Revised, Repositioned	6-403 6-404	New New
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2-307	Revised, Repositioned	6-406	New
2-308	Repositioned	6-407	New
2-309 2-310	Repositioned Revised, Repositioned	7-303(b)	Revised
2-310	Revised, Repositioned	7-401(b)	Revised
2-312	Revised, Repositioned	7-402(a)	Revised
2-313	Repositioned	9-301(a)	Revised
2-314	Repositioned	9-301(b)	Revised
3-409(a)	Revised	9-301(h)	New
6-101(a)	Revised	10-105	Revised Revised
6-101(b)	New	10-106(a) 10-107(a)	Revised
6-101(c)	Revised, Repositioned	10-107(d)	Revised
6-101(d)	Revised	10-111	Revised
6-102(2)	Revised Revised, Repositioned	10-112	Revised
6-102(3) 6-102(4)	New	10-115	Revised
6-102(5)	New	11-106(c)	Revised
6-103	Revised	11-201(a)	Revised
6-104(a)	Revised	11-201(b)	Revised
6-104(b)	Revised, Repositioned	11-202(c)	Revised
6-104(c)	Revised, Repositioned	11-204(a)	Revised
6-105(a)	Revised	11-301(a) 11-301(c)	Revised Revised
6-105(b)	New	11-306	Revised
6-105(c)	Revised, Relettered	11-307(a)	Revised
6-105(d)	Revised, Relettered	11-307(c)	New
6-106(a)	Revised Revised	11-308(a)	Revised
6-106(b)	Revised	11-308(b)	Revised
6-107(a) 6-110	Revised	11-313	Revised
6-111(a)	Revised	11-401	Revised
6-111(b)	Revised, Relettered	11-403	Revised
6-112	Revised	11-404	Revised
6-113(a)	Revised	11-405(a)	Revised
6-114	Revised	11-501(a)	New Revised
6-115(a)	Revised	11-501(b)	1.C viscu

11-504	Revised	12-405(c)	Revised
11-507	Revised	12-406(a)	Revised New
11-509	New	12-406(b) 12-406(c)	Relettered
11-601(b) 11-601(c)	Revised Revised	12-406(d)	Relettered
11-705	Revised, Renumbered	12-407	Revised
11-706	Renumbered	12-408	Revised
11-801	Revised	12-409	Revised
11-801.1	Repositioned	12-411	New
11-808	New	12-412 12-501	New Revised, Repositioned
11-902(b) 11-902(g)	Revised Revised	12-502	Revised, Repositioned
11-902(g) 11-903(a)	Revised	12-503	Revised, Repositioned
11-904	New	12-504	Revised, Repositioned
11-1002(b)	Revised	12-505	Revised. Repositioned
11-1002(c)	New	12-506	Revised. Repositioned
11-1003(a)	Revised	12-507 12-507(a)	Repositioned
11-1101 11-1103	Revised New	12-507(a) 12-507(b)	Revised Revised
11-1103 11-1104(b)	Revised	12-508	Revised, Repositioned
11-1108	Revised	12-509	Revised, Repositioned
11-1110	Revised	12-510	Repositioned
11-1204	Revised	12-510(a)	Revised
11-1207(a)	Revised	12-511	New Danie 1
11-1301 11-1302(a)	New Revised, Repositioned	13-101 13-102(a)	Revised Revised
11-1302(a) 11-1302(b)	New	13-102(b)	Revised, Relettered
11-1302(c)	New	13-102(c)	New
11-1302(d)	New	13-102(d)	Revised, Repositioned
11-1303	New	13-103	Revised
11-1304	New	13-104(a)	Revised
11-1305	New New	13-104(b) 13-104(c)	New New
11-1306 11-1401	New	13-104(d)	Revised, Relettered
11-1402	Repositioned	13-104(e)	Revised, Relettered
11-1403	Repositioned	13-106(a)	Revised
11-1404	Repositioned	13-106(b)	Revised
12-101(c)	Revised	13-106(c)	New
12-101(d) 12-102	New New	13-106(d) 13-106(e)	New Revised, Relettered
12-102	Revised	13-107(a)	Revised
12-201	Revised	13-107(b)	Revised
12-204(a)	Revised	13-107(c)	Revised
12-205	Revised	13-107(d)	New
12-206	Revised	13-107(e)	New
12-210	Revised Revised	13-107(f) 13-108	Revised, Relettered Revised, Repositioned
12-211(a) 12-213	Revised	13-108	Renumbered
12-213 12-214(a)	Revised	13-109(b)	Revised
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12-215	Revised	13-170	Renumbered
12-216	Revised	13-111	New
12-217(b)	Revised	13-112	New
12-217(c)	Revised Revised	14-104(a) 14-104(b)	Revised Revised
12-217(d) 12-218	Revised	14-104(c)	Revised
12-219(b)	Revised	14-104(d)	New
12-220(a)	Revised, Repositioned	14-109	Table revised
12-220(b)	New	14-110(a)	Revised
12-220(c)	Revised, Repositioned Repositioned	14-113(c) 14-113(d)	Revised Revised
12-221 12-222	Renumbered	15-101	Revised
12-222(a)	Revised	15-102	Revised
12-223	Revised, Renumbered Revised, Renumbered	15-103	New
12-224	Revised, Renumbered	15-104	Revised
12-225	Revised	15-107	Revised New
12-226(a)	Revised Revised	15-108 15-109	Renumbered
12-227(a) 12-227(c)	Revised	15-110	Renumbered
12,228	Revised	15-111	New
12-230	Revised	15-112	New
12-231	Renumbered	15-113	New
12-301(b)	Revised	15-114	Renumbered
12-301(c)	Revised Revised	16-105 16-107(2)	Revised Revised
12-301(h) 12-302(c)	Table revised	16-107(2) 16-117(a)	Revised
12-304	Renumbered	17-101(b)	Revised
12-401(d)	Revised	18-101(b)	Revised
12-402(a)	Revised	18-101(c)	Revised
12-404(a)	Revised		

UNIFORM VEHICLE CODE

NOTE: This act or any portion thereof should be prefaced by a descriptive title conforming to the requirements of the constitution or statutes of the state enacting it.

Be it enacted. * * *

CHAPTER 1

Words and Phrases Defined

§ 1-101—Definition of words and phrases

The following words and phrases when used in this act shall, for the purpose of this act, have the meanings respectively ascribed to them in this chapter, except when the context otherwise requires.

- § 1-102—Alley.—A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic. (New, 1968.)
- § 1-103—Arterial street. Any U.S. or State numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways. (New, 1954; RENUMBERED, 1968.)
- § 1-104—Authorized emergency vehicle.—Such fire department vehicles, police vehicles and ambulances as are publicly owned, and such other publicly or privately owned vehicles as are designated by the commissioner (or other appropriate state official) under § 15-111 of this act. (REVISED AND RENUMBERED, 1968.)
- § 1-105—Bicycle. Every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 14 inches in diameter. (REVISED AND RENUMBERED, 1968.)
 - § 1-106—Bus.—Every motor vehicle designed for carrying

more than 10 passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation. (Renumbered, 1968.)

- § 1-107—Business district.—The territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway. (RENUMBERED, 1968.)
- § 1-108—Cancellation of driver's license.—The annulment or termination by formal action of the department of a person's driver's license because of some error or defect in the license or because the licensee is no longer entitled to such license, but the cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation. (RENUMBERED, 1968.)
- § 1-109—Commissioner.¹—The commissioner of motor vehicles of this State.
- § 1-110—Controlled-access highway.—Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.
- § 1-111—Crosswalk.—(a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway;
- (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

If the term "commissioner" is not appropriate in a particular state, then the appropriate term and definition should be substituted.

- § 1-112—Dealer.—Every person engaged in the business of buying, selling or exchanging vehicles who has an established place of business for such purpose in this State (and to whom current dealer registration plates have been issued by the department). (REVISED, 1956.)
- § 1-113—Department.²—The department of motor vehicles of this State.
- § 1-113.1—Driveaway-towaway operation. Any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, new or used, constitutes the commodity being transported, when one set or more of wheels of any such vehicle are on the roadway during the course of transportation, whether or not any such vehicle furnishes the motive power. (New, 1962.)
- § 1-114—Driver.—Every person who drives or is in actual physical control of a vehicle.
- § 1-114.1—Driver's license.—Any license to operate a motor vehicle issued under the laws of this State. (NEW, 1968.)
- § 1-115—Essential parts.—All integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.
- § 1-116—Established place of business.—The place actually occupied either continuously or at regular periods by a dealer or manufacturer where his books and records are kept and a large share of his business is transacted.
- § 1-117—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

² If the administration of this act is not vested in the department of motor vehicles within a particular state, the above definition should be revised to designate the appropriate department or bureau of the state government to administer this act.

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.

- § 1-118—Farm tractor.—Every motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines and other implements of husbandry.
- § 1-119—Flammable liquid.—Any liquid which has a flash point of 70° F., or less as determined by a tagliabue or equivalent closed-cup test device.
- § 1-120—Foreign vehicle.—Every vehicle of a type required to be registered hereunder brought into this State from another state, territory or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this State.
- § 1-121—Gross weight.—The weight of a vehicle without load plus the weight of any load thereon.
- § 1-122—Highway.—The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.³
- § 1-123—House trailer.—(a) A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways, or
- (b) A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in paragraph (a), but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial

 $^{^3\,\}mathrm{By}$ the above definition the terms "street" and "highway" are synonymous and interchangeable.

purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier. (New Section, 1956.)

- § 1-124—Identifying number.—The numbers, and letters if any, on a vehicle designated by the department for the purpose of identifying the vehicle. (NEW, 1956.)
- § 1-125—Implement of husbandry. Every vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways. (REVISED, 1956.)
- § 1-126—Intersection.—(a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
- (b) Where a highway includes two roadways (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways (30) feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.
- (c) The junction of an alley with a street or highway shall not constitute an intersection. (New, 1968.)
- § 1-127—Laned roadway.—A roadway which is divided into two or more clearly marked lanes for vehicular traffic.
- § 1-128—License or license to operate a motor vehicle.—Any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this State including: (REVISED, 1968.)
 - 1. Any temporary license or instruction permit;
- 2. The privilege of any person to drive a motor vehicle whether or not such person holds a valid license;
 - 3. Any nonresident's operating privilege as defined herein.

- § 1-129—Lienholder.—A person holding a security interest in a vehicle. (New, 1956.)
- § 1-130—Local authorities. Every county, municipal and other local board or body having authority to enact laws relating to traffic under the constitution and laws of this State.
- § 1-131—Mail.—To deposit in the United States mail properly addressed and with postage prepaid. (NEW, 1956.)
- § 1-132—Manufacturer.—Every person engaged in the business of constructing or assembling vehicles of a type required to be registered hereunder at an established place of business in this State.
- § 1-133—Metal tire.—Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.
- § 1-134—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.
- § 1-135—Motorcycle.—Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.
- § 1-136—Motor-driven cycle. Every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake ⁴ horsepower, and every bicycle with motor attached. (REVISED, 1962.)
- § 1-137—Nonresident.—Every person who is not a resident of this State.
- § 1-138—Nonresident's operating privilege. The privilege conferred upon a nonresident by the laws of this State pertain-

⁴ Horsepower developed by the engine, as measured at the drive shaft.

ing to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this State.

- § 1-139—Official traffic-control devices. All signs, signals, markings and devices not inconsistent with this act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.
- § 1-140—Owner.—A person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security. (REVISED, 1956; RENUMBERED, 1968.)
- § 1-141—Park or parking.—Means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers. (REVISED, 1956; RENUMBERED, 1968.)
- § 1-142—Passenger car.—Every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying 10 passengers or less and used for the transportation of persons. (New, 1962; RENUMBERED, 1968.)
 - § 1-143—Pedestrian.—Any person afoot.
- § 1-144—Person.—Every natural person, firm, copartnership, association or corporation.
- § 1-145—Pneumatic tire.—Every tire in which compressed air is designed to support the load.
- § 1-146—Pole trailer.—Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

- § 1-147—Police officer.—Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
- § 1-148—Private road or driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.
- § 1-149—Railroad. A carrier of persons or property upon cars (, other than streetcars,) operated upon stationary rails. (REVISED, 1968.)
- § 1-150—Railroad sign or signal.—Any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.
- § 1-151—Railroad train.—A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.
- § 1-152—Reconstructed vehicle.—Every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition or substitution of essential parts, new or used.
- § 1-153—Registration. The registration certificate or certificates and registration plates issued under the laws of this State pertaining to the registration of vehicles.
- § 1-154—Residence district.—The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.
- § 1-155—Revocation of driver's license.—The termination by formal action of the department of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that

an application for a new license may be presented and acted upon by the department after the expiration of the applicable period of time prescribed in this act. (REVISED, 1968.)

- § 1-156—Right of way.—The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other. (REVISED, 1962.)
- § 1-157—Road tractor. Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.
- § 1-158—Roadway.—That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.
- § 1-159—Safety zone.—The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
- § 1-160—School bus.—Every motor vehicle that complies with the color and identification requirements set forth in the most recent edition of *Minimum Standards for School Buses* ⁵ and is used to transport children to or from school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children. (REVISED, 1962.)
- § 1-161—Security agreement. A written agreement which reserves or creates a security interest. (New, 1956.)
- § 1-162—Security interest.—An interest in a vehicle reserved or created by agreement and which secures payment or per-

⁵ Produced and sponsored by the National Commission on Safety Education of the National Education Association, Washington, D. C. 20036.

formance of an obligation. The term includes the interest of a lessor under a lease intended as security. A security interest is "perfected" when it is valid against third parties generally, subject only to specific statutory exceptions. (NEW, 1956.)

- § 1-163—Semitrailer.—Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.
- § 1-164—Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.
- § 1-165—Solid tire.—Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.
- § 1-166—Special mobile equipment. Every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch digging apparatus, well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, levelling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached. (REVISED, 1956.)
- § 1-167—Specially constructed vehicle. Every vehicle of a type required to be registered hereunder not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.
 - § 1-168—Stand or standing.—Means the halting of a vehicle,

whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers. (New, 1956.)

- § 1-169—State.—A state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of Canada. (REVISED, 1968.)
- § 1-170—Stop. When required means complete cessation from movement.
- § 1-171—Stop or stopping. When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal. (REVISED, 1956.)
- § 1-172—Street.—The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.⁶
- § 1-173—Streetcar. A car other than a railroad train for transporting persons or property and operated upon rails principally within a municipality.⁷
- § 1-174—Suspension of driver's license.—The temporary withdrawal by formal action of the department of a person's license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be for a period specifically designated by the department. (REVISED, 1968.)
- § 1-175—Through highway. Every highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right of way to vehicles on such through highway in obedience to a stop sign, yield sign, or other official traffic-control device, when such signs or devices are erected as provided in this act. (REVISED, 1968.)

⁷This definition should be omitted by states in which streetcars are not in operation.

⁶ By the above definition the terms "street" and "highway" are synonymous and interchangeable.

- § 1-176—Trackless trolley coach.—Every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.
- § 1-177—Traffic.—Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel.
- § 1-178—Traffic-control signal.—Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed. (REVISED, 1962.)
- § 1-179—Trailer.—Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.
- § 1-180—Transporter.—Every person engaged in the business of delivering vehicles of a type required to be registered hereunder from a manufacturing, assembling or distributing plant to dealers or sales agents of a manufacturer.
- § 1-181—Truck.—Every motor vehicle designed, used or maintained primarily for the transportation of property.
- § 1-182—Truck tractor. Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
- § 1-183—Urban district.—The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more. (New, 1954.)
- § 1-184—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.

CHAPTER 2

Highway Safety Administration

ARTICLE I—HIGHWAY SAFETY PROGRAM 1 (NEW, 1968.)

$\$ 2-101—Governor's authority to establish highway safety program

The governor, in addition to other powers and responsibilities conferred upon him by the constitution and laws of this State, is hereby empowered to contract and to do all other things necessary in behalf of this State to secure the full benefits available to this State under the Federal Highway Safety Act of 1966 and acts amendatory or supplemental thereto, and in so doing to cooperate with local, state and federal agencies, interested private and public organizations, and with individuals, so as to effectuate the purposes of that enactment and any subsequent amendments thereto.

§ 2-102—Governor's responsibility for administration of highway safety program

The governor shall be the official of this State having the responsibility for dealing with the federal government with respect to programs and activities pursuant to the Federal Highway Safety Act of 1966 and acts amendatory or supplemental thereto. To that end he shall coordinate the activities of any and all departments and agencies of this State and its subdivisions relating thereto.

§ 2-103—Governor's highway safety coordinator

There is hereby created the office of governor's highway safety

This article is recommended for consideration by states in the context of the Federal Highway Safety Act of 1966, 80 Stat. 731 (1966). Section 402(a) of that Act contemplates that each state will have a highway safety program approved by the Secretary of Transportation. 23 USC § 402(a). To secure such approval, however, a program must provide "that the governor of the state shall be responsible for the administration of the program." 23 USC § 402(b)(1)(A). In adopting this article, it is expected that each state will make such modifications or additions as may be necessary or desirable to comply with constitutional restrictions or to be compatible with any existing statutory provisions relating to the governor or to federal-state matters generally.

coordinator. The powers and duties of the governor conferred by this article may be delegated by him to the highway safety coordinator, but responsibility for the highway safety program of this State remains with the governor, as otherwise by law provided.

ARTICLE II—HIGHWAY SAFETY COORDINATING COMMITTEE (New, 1968.)

§ 2-201—Committee established

There is hereby established the (name of State) highway safety coordinating committee hereinafter referred to as the "committee."

§ 2-202—Membership

- (a) The following State officers shall, ex officio, be members of the committee:
 - 1. The governor, who shall be chairman of the committee.
- 2. (Here insert, by official title, the heads of all State executive agencies, and chairmen of legislative committees, involved in activities relating to traffic safety.)²
- (b) The governor may appoint such additional members as he deems appropriate, which members shall serve at his pleasure.
- (c) Each member of the committee may, from time to time, designate a person to serve temporarily as his alternate.

§ 2-203—Duties of committee

The committee shall act as the central coordinating agency in the planning and execution of highway safety programs. The committee shall have no authority, power or duty vested in any other department or departments of State government.

§ 2-204—Executive director

The governor's highway safety coordinator shall be the executive director of the committee. The executive director shall be

² Chairmen of legislative committees should not be included where state constitutions or interpretations thereof prohibit this degree of participation in the executive branch by members of the legislature. In other states, it may be necessary to limit membership to chairmen of committees principally involved in highway safety legislation or financing.

the administrative officer for the committee and shall be in general charge of the work of the committee. The executive director shall develop, plan and execute such functions and duties as are prescribed by the (governor, committee) under this article.⁸

Optional § 2-205—Meetings

ARTICLE III—DEPARTMENT OF MOTOR VEHICLES (SECTIONS RENUMBERED, 1968.)

§ 2-301—Department created

(a) A department of the government of this State to be known as the "department of motor vehicles" is hereby created.

(b) The department shall succeed to and is hereby vested with all the powers, duties and jurisdiction now vested in the (present State bureau or department exercising such functions).

§ 2-302—Office of commissioner of motor vehicles created

The department shall be under the control of a civil executive officer to be known as the "commissioner of motor vehicles." ⁵

³ Consideration should be given to providing adequate staff and supporting services.

⁴ The precise description and placement within the executive branch of the agency that will administer motor vehicle and driver licensing laws is a matter for the enacting jurisdiction to decide. In some states, an independent and major department of motor vehicles has been created, while in others, administration of these laws has been vested within a department, bureau or division of another state agency, such as a department of transportation, department of public safety, department of highways or the office of the secretary of state. Although the description and placement of this administration is not significant for purposes of uniformity, the National Committee does recommend that responsibility for such principal functions as licensing drivers and registering or titling vehicles be vested in the same department, bureau or division.

⁵ The text does not provide the method of filling the office of the commissioner of motor vehicles or the term of office. It is recommended that each state adopt a method and provide a salary appropriate to the importance of the position and provide means to insure continuance in office, as a commissioner's experience in office is of great value in the proper administration of the motor vehicle laws.

§ 2-303—Organization of department

The commissioner shall organize the department in such manner as he may deem necessary properly to segregate and conduct the work of the department, but the work of the department is hereby divided into at least two divisions to be known respectively as the division of registration and the division of drivers' licenses. (Revised, 1968.)

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§ 2-304—Commissioner to appoint subordinates

The commissioner (subject to civil-service laws) shall appoint such deputies, subordinate officers, clerks, investigators and other employees as may be necessary to carry out the provisions of this act. The salaries of all such appointees shall be fixed by the commissioner subject to the approval of (the State financial officer or board exercising supervision with respect to salaries of other subordinate state officers and employees). (REVISED, 1968.)

§ 2-305—Powers and duties of commissioner

- (a) The commissioner is hereby vested with the power and is charged with the duty of administering the provisions of this act and of all laws the administration of which is now or hereafter vested in the department.
- (b) The commissioner is hereby authorized to adopt such rules and regulations as may be necessary to carry out the provisions of this act and any other laws the administration of which is vested in the department.
- (c) The commissioner shall adopt an official seal for the use of the department.
- (d) The commissioner and such officers and employees of the department as he shall designate shall have the power:
- 1. To inspect any vehicle of a type required to be registered hereunder which is in any garage or repair shop or in any place

⁶ Prior to 1968, this chapter provided for a highway patrol division within the department of motor vehicles and defined its law enforcement powers and duties. Primarily because many states had found it desirable to provide for some other placement of a state-wide police agency, these provisions were deleted from the Code. Nonetheless, the National Committee continues to recommend that the laws of each state provide for a strong and effective state-wide police agency with traffic and motor vehicle law enforcement responsibilities.

where such vehicles are held for sale or wrecking, for the purpose of investigating the title and registration thereof.

2. To collect information on accidents and obtain testimony of witnesses or of persons involved. (SECTION REVISED, 1968.)

§ 2-306—Offices of department

The commissioner shall maintain an office in the State capitol and in such other places in the State as he may deem necessary properly to carry out the powers and duties vested in the department.

§ 2-307—Commissioner to prescribe forms

The commissioner shall prescribe and provide suitable forms of applications, certificates of title, registration cards, drivers' licenses and all other forms requisite or deemed necessary to carry out the provisions of this act and any other laws the administration of which is vested in the department. (REVISED, 1968.)

§ 2-308—Authority to administer oaths and certify copies of records

- (a) Officers and employees of the department designated by the commissioner are, for the purpose of administering the motor vehicle laws, authorized to administer oaths and acknowledge signatures, and shall do so without fee.
- (b) The commissioner and such officers of the department as he may designate are hereby authorized to prepare under the seal of the department and deliver upon request a certified copy of any record of the department, charging a fee of (50 cents) for each document so authenticated, and every such certified copy shall be admissible in any proceeding in any court in like manner as the original thereof.

§ 2-309—Records of department

- (a) All records of the department, other than those declared by law to be for the confidential use of the department, shall be open to public inspection during office hours.
- (b) The commissioner may destroy any records of the department which have been maintained on file for five years

which he may deem obsolete and of no further service in carrying out the powers and duties of the department.

§ 2-310—Authority to approve or reject applications

The department shall examine and determine the genuineness, regularity and legality of every application for registration of a vehicle, for a certificate of title therefor, and for a driver's license and of any other application lawfully made to the department, and may in all cases make investigation as may be deemed necessary or require additional information, and shall reject any such application if not satisfied of the genuineness, regularity or legality thereof or the truth of any statement contained therein, or for any other reason when authorized by law. (REVISED, 1968.)

§ 2-311—Seizure of documents and plates

The commissioner, such employees of the department as he shall designate, and all police officers are hereby authorized to take possession of any certificate of title, registration or license issued by this or any other state, which has been revoked, cancelled or suspended, or which is fictitious, stolen or altered. (RE-VISED, 1968.)

§ 2-312—Distribution of synopsis of laws

The department may publish a synopsis of the laws of this State regulating the operation of vehicles and may deliver a copy thereof without charge to each person applying for or receiving an original or renewed vehicle registration or driver's license. (REVISED, 1968.)

§ 2-313—Department may summon witnesses and take testimony

- (a) The commissioner and officers of the department designated by him shall have authority to summon witnesses to give testimony under oath or to give written deposition upon any matter under the jurisdiction of the department. Such summons may require the production of relevant books, papers or records.
- (b) Every such summons shall be served at least five days before the return date, either by personal service made by any

person over 18 years of age or by registered mail, but return and acknowledgment is required to prove such latter service. Failure to obey such a summons so served shall constitute a misdemeanor. The fees for the attendance and travel of witnesses shall be the same as for witnesses before the (superior court).

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

§ 2-314—Giving of notice

Whenever the department is authorized or required to give any notice under this act or other law regulating the operation of vehicles, unless a different method of giving such notice is otherwise expressly prescribed, such notice shall be given either by personal delivery thereof to the person to be so notified or by deposit in the United States mail of such notice in an envelope with postage prepaid, addressed to such person at his address as shown by the records of the department. The giving of notice by mail is complete upon the expiration of four days after such deposit of said notice. Proof of the giving of notice in either such manner may be made by the certificate of any officer or employee of the department or affidavit of any person over 18 years of age, naming the person to whom such notice was given and specifying the time, place and manner of the giving thereof.

CHAPTER 3

Certificates of Title and Registration of Vehicles

ARTICLE I—CERTIFICATES OF TITLE (NEW, 1956.)

§ 3-101—Certificate of title required

- (a) Except as provided in § 3-102, every owner of a vehicle which is in this State and for which no certificate of title has been issued by the department shall make application to the department for a certificate of title of the vehicle.
- (b) The department shall not register or renew the registration of a vehicle unless a certificate of title has been issued by the department to the owner or an application therefor has been delivered by the owner to the department.

§ 3-102—Exclusions

No certificate of title need be obtained for:

- 1. A vehicle owned by the United States unless it is registered in this State:
- 2. A vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration; or a vehicle used by a manufacturer solely for testing;
- 3. A vehicle owned by a nonresident of this State and not required by law to be registered in this State;
- 4. A vehicle regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state:
 - 5. A vehicle moved solely by animal power;
 - 6. An implement of husbandry;
 - 7. Special mobile equipment;
 - (8. A self-propelled invalid wheel chair or tricycle;)
 - (9. A pole trailer.)

§ 3-103—Optional certificate of title

The owner of an implement of husbandry or special mobile equipment may apply for and obtain a certificate of title on it. All of the provisions of this chapter are applicable to a certificate of title so issued, except that a person who receives a transfer of an interest in the vehicle without knowledge of the certificate of title is not prejudiced by reason of the existence of the certificate, and the perfection of a security interest under this act is not effective until the lienholder has complied with the provisions of applicable law which otherwise relate to the perfection of security interests in personal property.

§ 3-104—Application for first certificate of title

- (a) The application for the first certificate of title of a vehicle in this State shall be made by the owner to the department on the form it prescribes and shall contain:
 - 1. The name, residence and mail address of the owner;
- 2. A description of the vehicle including, so far as the following data exist: its make, model, identifying number, type of body, the number of cylinders, and whether new or used;
- 3. The date of purchase by applicant, the name and address of the person from whom the vehicle was acquired and the names and addresses of any lienholders in the order of their priority and the dates of their security agreements; and
- 4. Any further information the department reasonably requires to identify the vehicle and to enable it to determine whether the owner is entitled to a certificate of title and the existence or non-existence of security interests in the vehicle.
- (b) If the application refers to a vehicle purchased from a dealer, it shall contain the name and address of any lienholder holding a security interest created or reserved at the time of the sale and the date of his security agreement and be signed by the dealer as well as the owner, and the dealer shall promptly mail or deliver the application to the department.
- (c) If the application refers to a vehicle last previously registered in another state or country, the application shall contain or be accompanied by:
 - 1. Any certificate of title issued by the other state or country;
- 2. Any other information and documents the department reasonably requires to establish the ownership of the vehicle and the existence or non-existence of security interests in it; and
- 3. The certificate of a person authorized by the department that the identifying number of the vehicle has been inspected and found to conform to the description given in the application,

or any other proof of the identity of the vehicle the department reasonably requires.

§ 3-105—Examination of records

The department, upon receiving application for a first certificate of title, shall check the identifying number of the vehicle shown in the application against the records of vehicles required to be maintained by § 3-106 and against the record of stolen and converted vehicles required to be maintained by § 4-105.

§ 3-106—Issuance and records

- (a) The department shall file each application received and, when satisfied as to its genuineness and regularity and that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title of the vehicle.
- (b) The department shall maintain a record of all certificates of title issued by it:
 - 1. Under a distinctive title number assigned to the vehicle;
 - 2. Under the identifying number of the vehicle;
- (3. Alphabetically, under the name of the owner;) and, in the discretion of the department, in any other method it determines.

§ 3-107—Contents and effect

- (a) Each certificate of title issued by the department shall contain:
 - 1. The date issued;
 - 2. The name and address of the owner;
- 3. The names and addresses of any lienholders, in the order of priority as shown on the application or, if the application is based on a certificate of title, as shown on the certificate;
 - 4. The title number assigned to the vehicle;
- 5. A description of the vehicle including, so far as the following data exist: its make, model, identifying number, type of body, number of cylinders, whether new or used, and, if a new vehicle, the date of the first sale of the vehicle for use; and
 - 6. Any other data the department prescribes.
- (b) Unless a bond is filed as provided in § 3-109(b), a distinctive certificate of title shall be issued for a vehicle last

previously registered in another state or country the laws of which do not require that lienholders be named on a certificate of title to perfect their security interests. The certificate shall contain the legend "This vehicle may be subject to an undisclosed lien" and may contain any other information the department prescribes. If no notice of a security interest in the vehicle is received by the department within four months from the issuance of the distinctive certificate of title, it shall, upon application and surrender of the distinctive certificate, issue a certificate of title in ordinary form.

- (c) The certificate of title shall contain forms for assignment and warranty of title by the owner, and for assignment and warranty of title by a dealer, and may contain forms for applications for a certificate of title by a transferee, the naming of a lienholder and the assignment or release of the security interest of a lienholder.
- (d) A certificate of title issued by the department is prima facie evidence of the facts appearing on it.
- (e) A certificate of title for a vehicle is not subject to garnishment, attachment, execution or other judicial process, but this subsection does not prevent a lawful levy upon the vehicle.

§ 3-108—Delivery

The certificate of title shall be mailed to the first lienholder named in it or, if none, to the owner.

§ 3-109—Registration without certificate of title; bond

If the department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, the department may register the vehicle but shall either:

- (a) Withhold issuance of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the department as to the applicant's ownership of the vehicle and that there are no undisclosed security interests in it; or
- (b) As a condition of issuing a certificate of title, require the applicant to file with the department a bond in the form prescribed by the department and executed by the applicant, and either accompanied by the deposit of cash with the department or also executed by a person authorized to conduct a surety

business in this State. The bond shall be in an amount equal to one and one-half times the value of the vehicle as determined by the department and conditioned to indemnify any prior owner and lienholder and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of title of the vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, and any deposit accompanying it, shall be returned at the end of three years or prior thereto if the vehicle is no longer registered in this State and the currently valid certificate of title is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond.

§ 3-110—Refusing certificate of title

The department shall refuse issuance of a certificate of title if any required fee is not paid or if it has reasonable grounds to believe that:

- (a) The applicant is not the owner of the vehicle;
- (b) The application contains a false or fraudulent statement; or
- (c) The applicant fails to furnish required information or documents or any additional information the department reasonably requires.

§ 3-111—Lost, stolen or mutilated certificates

(a) If a certificate of title is lost, stolen, mutilated or destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the department, shall promptly make application for and may obtain a duplicate upon furnishing information satisfactory to the department. The duplicate certificate of title shall contain the legend "This is a duplicate certificate of the open title shall contain the legend".

cate and may be subject to the rights of a person under the original certificate." It shall be mailed to the first lienholder named in it or, if none, to the owner.

- (b) The department shall not issue a new certificate of title to a transferee upon application made on a duplicate until 15 days after receipt of the application.
- (c) A person recovering an original certificate of title for which a duplicate has been issued shall promptly surrender the original certificate to the department.

§ 3-112—Transfer

- (a) If an owner transfers his interest in a vehicle, other than by the creation of a security interest, he shall, at the time of the delivery of the vehicle, execute an assignment and warranty of title to the transferee in the space provided therefor on the certificate or as the department prescribes, and cause the certificate and assignment to be mailed or delivered to the transferee or to the department.
- (b) Except as provided in § 3-113, the transferee shall, promptly after delivery to him of the vehicle, execute the application for a new certificate of title in the space provided therefor on the certificate or as the department prescribes, and cause the certificate and application to be mailed or delivered to the department.
- (c) Upon request of the owner or transferee, a lienholder in possession of the certificate of title shall, unless the transfer was a breach of his security agreement, either deliver the certificate to the transferee for delivery to the department or, upon receipt from the transferee of the owner's assignment, the transferee's application for a new certificate (, the registration card) (, license plates) and the required fee, mail or deliver them to the department. The delivery of the certificate does not affect the rights of the lienholder under his security agreement.
- (d) If a security interest is reserved or created at the time of the transfer, the certificate of title shall be retained by or delivered to the person who becomes the lienholder, and the parties shall comply with the provisions of § 3-203.

^{1 &}quot;Legal representative" in subsection (a) is intended to mean executor, administrator, trustee in bankruptcy, etc., as distinguished from a mere agent.

(e) Except as provided in § 3-113 and as between the parties, a transfer by an owner is not effective until the provisions of this section (and § 3-115) have been complied with (; however, an owner who has delivered possession of the vehicle to the transferee and has complied with the provisions of this section (and § 3-115) requiring action by him is not liable as owner for any damages thereafter resulting from operation of the vehicle).²

§ 3-113—Transfer to or from dealer; records

- (a) If a dealer buys a vehicle and holds it for resale and procures the certificate of title from the owner or the lienholder within 10 days after delivery to him of the vehicle, he need not send the certificate to the department but, upon transferring the vehicle to another person other than by the creation of a security interest, shall promptly execute the assignment and warranty of title by a dealer, showing the names and addresses of the transferee and of any lienholder holding a security interest created or reserved at the time of the resale and the date of his security agreement, in the spaces provided therefor on the certificate or as the department prescribes, and mail or deliver the certificate to the department with the transferee's application for a new certificate.
- (b) Every dealer shall maintain for five years a record in the form the department prescribes of every vehicle bought, sold or exchanged by him, or received by him for sale or exchange, which shall be open to inspection by a representative of the department or peace officer during reasonable business hours.

§ 3-114—Transfer by operation of law

- (a) If the interest of an owner in a vehicle passes to another other than by voluntary transfer, the transferee shall, except as provided in subsection (b), promptly mail or deliver to the department the last certificate of title, if available, proof of the transfer, and his application for a new certificate in the form the department prescribes.
- (b) If the interest of the owner is terminated or the vehicle is sold under a security agreement by a lienholder named in the

² The parenthetical language in subsection (e) should be included in the act as adopted unless other laws of the state clearly fix the time when an owner of a vehicle who transfers it ceases to be liable for its operation.

certificate of title, the transferee shall promptly mail or deliver to the department the last certificate of title, his application for a new certificate in the form the department prescribes, and an affidavit made by or on behalf of the lienholder that the vehicle was repossessed and that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement. If the lienholder succeeds to the interest of the owner and holds the vehicle for resale, he need not secure a new certificate of title but, upon transfer to another person, shall promptly mail or deliver to the transferee or to the department the certificate, affidavit and other documents (and articles) required to be sent to the department by the transferee.

(c) A person holding a certificate of title whose interest in the vehicle has been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificate to the department upon request of the department. The delivery of the certificate pursuant to the request of the department does not affect the rights of the person surrendering the certificate, and the action of the department in issuing a new certificate of title as provided herein is not conclusive upon the rights of an owner or lienholder named in the old certificate.

§ 3-115—Fees; registration cards; license plates

- (a) An application for a certificate of title shall be accompanied by (the registration card) (,) (license plates) (and) the required fee when mailed or delivered to the department.
- (b) An application for the naming of a lienholder or his assignee on a certificate of title shall be accompained by (the registration card and) the required fee when mailed or delivered to the department.

OPTIONAL (c) A transferor of a vehicle, other than a dealer transferring a new vehicle, shall deliver to the transferee at the time of the delivery of possession of the vehicle (the registration card) (and) (license plates) for the vehicle.

§ 3-116—When department to issue new certificate

(a) The department, upon receipt of a properly assigned certificate of title, with an application for a new certificate of title, the required fee and any other documents (and articles) re-

quired by law, shall issue a new certificate of title in the name of the transferee as owner and mail it to the first lienholder named in it or, if none, to the owner.

- (b) The department, upon receipt of an application for a new certificate of title by a transferee other than by voluntary transfer, with proof of the transfer, the required fee and any other documents (and articles) required by law, shall issue a new certificate of title in the name of the transferee as owner. If the outstanding certificate of title is not delivered to it, the department shall make demand therefor from the holder thereof.
- (c) The department shall file and retain for (five) years every surrendered certificate of title, the file to be maintained so as to permit the tracing of title of the vehicle designated therein.

§ 3-117—Scrapping, dismantling or destroying vehicle

An owner who scraps, dismantles or destroys a vehicle and a person who purchases a vehicle as scrap or to be dismantled or destroyed shall immediately cause the certificate of title to be mailed or delivered to the department for cancellation. A certificate of title of the vehicle shall not again be issued except upon application containing the information the department requires, accompanied by a certificate of inspection in the form and content specified in § 3-104(c).

ARTICLE II—SECURITY INTERESTS (NEW, 1956.)

§ 3-201—Excepted liens and security interests

This act does not apply to or affect:

- (a) A lien given by statute or rule of law to a supplier of services or materials for the vehicle;
- (b) A lien given by statute to the United States, this State or any political subdivision of this State;
- (c) A security interest in a vehicle created by a manufacturer or dealer who holds the vehicle for sale (, but a buyer in the ordinary course of trade from the manufacturer or dealer takes free of the security interest).³

³ A state which permits a security interest created by a manufacturer or dealer to be superior to the rights of a buyer in the ordinary course of trade should enact the parenthetical language.

§ 3-202—Perfection of security interests

- (a) Unless excepted by § 3-201, a security interest in a vehicle of a type for which a certificate of title is required is not valid against creditors of the owner or subsequent transferees or lienholders of the vehicle unless perfected as provided in this act.
- (b) A security interest is perfected by the delivery to the department of the existing certificate of title, if any, an application for a certificate of title containing the name and address of the lienholder and the date of his security agreement and the required fee (and registration card). It is perfected as of the time of its creation if the delivery is completed within 10 days thereafter, otherwise, as of the time of the delivery.
- (c) If a vehicle is subject to a security interest when brought into this State, the validity of the security interest is determined by the law of the jurisdiction where the vehicle was when the security interest attached, subject to the following:
- 1. If the parties understood at the time the security interest attached that the vehicle would be kept in this State and it was brought into this State within 30 days thereafter for purposes other than transportation through this State, the validity of the security interest in this State is determined by the law of this State.
- 2. If the security interest was perfected under the law of the jurisdicton where the vehicle was when the security interest attached, the following rules apply:
 - a. If the name of the lienholder is shown on an existing certificate of title issued by that jurisdiction, his security interest continues perfected in this State.
 - b. If the name of the lienholder is not shown on an existing certificate of title issued by that jurisdiction, the security interest continues perfected in this State for four months after a first certificate of title of the vehicle is issued in this State, and also, thereafter if, within the four-month period, it is perfected in this State. The security interest may also be perfected in this State after the expiration of the four-month period; in that case perfection dates from the time of perfection in this State.
- 3. If the security interest was not perfected under the law of the jurisdiction where the vehicle was when the security interest

attached, it may be perfected in this State; in that case, perfection dates from the time of perfection in this State.

4. A security interest may be perfected under paragraph 2b or paragraph 3 of this subsection either as provided in subsection (b) or by the lienholder delivering to the department a notice of security interest in the form the department prescribes and the required fee.

§ 3-203—Security interest

If an owner creates a security interest in a vehicle:

- (a) The owner shall immediately execute the application, in the space provided therefor on the certificate of title or on a separate form the department prescribes, to name the lienholder on the certificate, showing the name and address of the lienholder and the date of his security agreement, and cause the certificate, application and the required fee (and registration card) to be delivered to the lienholder.
- (b) The lienholder shall immediately cause the certificate, application and the required fee (and registration card) to be mailed or delivered to the department.
- (c) Upon request of the owner or subordinate lienholder, a lienholder in possession of the certificate of title shall either mail or deliver the certificate to the subordinate lienholder for delivery to the department or, upon receipt from the subordinate lienholder of the owner's application and the required fee (and registration card), mail or deliver them to the department with the certificate. The delivery of the certificate does not affect the rights of the first lienholder under his security agreement.
- (d) Upon receipt of the certificate of title, application and the required fee (and registration card), the department shall either endorse on the certificate or issue a new certificate containing the name and address of the new lienholder, and mail the certificate to the first lienholder named in it.

§ 3-204—Assignment by lienholder

(a) A lienholder may assign, absolutely or otherwise, his security interest in the vehicle to a person other than the owner without affecting the interest of the owner or the validity of the security interest, but any person without notice of the assign-

ment is protected in dealing with the lienholder as the holder of the security interest and the lienholder remains liable for any obligations as lienholder until the assignee is named as lienholder on the certificate.

(b) The assignee may, but need not to perfect the assignment, have the certificate of title endorsed or issued with the assignee named as lienholder, upon delivering to the department the certificate and an assignment by the lienholder named in the certificate in the form the department prescribes.

§ 3-205—Release of security interest

- (a) Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of the lienholder, he shall, within 10 days after demand and, in any event, within 30 days, execute a release of his security interest, in the space provided therefor on the certificate or as the department prescribes, and mail or deliver the certificate and release to the next lienholder named therein, or, if none, to the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate. The owner, other than a dealer holding the vehicle for resale, shall promptly cause the certificate and release to be mailed or delivered to the department, which shall release the lienholder's rights on the certificate or issue a new certificate.
- (b) Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of a prior lienholder, the lienholder whose security interest is satisfied shall within 10 days after demand and, in any event, within 30 days execute a release in the form the department prescribes and deliver the release to the owner or any person who delivers to the lienholder an authorization from the owner to receive it. The lienholder in possession of the certificate of title shall either deliver the certificate to the owner, or the person authorized by him, for delivery to the department, or, upon receipt of the release (and registration card), mail or deliver it (them) with the certificate to the department, which shall release the subordinate lienholder's rights on the certificate or issue a new certificate.

§ 3-206—Duty of lienholder

A lienholder named in a certificate of title shall, upon written

request of the owner or of another lienholder named on the certificate, disclose any pertinent information as to his security agreement and the indebtedness secured by it.

§ 3-207—Exclusiveness of procedure

§ 3-208—Suspension or revocation of certificates

- (a) The department shall suspend or revoke a certificate of title, upon notice and reasonable opportunity to be heard in accordance with § 3-210, when authorized by any other provision of law or if it finds:
- 1. The certificate of title was fraudulently procured or erroneously issued, or
 - 2. The vehicle has been scrapped, dismantled or destroyed.
- (b) Suspension or revocation of a certificate of title does not, in itself, affect the validity of a security interest noted on it.
- (c) When the department suspends or revokes a certificate of title, the owner or person in possession of it shall, immediately upon receiving notice of the suspension or revocation, mail or deliver the certificate to the department.
- (d) The department may seize and impound any certificate of title which has been suspended or revoked.

§ 3-209—Powers of department

(a) The department shall prescribe and provide suitable forms of applications, certificates of title, notices of security interests, and all other notices and forms necessary to carry out the provisions of this chapter.

⁴ Insert in the parentheses appropriate phraseology to refer to technical requirements of other statutes relating not only to recording or filing of security agreements but also to acknowledgments, affidavits of good faith, witnesses, etc.

(b) The department may:

- 1. Make necessary investigations to procure information required to carry out the provisions of this act;
- 2. Assign a new identifying number to a vehicle if it has none, or its identifying number is destroyed or obliterated, or its motor is changed, and shall either issue a new certificate of title showing the new identifying number or make an appropriate endorsement on the original certificate.

§ 3-210—Court review

A person aggrieved by an act or omission to act of the department under this act is also entitled to a review thereof by the _____ court in accordance with (the administrative procedure act of this State) (law).

ALTERNATE A—For States Having No Certificate of Title Act ⁵ (New, 1956.)

ARTICLE III—PREVIOUSLY REGISTERED VEHICLES

§ 3-301—Previously registered vehicle defined

A "previously registered vehicle" means a vehicle registered

a. New vehicles—when sold to a user in the state;

⁵ Administrative considerations require that the act be put into effect gradually in a state with no present certificate of title act but having thousands, hundreds of thousands or millions of registered vehicles.

This article proceeds on the following premises:

^{1.} Application for a certificate of title should be required for:

b. Used vehicles from other states—when required to be registered in the state;

c. Previously registered vehicles—when sold by a dealer in the state, until the backlog of uncertificated vehicles is so reduced as to permit the department readily to process applications for certificates on all remaining uncertificated vehicles.

Sale by a dealer of a previously registered vehicle has been selected as the criterion for requiring certification because, generally, dealers are more likely than owners to have sufficient financial responsibility to make good their warranties of title and of freedom from security interests.

Creation of a security interest has been rejected as the criterion because no lending agency would be willing to warrant against defects in title or undisclosed perfected security interests.

^{2.} Compulsory central filing of notices of existing security interests should not be required until the expiration of the period when most of the indebtedness secured thereby would normally be paid. To require earlier central filing would unnecessarily involve administrative problems for both the department and financing agencies as well as expense to debtors.

in this State when this act takes effect or a vehicle whose last registration before this act takes effect was in this State.

§ 3-302—Deferred application of act to previously registered vehicles

Articles I and II of this chapter do not apply to a previously registered vehicle until:

- (a) It is purchased from a dealer in this State after this act takes effect;
- (b) The department issues a certificate of title for the vehicle; or
 - (c) (Three) years elapse from the date this act takes effect.

§ 3-303—Distinctive certificate

If the department is not satisfied that there are no undisclosed security interests, created before this act takes effect, in a previously registered vehicle, it may, in addition to its options under § 3-109, issue a distinctive certificate of title of the vehicle containing the legend "This vehicle may be subject to an undisclosed lien" and any other information the department prescribes.

§ 3-304—Security interest in a previously registered vehicle

A security interest in a previously registered vehicle for which no certificate of title or application for a certificate is required is perfected by the delivery to the department of a notice of security interest in the form the department prescribes and the required fee. It is perfected as of the time of its creation if the delivery is completed within 10 days thereafter, otherwise, as of the time of delivery. A notice of a security interest created or reserved before this act takes effect need be executed by the lienholder only.

§ 3-305—Unsatisfied security interest in a previously registered vehicle

If a security interest in a previously registered vehicle is perfected under any other applicable law of this State at the time this act takes effect, the security interest continues perfected:

(a) Until its perfection lapses under the law under which it

was perfected (or would lapse in the absence of a further (filing) (recording)); or ⁶

- (b) Until the earlier lapse of (two years and nine months) from the date this act takes effect; and
 - (c) Thereafter if previously perfected under § 3-304.

§ 3-306—Filing and record of notices of security interests; examination of record

- (a) The department shall file each notice of security interest received by it with the required fee and maintain a record of all notices of security interests filed by it:
 - 1. Alphabetically, under the name of the owner;
 - 2. Under the identifying number of the vehicle; and
- 3. In the discretion of the department, in any other method it determines.
- (b) The department need not maintain, in the record provided for in subsection (a), any reference to a security interest in a previously registered vehicle after the department files a notice of release of the security interest or issues a certificate of title of the vehicle containing the name of the lienholder.
- (c) The department, before issuing or reissuing a certificate of title, shall check the name of the owner and the identifying number of the vehicle against the record provided for in subsection (a).

§ 3-307—Assignment by lienholder

- (a) A lienholder may assign, absolutely or otherwise, his security interest in the vehicle to a person other than the owner without affecting the interest of the owner or the validity of the security interest, but any person without notice of the assignment is protected in dealing with the lienholder as the holder of the security interest and the lienholder remains liable for any obligations as lienholder until an assignment by the lienholder is delivered to the department as provided in subsection (b).
 - (b) The assignee may, but need not to perfect the assignment,

⁶ Insert in the parentheses in subsection (a) appropriate phraseology to refer to technical requirements of other statutes, if any, requiring refiling, re-recording, or filing of a renewal statement or affidavit, to continue the perfection of a security interest after the lapse of a specified period.

deliver to the department an assignment by the lienholder in the form the department prescribes with the required fee.

(c) The department shall file each assignment received by it with the required fee and note the assignee as lienholder upon the record of notices of security interests maintained by the department pursuant to § 3-306.

§ 3-308—Release of security interest

- (a) If the security interest of a lienholder named in a notice of security interest filed by the department is satisfied, he shall, within 10 days after demand or, in any event, within 30 days, execute a release of the security interest in the form the department prescribes and mail or deliver the release to the department.
- (b) Upon receipt of the release of security interest the department shall file the release and note it upon the record of notices of security interests maintained by the department pursuant to § 3-306.

§ 3-309—Duty of lienholder

A lienholder named in a notice of security interest filed by the department shall, upon written request of the owner or of another lienholder, disclose any pertinent information as to his security agreement and the indebtedness secured by it.

ALTERNATE B—For States Having a Certificate of Title ACT BUT NOT REQUIRING ENDORSEMENT OF SECURITY INTERESTS ON CERTIFICATES 7 (NEW, 1956.)

ARTICLE III—PREVIOUSLY CERTIFICATED VEHICLES

§ 3-301—Definitions

Except when the context otherwise requires, as used in this act:

- (a) "Previous act" means (insert appropriate designation of prior certificate of title act).
 - (b) A "previously certificated vehicle" means a vehicle for

⁷Administrative considerations also require that the act be put into effect gradually in a state having a certificate of title act but not requiring the endorsement of security interests on a certificate of title.

which a certificate of title issued under the previous act is in force when this act takes effect.

(c) A "first certificate of title in this State" of a vehicle means the first certificate of title of the vehicle issued under this act.

§ 3-302—Deferred application of act to previously certificated vehicles

Articles I to III of this chapter do not apply to a previously certificated vehicle until:

- (a) It is purchased from a dealer in this State after this act takes effect;
- (b) The certificate of title of the vehicle issued under the previous act is revoked or lapses:
- (c) The department issues a certificate of title of the vehicle under this act; or
 - (d) (Three) years elapse from the date this act takes effect.

§ 3-303—Distinctive certificate

If the department is not satisfied that there are no undisclosed security interests, created before this act takes effect, in a previously certificated vehicle, it may, in addition to its options under § 3-109, issue a distinctive certificate of title of the vehicle containing the legend "This vehicle may be subject to an undisclosed lien" and any other information the department prescribes.

§ 3-304—Security interest in a previously certificated vehicle

A security interest in a previously certificated vehicle for which no certificate of title or application for a certificate is required is perfected by the delivery to the department of a notice of security interest in the form the department prescribes and the required fee. It is perfected as of the time of its creation if the delivery is completed within 10 days thereafter, otherwise as of the time of delivery. A notice of a security interest created or reserved before this act takes effect need be executed by the lienholder only.

§ 3-305—Unsatisfied security interest in a previously certificated vehicle

If a security interest in a previously certificated vehicle is

perfected under any other applicable law of this State at the time this act takes effect, the security interest continues perfected:

- (a) Until its perfection lapses under the law under which it was perfected (or would lapse in the absence of a further (filing) (recording)); or ⁸
- (b) Until the earlier lapse of (two years and nine months) from the date this act takes effect; and
 - (c) Thereafter if previously perfected under § 3-304.

§ 3-306—Filing and record of notices of security interests; surrender of certificate; examination of record

- (a) The department shall file each notice of security interest received by it with the required fee and maintain a record of all notices of security interests filed by it:
 - 1. Alphabetically, under the name of the owner;
 - 2. Under the identifying number of the vehicle; and
- 3. In the discretion of the department, in any other method it determines.
- (b) The department need not maintain, in the record provided for in subsection (a), any reference to a security interest in a previously certificated vehicle after the department files a notice of release of the security interest or issues a certificate of title of the vehicle containing the name of the lienholder.
- (c) The department, before issuing a first certificate of title under this act, shall require the surrender of any outstanding certificate of title for the vehicle issued under the previous act and, before issuing or reissuing a certificate of title, shall check the name of the owner and the identifying number of the vehicle against the record provided for in subsection (a).

§ 3-307—Assignment by lienholder

(a) A lienholder may assign, absolutely or otherwise, his security interest in the vehicle to a person other than the owner without affecting the interest of the owner or the validity of the

⁸ Insert in the parentheses in subsection (a) appropriate phraseology to refer to technical requirements of other statutes, if any, requiring refiling, re-recording or filing of a renewal statement or affidavit, to continue the perfection of a security interest after the lapse of a specified period.

security interest, but any person without notice of the assignment is protected in dealing with the lienholder as the holder of the security interest and the lienholder remains liable for any obligations as lienholder until an assignment by the lienholder is delivered to the department as provided in subsection (b).

- (b) The assignee may, but need not to perfect the assignment, deliver to the department an assignment by the lienholder in the form the department prescribes with the required fee.
- (c) The department shall file each assignment received by it with the required fee and note the assignee as lienholder upon the record of notices of security interests maintained by the department pursuant to § 3-306.

§ 3-308—Release of security interest

- (a) If the security interest of a lienholder named in a notice of security interest filed by the department is satisfied, he shall, within 10 days after demand or, in any event, within 30 days, execute a release of the security interest in the form the department prescribes and mail or deliver the release to the department.
- (b) Upon receipt of the release of security interest the department shall file the release and note it upon the record of notices of security interests maintained by the department pursuant to § 3-306.

§ 3-309—Duty of lienholder

A lienholder named in a notice of security interest filed by the department shall, upon written request of the owner or of another lienholder, disclose any pertinent information as to his security agreement and the indebtedness secured by it.

ARTICLE IV—ORIGINAL AND RENEWAL OF REGISTRATION

§ 3-401—Effect of provisions

It is a misdemeanor for any person to drive or move or for an owner knowingly to permit to be driven or moved upon any highway any vehicle of a type required to be registered hereunder which is not registered or for which the appropriate fee has not been paid when and as required hereunder, except that when application accompanied by proper fee has been made for registration of a vehicle it may be operated temporarily pending complete registration upon displaying a duplicate application duly verified or other evidence of such application or otherwise under rules and regulations promulgated by the commissioner.

§ 3-402—Vehicles subject to registration—exceptions

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

- 1. Any such vehicle driven or moved upon a highway in conformance with the provisions of this chapter relating to manufacturers, transporters, dealers, lienholders or nonresidents or under a temporary registration permit issued by the department as hereinafter authorized;
- 2. Any such vehicle which is driven or moved upon a highway only for the purpose of crossing such highway from one property to another;
- 3. Any implement of husbandry whether of a type otherwise subject to registration hereunder or not which is only incidentally operated or moved upon a highway;
 - 4. Any special mobile equipment as herein defined;
- 5. Any vehicle which is propelled exclusively by electric power obtained from overhead trolley wires though not operated upon rails.

(Former paragraphs (b), (c) and (d) deleted, 1962. Substance now dealt with in new § 3-402.1.)

§ 3-402.1—Nonresidents—registration requirements, reciprocal provisions, authority of (commissioner, reciprocity commission) (NEW SECTION, 1962.)

(a) Declaration of policy.—It is the policy of this State to promote and encourage the fullest possible use of its highway system by authorizing the making and execution of motor vehicle reciprocal or proportional registration agreements, arrangements and declarations with other states, provinces, territories and countries with respect to vehicles registered in this and such other states, provinces, territories and countries, thus contributing to the economic and social development and growth of this State.

- (b) Certain vehicles of nonresidents not subject to registration or reciprocal agreements.—A nonresident owner of any foreign vehicle may operate or permit the operation of such vehicle within this State without registering such vehicle in, or paying any fees to, this State; provided that such vehicle at all times when operated in this State is duly registered in, and displays upon it a valid registration card and registration plate or plates issued for such vehicle in, the place of residence of such owner; and further provided that such vehicle is not:
- 1. Used for the transportation of persons for hire, compensation or profit, or
- 2. Regularly operated in carrying on business within this State, or
- 3. Designed, used or maintained primarily for the transportation of property.

A trailer or semitrailer, when towed by a vehicle entitled to the privileges granted by this subsection, shall be entitled to the same privileges granted the towing vehicle.

This subsection shall not apply to a vehicle leased by an owner engaged in the business of leasing such vehicles.

- (c) Definitions.—As used in this section:
- 1. "Commercial vehicle" means any vehicle which is operated in interstate commerce and used for the transportation of persons for hire, compensation or profit, or designed or used primarily for the transportation of property.
- 2. "Jurisdiction" means and includes a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a foreign country and a state or province of a foreign country.
- 3. "Owner" means a person who holds the legal title to a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the event a vehicle is subject to a lease, contract or other legal arrangement vesting right of possession or control, for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner shall be deemed to be such person in whom is vested right of possession or control.

- (A) "Properly registered," as applied to place of registration, means:
- (1) The jurisdiction where the person registering the vehicle has his legal residence, or
- (2) In the case of a commercial vehicle, the jurisdiction in which it is registered if the commercial enterprise in which such vehicle is used has a place of business therein and, if the vehicle is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled in or from such place of business and, the vehicle has been assigned to such place of business, or
- (3) In the case of a commercial vehicle, the jurisdiction where, because of an agreement or arrangement between two or more jurisdictions, or pursuant to a declaration, the vehicle has been registered as required by said jurisdiction.
- (B) In case of doubt or dispute as to the proper place of registration of a vehicle, the department shall make the final determination, but in making such determination, the department may confer with departments of the other jurisdictions affected.
- 4. "Fleet" means or more commercial vehicles.
- 5. The words "department," "motor vehicle," "person" and "vehicle" shall each have the meanings ascribed to them respectively by chapter 1 of this act.
- 6. "Preceding year" means a period of 12 consecutive months fixed by the department which period shall be within the 16 months immediately preceding the commencement of the registration or license year for which proportional registration is sought; and the department in fixing such period shall make it conform to the terms, conditions and requirements of any applicable agreement or arrangements for the proportional registration of vehicles.
- (d) Administrator may make reciprocity arrangements, agreements, or declarations.—The commissioner shall have the authority to execute or make arrangements, agreements or declarations to carry out the provisions of this section.
- ALTERNATE (d) Reciprocity commission, creation, officers, compensation, powers and duties.—There is hereby created a reci-

procity commission ⁹ consisting of Annually, the commission shall organize by electing from its membership a chairman, vice-chairman and a secretary. The department shall provide such assistance and facilities to the commission as it may require. The members of the commission shall receive no additional compensation for their services except that they shall be allowed their actual and necessary expenses incurred in the performance of their official duties to be paid from funds made available for the use of the commission. The commission shall have the authority to execute arrangements, agreements or declarations to carry out the provisions of this section.

- (e) Authority for reciprocity agreements, provisions, reciprocity standards. — The (commissioner, reciprocity commission) may enter into an agreement or arrangement with the duly authorized representatives of other jurisdictions, granting to vehicles or to owners of vehicles which are properly registered or licensed in such jurisdictions, and for which evidence of compliance is supplied, benefits, privileges and exemptions from the payment, wholly or partially, of any taxes, fees, or other charges imposed upon such vehicles or owners with respect to the operation or ownership of such vehicles under the laws of this State. Such an agreement or arrangement shall provide that vehicles properly registered or licensed in this State, when operated upon highways of such other jurisdiction, shall receive exemptions, benefits and privileges of a similar kind or to a similar degree as are extended to vehicles properly registered or licensed in such jurisdiction when operated in this State. Each such agreement or arrangement shall, in the judgment of the (commissioner, reciprocity commission), be in the best interest of this State and the citizens thereof and shall be fair and equitable to this State and the citizens thereof, and all of the same shall be determined on the basis and recognition of the benefits which accrue to the economy of this State from the uninterrupted flow of commerce.
- (f) Base state registration reciprocity. An agreement or arrangement entered into, or a declaration issued under the

⁹ Where a state uses a commission, such commission should consist of members of departments administering applicable fee and regulatory statutes. The attorney general should not be on this commission as he may be called upon to pass on the legality of its acts.

authority of this act may contain provisions authorizing the registration or licensing in another jurisdiction of vehicles located in or operated from a base in such other jurisdiction which vehicles otherwise would be required to be registered or licensed in this State; and in such event the exemptions, benefits and privileges extended by such agreement, arrangement or declaration shall apply to such vehicles, when properly licensed or registered in such base jurisdiction.

(g) Proportional registration of fleet vehicles.—If any jurisdiction permits or requires the licensing of fleets of vehicles in interstate or combined interstate and intrastate commerce and payment of registration fees, license taxes or other fixed fees thereon on an apportionment basis commensurate with and determined by the miles traveled on and the use made of said jurisdiction's highways, as compared with the miles traveled on and the use made of other jurisdictions' highways or any other equitable basis of apportionment, and exempts vehicles registered in other jurisdictions under such apportionment basis from the requirements of full payment of its own registration, license or other fixed fees, then said (commissioner, reciprocity commission) may, by agreement, adopt such exemption with respect to vehicles of such fleets, whether owned by residents or nonresidents of this State and regardless of where based. Such agreements, under such terms, conditions or restrictions as the (commissioner, reciprocity commission) deems proper, may provide that owners of vehicles operated in interstate or combined interstate and intrastate commerce in this State shall be permitted to pay registration, license or other fixed fees on an apportionment basis, commensurate with and determined by the miles traveled on and the use made of the highways of this State as compared with the use made of the highways of other jurisdictions or any other equitable basis of apportionment. No such agreement shall authorize, or be construed as authorizing, any vehicle so registered to be operated in intrastate commerce in this State unless the owner thereof has been granted intrastate authority or rights by (the public utilities commission, the utilities commission, the corporation commission) if such grant is otherwise required by law. The (commissioner, reciprocity commission) may adopt and promulgate such rules and regulations as (he, it) shall deem necessary to effectuate and administer the provisions of this subsection, and the registration of fleet vehicles under this section shall be subject to the rights, terms and conditions granted by or contained in any applicable agreement, arrangement or declaration made by the (commissioner, reciprocity commission).

- (h) Declarations of extent of reciprocity.—In the absence of an agreement or arrangement with another jurisdiction, the (commissioner, reciprocity commission) may examine the laws and requirements of such jurisdiction and declare the extent and nature of exemptions, benefits and privileges to be extended to vehicles properly registered or licensed in such other jurisdiction, or to the owners of such vehicles, which shall, in the judgment of the (commissioner, reciprocity commission), be in the best interest of this State and the citizens thereof, and which shall be fair and equitable to this State and the citizens thereof, and all of the same shall be determined on the basis and recognition of the benefits which accrue to the economy of this State from the uninterrupted flow of commerce.
- (i) Extension of reciprocal privileges to lessees authorized.—An agreement or arrangement entered into, or a declaration issued under the authority of this act, may contain provisions under which a leased vehicle properly registered by the lessor thereof may be entitled, subject to terms and conditions stated therein, to the exemptions, benefits and privileges extended by such agreement, arrangement or declaration.
- (k) Proportional registration not exclusive. Nothing contained in this section relating to proportional registration of fleet vehicles shall be construed as requiring any vehicle to be proportionally registered if it is otherwise registered in this State for the operation in which it is engaged, including but not by

way of limitation, regular registration, temporary registration, or trip permit or registration.

- (1) Suspension of reciprocity benefits.—Agreements, arrangements or declarations made under the authority of this section may include provisions authorizing the department to suspend or cancel the exemptions, benefits or privileges granted thereunder to a person who violates any of the conditions or terms of such agreements, arrangements or declarations or who violates the laws of this State relating to motor vehicles, or regulations lawfully promulgated thereunder.
- (n) Reciprocity agreements in effect.—All reciprocity and proportional registration agreements, arrangements and declarations relating to vehicles, in force and effect at the time this section becomes effective, shall continue in force and effect until specifically amended or revoked as provided by law or by such agreements or arrangements.
- (o) Section part of and supplemental to motor vehicle registration law.—This section shall be a part of and supplemental to the motor vehicle registration law of this State.

OPTIONAL PROVISIONS 11 (NEW, 1962.)

- (p) Proportional registration of fleet vehicles, application, fee, formula and payment.—
 - 1. Any owner engaged in operating one or more fleets may, in

¹⁰ The name of the state official with whom rules and regulations of administrative agencies are filed. If existing state law does not specify any such state official, the secretary of state or some other appropriate official should be specified.

¹¹ When a state enacting this section contemplates the consummation of proportional registration agreements, it may desire to include these subsections in statutory form. The subsections are designed to facilitate the administration of proportional registration agreements and to establish uniform implementation of such agreements.

lieu of registration of vehicles under other sections of this chapter, register and license each fleet for operation in this State by filing an application with the department which shall contain the following information, and such other information pertinent to vehicle registration as the department may require:

- (A) Total fleet miles. This shall be the total number of miles operated in all jurisdictions during the preceding year by the vehicles in such fleet during said year.
- (B) In-state miles. This shall be the total number of miles operated in this State during the preceding year by the vehicles in such fleet during said year.
- (C) A description and identification of each vehicle of such fleet which is to be operated in this State during the registration year for which proportional fleet registration is requested.
- 2. The application for each fleet shall be accompanied by a fee payment computed as follows:
 - (A) Divide in-state miles by total fleet miles.
 - (B) Determine the total amount necessary to register each and every vehicle in the fleet for which registration is requested, based on the regular annual registration fees prescribed by sections of this chapter.
 - (C) Multiply the sum obtained under subsection 2(B) hereof by the fraction obtained under subsection 2(A) hereof.
- (q) Registration and identification of proportionally registered vehicles; effect of such registration.—
- - 2. Fleet vehicles so registered and identified shall be deemed

to be fully licensed and registered in this State for any type of movement or operation, except that in those instances in which a grant of authority is required for intrastate movement or operation, no such vehicle shall be operated in intrastate commerce in this State unless the owner thereof has been granted intrastate authority or rights by (the public utilities commission, the utilities commission, the corporation commission) and unless said vehicle is being operated in conformity with such authority or rights.

- (r) Proportional registration cannot be in a single jurisdiction.—The right to the privileges and benefits of proportional registration of fleet vehicles extended by this section, or by any contract, agreement, arrangement or declaration made under the authority of this section, shall be subject to the condition that each fleet vehicle proportionally registered under the authority of this section shall also be proportionally or otherwise properly registered in at least one other jurisdiction during the period for which it is proportionally registered in this State.
- (s) Registration of additional fleet vehicles. Vehicles acquired by the owner after the commencement of the registration year and subsequently added to a proportionally registered fleet shall be proportionally registered by applying the mileage percentage used in the original application for such fleet for such registration period to the regular registration fees due with respect to such vehicle for the remainder of the registration year.
- (t) Withdrawal of fleet vehicles; credits and accounting.—If any vehicle is withdrawn from a proportionally registered fleet during the period for which it is registered under the provisions of this section, the owner of such fleet shall so notify the department on appropriate forms to be prescribed by the department. The department may require the owner to surrender proportional registration cards and such other identification devices which have been issued with respect to such vehicle as the department may deem advisable. If a vehicle is permanently withdrawn from a proportionally registered fleet because it has been destroyed, sold or otherwise completely removed from the service of the registrant, the unused portion of the fees paid with respect to such vehicle, which shall be a sum equal to the amount paid with respect to such vehicle when it was first proportionally registered in such registration year, reduced by 1/12 of the total annual pro-

portional registration responsibility of such vehicle for each calendar month and fraction thereof elapsing between the first day of the month of the current year in which the vehicle was registered and the date the notice of withdrawal is received by the department, shall be credited to the proportional registration account of such owner. Such credit shall be applied against liability for subsequent additions to be prorated during such registration year or for additional fees due upon audit under subsection (w) hereof. If any such credit is less than \$5, no credit shall be made or entered. In no event shall such amount be credited against fees other than those for such registration year, nor shall any such amount be subject to refund.

- (u) New fleet; estimated mileage.—The initial application for proportional registration of a fleet shall state the mileage data with respect to such fleet for the preceding year in this and other jurisdictions. If no operations were conducted with such fleet during the preceding year, the application shall contain a full statement of the proposed method of operation and estimates of annual mileage in this State and other jurisdictions. The department shall determine the in-state and total fleet miles to be used in computing the fee payment for the fleet. The department may evaluate and adjust the estimate in the application if it is not satisfied as to the correctness thereof.
- (v) Fleet registration may be denied. The (commissioner, reciprocity commission) may refuse to accept proportional registration applications for the registration of vehicles based in, or owned by residents of, another jurisdiction if the (commissioner, reciprocity commission) shall find that such other jurisdiction does not grant similar registration privileges to fleet vehicles based in or owned by residents of this State.
- (w) Preservation of proportional registration records.—Any owner whose application for proportional registration has been accepted shall preserve the records on which the application is based for a period of four years following the year or period upon which said application is based. Upon request of the department, the owner shall make such records available to the department at its office for audit as to accuracy of computations and payments, or pay the reasonable costs of an audit at the home office of the owner, by a duly appointed representative of the department. The department may make arrangements with

agencies of other jurisdictions administering motor vehicle registration laws for joint audits of any such owner.

(x) Relation to other state laws.—The provisions of this section shall constitute complete authority for the registration of fleet vehicles upon a proportional registration basis without reference to or application of any other statutes of this State except as in this section expressly provided.

§ 3-403—Application for registration

- (a) Every owner of a vehicle subject to registration hereunder shall make application to the department for the registration of such vehicle upon the appropriate form or forms furnished by the department and every such application shall bear the signature of the owner written with pen and ink and (said signature shall be acknowledged by the owner before a person authorized to administer oaths and) said application shall contain:
- 1. The name, bona fide residence and mail address of the owner or business address of the owner if a firm, association or corporation;
- 2. A description of the vehicle including such information as is required in an application for a certificate of title;
- 3. Such further information as may reasonably be required by the department to enable it to determine whether the vehicle is lawfully entitled to registration and the owner entitled to a certificate of title.
- (b) When such application refers to a new vehicle purchased from a dealer the application shall be accompanied by a statement by the dealer or a bill of sale showing any lien retained by the dealer.

§ 3-404—Application for specially constructed, reconstructed or foreign vehicles

(a) In the event the vehicle to be registered is a specially constructed, reconstructed or foreign vehicle, such fact shall be stated in the application and with reference to every foreign vehicle which has been registered heretofore outside of this State the owner shall surrender to the department all registration plates, registration cards or other evidence of such foreign regis-

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

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

§ 3-405—Temporary permit pending registration

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

§ 3-406—Grounds for refusing registration or certificate of title

The department shall refuse registration or any transfer of registration upon any of the following grounds:

- 1. That the application contains any false or fraudulent statement or that the applicant has failed to furnish required information or reasonable additional information requested by the department or that the applicant is not entitled to the issuance of a certificate of title or registration of the vehicle under this chapter;
- 2. That the vehicle is mechanically unfit or unsafe to be operated or moved upon the highways;
- 3. That the department has reasonable ground to believe that the vehicle is a stolen or embezzled vehicle or that the granting of registration would constitute a fraud against the rightful owner or other person having valid lien upon such vehicle;
- 4. That the registration of the vehicle stands suspended or revoked for any reason as provided in the motor vehicle laws of this State; or
 - 5. That the required fee has not been paid.

§ 3-407—Registration indexes

The department shall file each application received and when

satisfied as to the genuineness and regularity thereof, and that the applicant is entitled to register such vehicle and to the issuance of a certificate of title, shall register the vehicle therein described and keep a record thereof in suitable books or on index cards as follows:

- 1. Under a distinctive registration number assigned to the vehicle;
- 2. Under the identifying number of the vehicle; (REVISED, 1956.)
 - 3. Alphabetically, under the name of the owner;
- 4. In the discretion of the department, in any other manner it may deem desirable.

§ 3-408—Department to issue registration card

- (a) The department upon registering a vehicle shall issue a registration card.
- (b) The registration card shall be delivered to the owner and shall contain upon the face thereof the date issued, the name and address of the owner, the registration number assigned to the vehicle and such description of the vehicle as determined by the commissioner.

§ 3-409—Registration card to be signed, carried and exhibited on demand

- (a) Every owner upon receipt of a registration card shall write his signature thereon with pen and ink in the space provided. Every such registration card shall at all times be carried in the vehicle to which it refers or shall be carried by the person driving or in control of such vehicle who shall display the same upon demand of a police officer. (REVISED, 1968.)
- (b) The provisions of this section requiring that a registration card be carried in the vehicle to which it refers or by the person driving the same shall not apply when such card is used for the purpose of making application for renewal of registration or upon a transfer of registration of said vehicle.

§ 3-410—Registration plates to be furnished by the department

(a) The department upon registering a vehicle shall issue to

the owner one registration plate for a motorcycle, trailer or semitrailer and two registration plates for every other motor vehicle.

- (b) Every registration plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, also the name of this State, which may be abbreviated, and the year number for which it is issued or the date of expiration thereof.
- (c) Such registration plate and the required letters and numerals thereon, except the year number for which issued, shall be of sufficient size to be plainly readable from a distance of 100 feet during daylight. The dimensions of the plate shall be six by 12 inches. (Revised, 1956.)
- (d) The department shall issue for every passenger motor vehicle rented without a driver the same type of registration plates as the type of plates issued for a private passenger vehicle.

§ 3-411—Display of registration plates

- (a) Registration plates issued for a motor vehicle other than a motorcycle shall be attached thereto, one in the front and the other in the rear. The registration plate issued for a motorcycle or other vehicle required to be registered hereunder shall be attached to the rear thereof.
- (b) Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than 12 inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible and shall be maintained free from foreign materials and in a condition to be clearly legible.

§ 3-412—Expiration of registration

Every vehicle registration under this chapter and every registration card and registration plate issued hereunder shall expire at midnight on the 31st day of December of each year.

§ 3-413—Application for and renewal of registration

(a) Application for renewal of a vehicle registration shall be made by the owner upon proper application and by payment of the registration fee for such vehicle, as provided by law.

(b) The department may receive applications for renewal of registration and grant the same and issue new registration cards and plates at any time prior to expiration of registration, but no person shall display upon a vehicle the new registration plates prior to December 15.

§ 3-414—Notice of change of address or name

- (a) Whenever any person after making application for or obtaining the registration of a vehicle shall move from the address named in the application or shown upon a registration card or certificate of title such person shall within 10 days thereafter notify the department in writing of his old and new addresses.
- (b) Whenever the name of any person who has made application for or obtained the registration of a vehicle is thereafter changed by marriage or otherwise such person shall within 10 days notify the department of such former and new name.

§ 3-415—Lost or damaged cards and plates

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

§ 3-416—Registration under new identifying number

When the department issues a new identifying number, such motor vehicle shall be registered under such identifying number in lieu of the former identifying number.

§ 3-417—Regulations governing change of motors

The commissioner is authorized to adopt and enforce such registration rules and regulations as may be deemed necessary and compatible with the public interest with respect to the change or substitution of one engine in place of another in any motor vehicle.

§ 3-418—Department may issue registration bulletins

- (a) The commissioner may annually, following a renewal of registration, compile and publish in books or bulletins a list of all registered vehicles and may thereafter compile and publish supplements thereto at least every three months. The list of registered vehicles shall be arranged serially according to the registration numbers assigned to registered vehicles and shall contain in addition the names and addresses of registered owners and a brief description of each vehicle including the serial or other identifying number thereof.
- (b) The commissioner may furnish a copy of such registration lists without charge to any police department and may furnish a a copy thereof upon payment of a uniform amount approximating the cost thereof as determined by the commissioner to any other person or agency.

ARTICLE V-TRANSFER OF REGISTRATION

§ 3-501—Registration expires on transfer by owner

Whenever the owner of a registered vehicle transfers or assigns his title, or interest thereto, the registration of such vehicle shall expire. The owner shall remove the registration plates therefrom and forward the same to the department or may have such plates and the registration number thereon assigned to another vehicle upon payment of the fees required by law and subject to the rules and regulations of the department.

§ 3-502—New owner must secure new registration

The transferee before operating or permitting the operation of such vehicle upon a highway shall apply for and obtain the registration thereof, as upon an original registration, except as otherwise permitted in §§ 3-503 and 3-504. (Revised, 1956.)

§ 3-503—Transfers to dealers

When the transferee of a vehicle is a dealer who holds the same for resale and lawfully operates the same under dealers' number plates or when the transferee does not drive such vehicle or permit it to be driven upon the highways, such transferee shall not be required to obtain a new registration of said vehicle.

§ 3-504—Transfer by operation of law

Whenever the title or interest of an owner in or to a registered vehicle shall pass to another otherwise than by voluntary transfer, the registration thereof shall expire and the vehicle shall not be operated upon the highways unless and until the person entitled to possession of such vehicle shall apply for and obtain the registration thereof.

Alternate § 3-501—Transfer by owner

- (a) Whenever the owner of a registered vehicle transfers or assigns his title or interest thereto, the registration plates issued for such vehicle shall remain attached thereto.
- (b) The owner shall endorse upon the reverse side of the registration card the name and address of the transferee and the date of transfer and shall immediately deliver such card to the transferee (who shall deliver the same to the department with the application for the certificate of title).

Alternate § 3-502—New owner to secure transfer of registration

The transferee shall promptly apply to the department for a transfer of registration of the vehicle except as otherwise permitted in § 3-503.

Alternate § 3-503—Transfers to dealers

When the transferee of a vehicle is a dealer who holds the same for resale and operates the same only for purposes incident to a resale and displays thereon the registration plates issued for such vehicle or when a transferee does not drive such vehicle or permit it to be driven upon the highways, the transferee shall not be required to obtain registration of such vehicle.

Alternate § 3-504—When department to transfer registration

The department, upon receipt of a properly endorsed application for transfer of registration accompanied by the required fee, shall transfer the registration thereof under its registration number to the new owner and shall issue a new registration card as upon an original registration.

§ 3-505—Return of evidence of registration

Any person who dismantles, scraps or destroys a vehicle and a person who purchases a vehicle as scrap or to be dismantled or destroyed shall immediately cause the registration card and license plates to be mailed or delivered to the department for cancellation.

ARTICLE VI—SPECIAL PLATES FOR MANUFACTURERS, TRANSPORTERS AND DEALERS

§ 3-601—Operation of vehicles under special plates

- (a) A manufacturer or dealer owning any vehicle of a type otherwise required to be registered under this act may operate or move the same upon the highways solely for purposes of transporting, testing, demonstrating or selling the same without registering each such vehicle upon condition that any such vehicle display thereon in the manner prescribed in § 3-411 hereof a special plate or plates issued to such owner as provided in this article.
- (b) Also, a transporter may operate or move any vehicle of like type upon the highways solely for the purpose of delivery upon likewise displaying thereon like plates issued to him as provided in this article.
- (c) The provisions of this article shall not apply to work or service vehicles owned by a manufacturer, transporter or dealer.

\S 3-602—Application for and issuance of certificate and special plates

- (a) Any manufacturer, transporter or dealer may make application to the department upon the appropriate form for a certificate containing a general distinguishing number and for one or more pairs of special plates or single special plates as appropriate to various types of vehicles subject to registration hereunder. The applicant shall also submit proof of his status as a bona fide manufacturer, transporter or dealer as may reasonably be required by the department.
- (b) The department, upon granting any such application, shall issue to the applicant a certificate containing the applicant's name and address and the general distinguishing number assigned to the applicant.

(c) The department shall also issue special plates as applied for, which shall have displayed thereon the general distinguishing number assigned to the applicant. Each plate or pair of plates so issued shall also contain a number or symbol identifying the same from every other plate or pair of plates bearing the same general distinguishing number.

§ 3-603—Expiration of special plates

Every special plate issued hereunder shall expire at midnight on the 31st day of December of each year, and a new plate or plates for the ensuing year may be obtained by the person to whom any such expired plate or plates was issued upon application to the department and payment of the fee provided by law.

§ 3-604—Manufacturers, transporters and dealers to maintain records

Every manufacturer, transporter or dealer shall keep a written record of the vehicles upon which such special plates are used and the time during which each set of plates is used on a particular vehicle, which record shall be open to inspection by any police officer or any officer or employee of the department.

ARTICLE VII—OFFENSES AGAINST REGISTRATION AND CERTIFICATE OF TITLE LAWS OR REVOCATION OF REGISTRATION OR CERTIFICATE OF TITLE

§ 3-701—Operation of vehicles without evidences of registration

No person shall operate, nor shall an owner knowingly permit to be operated, upon any highway any vehicle required to be registered hereunder unless there shall be attached thereto and displayed thereon when and as required by this chapter a valid registration card and registration plate or plates issued therefor by the department for the current registration year except as otherwise expressly permitted in this chapter. Any violation of this section is a misdemeanor.

§ 3-702—Operation of vehicle when registration canceled, suspended or revoked

No person shall operate, nor shall an owner knowingly permit

to be operated, upon any highway, a motor vehicle the registration of which has been canceled, suspended or revoked. Any violation of this section is a misdemeanor.

§ 3-703—Improper use of evidences of registration or certificate of title

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

§ 3-704—Authority of department to suspend or revoke a registration or certificate of title

The department is hereby authorized to suspend or revoke the registration of a vehicle or a certificate of title, registration card or registration plate, or any nonresident or other permit in any of the following events:

- 1. When the department is satisfied that such registration or that such certificate, card, plate or permit was fraudulently or erroneously issued;
- 2. When the department determines that a registered vehicle is mechanically unfit or unsafe to be operated or moved upon the highways;
 - 3. When a registered vehicle has been dismantled or wrecked;
- 4. When the department determines that the required fee has not been paid and the same is not paid upon reasonable notice and demand;
- 5. When a registration card, registration plate or permit is knowingly displayed upon a vehicle other than the one for which issued;
- 6. When the department determines that the owner has committed any offense under this chapter involving the registration or the certificate, card, plate or permit to be suspended or revoked; or

7. When the department is so authorized under any other provision of law.

§ 3-705—Suspending or revoking certificate or special plates of a manufacturer, transporter or dealer

The department is also authorized to suspend or revoke a certificate or the special plates issued to a manufacturer, transporter or dealer upon determining that any said person is not lawfully entitled thereto or has made or knowingly permitted any illegal use of such plates or has committed fraud in the registration of vehicles or failed to give notices of transfers when and as required by this chapter.

§ 3-706—Owner to return evidences of registration upon cancellation, suspension or revocation

Whenever the department as authorized hereunder cancels, suspends or revokes the registration of a vehicle or a certificate of title, registration card or registration plate or plates, or any nonresident or other permit or the license of any dealer or wrecker, the owner or person in possession of the same shall immediately return the evidences of registration, title or license so canceled, suspended or revoked to the department.

ARTICLE VIII—REGISTRATION AND LICENSE FEES 12

§ 3-801—Registration fees

The following registration fees shall be paid to the department for the registration of motor vehicles, trailers and semi-trailers, subject to registration hereunder.¹³

§ 3-802—Reduced fees for portion of a year

13 It is recommended that those states which impose special fees upon commercial vehicles should graduate such fees according to the gross weight of such vehicles giving due regard to tire capacity.

¹² The revenue provisions of the vehicle statutes vary both as to character of fees imposed and amounts. This draft does not suggest what fees shall be imposed but includes this article in outline as indicating an appropriate place wherein registration fees may be incorporated by each state upon adopting this act.

- § 3-803—Exemption from registration fees 14
- § 3-804—Fees to be paid by manufacturers, transporters and dealers
- § 3-805—Fees for application for first certificate of title (NEW, 1956.)
- § 3-806—Fees upon transfer of registration and issuance of certificates of title
- § 3-807—Fees relating to security interests (NEW, 1956.)
- § 3-808—Seizure and sale of vehicle for nonpayment of fees
- § 3-809—Fees for duplicate registration plates, registration cards and certificates of title

§ 3-810—When fees delinquent—penalties

If an application, certificate of title or other document (or article) required to be mailed or delivered to the department under any provision of this act is not mailed or delivered to the department within 10 days from the time it is required to be mailed or delivered, the department shall collect, as a penalty, an amount equal to the fee required for the transaction. (NEW, 1956.)

§ 3-811—When fees returnable

- (a) Whenever an 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.
- (b) 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.

§ 3-812—Disposition of fees

¹⁴ Vehicle statutes generally exempt vehicles owned by the state or political subdivision thereof from payment of fees but require that all such vehicles shall be registered and display number plates usually bearing a distinct symbol.

CHAPTER 4

Antitheft Laws (REVISED, 1956.)

§ 4-101—Exceptions from provisions of this chapter

This chapter does not apply to the following unless a title or registration has been issued on such vehicles under this act:

- 1. A vehicle moved solely by animal power;
- 2. An implement of husbandry;
- 3. Special mobile equipment;
- 4. A self-propelled invalid wheel chair or tricycle.

§ 4-102—Unauthorized use of a vehicle

A person not entitled to possession of a vehicle who, without the consent of the owner and with intent to deprive him, temporarily or otherwise, of the vehicle or its possession, takes, uses or drives the vehicle is guilty of a (felony) (misdemeanor) (felony, but if the deprivation of the owner was for a temporary purpose only, unconnected with the commission of or intent to commit a crime other than the taking of the vehicle, the offense is a misdemeanor).

§ 4-103—Receiving or disposing of a vehicle

A person not entitled to the possession of a vehicle who receives, possesses, conceals, sells or disposes of it, knowing it to be stolen or converted under circumstances constituting a crime, is guilty of a felony.

§ 4-104—Damaging or tampering with a vehicle

- (a) A person who, with intent and without right to do so, damages a vehicle or damages or removes any of its parts or components is guilty of a misdemeanor.
- (b) A person who, without right to do so and with intent to commit a crime, tampers with a vehicle, or goes in or on it, or works or attempts to work any of its parts or components, or sets or attempts to set it in motion, is guilty of a misdemeanor.

§ 4-105-Stolen, converted, recovered and unclaimed vehicles

(a) A peace officer who learns of the theft of a vehicle not

since recovered, or of the recovery of a vehicle whose theft or conversion he knows or has reason to believe has been reported to the department, shall forthwith report the theft or recovery to the department.

- (b) An owner or a lienholder may report the theft of a vehicle, or its conversion if a crime, to the department, but the department may disregard the report of a conversion unless a warrant has been issued for the arrest of a person charged with the conversion. A person who has so reported the theft or conversion of a vehicle shall, forthwith after learning of its recovery, report the recovery to the department.
- (c) An operator of a place of business for garaging, (repairing,) parking or storing vehicles for the public, in which a vehicle remains unclaimed for a period of 30 days, shall, within (five) days after the expiration of that period, report the vehicle as unclaimed to the department. Such report shall be on a form prescribed by the department.

A vehicle left by its owner whose name and address are known to the operator or his employee is not considered unclaimed. A person who fails to report a vehicle as unclaimed in accordance with this subsection forfeits all claims and liens for its garaging, parking or storing (and is guilty of a misdemeanor punishable by a fine of not more than (\$25) for each day his failure to report continues).

- (d) The department shall maintain and appropriately index cumulative public records of stolen, converted, recovered and unclaimed vehicles reported to it pursuant to this section. The department may make and distribute weekly lists of such vehicles so reported to it to peace officers upon request without fee and to others for the fee, if any, the department prescribes.
- (e) The department may suspend the registration of a vehicle whose theft or conversion is reported to it pursuant to this section; until the department learns of its recovery or that the report of its theft or conversion was erroneous, it shall not issue a certificate of title for the vehicle.

§ 4-106—False report of theft or conversion

A person who knowingly makes a false report of the theft or conversion of a vehicle to a peace officer or to the department is guilty of a misdemeanor.

§ 4-107—Removed, falsified or unauthorized identification number, registration or license plate on vehicle or engine

- (a) A person who willfully removes or falsifies an identification number of a vehicle or an engine for a vehicle is guilty of a misdemeanor.
- (b) A person who, willfully and with intent to conceal or misrepresent the identity of a vehicle or engine, removes or falsifies an identification number of the vehicle or engine, is guilty of a felony.
- (c) A person who buys, receives, possesses, sells or disposes of a vehicle or an engine for a vehicle, knowing that an identification number of the vehicle or engine has been removed or falsified, is guilty of a misdemeanor.
- (d) A person who buys, receives, possesses, sells or disposes of a vehicle or an engine for a vehicle, with knowledge that an identification number of the vehicle or engine has been removed or falsified and with intent to conceal or misrepresent the identity of the vehicle or engine, is guilty of a felony.
- (e) A person who removes a (registration) (license) plate from a vehicle or affixes to a vehicle a (registration) (license) plate not authorized by law for use on it, in either case with intent to conceal or misrepresent the identity of the vehicle or its owner, is guilty of a misdemeanor.
 - (f) As used in this section:
- 1. "Identification number" includes an identifying number, serial number, engine number or other distinguishing number or mark, placed on a vehicle or engine by its manufacturer or by authority of the department or in accordance with the laws of another state or country;
 - 2. "Remove" includes deface, cover and destroy;
 - 3. "Falsify" includes alter and forge.
- (g) An identification number may be placed on a vehicle or engine by its manufacturer in the regular course of business or placed or restored on a vehicle or engine by authority of the department without violating this section; an identification number so placed or restored is not falsified.

§ 4-108—Evidence of criminal intent or knowledge

In a prosecution for a crime specified in this act, evidence

that the defendant has committed a prior act or acts of the same kind is admissible to prove criminal intent or knowledge.

§ 4-109—Principals

A person who, whether present or absent, aids, abets, induces, procures or causes the commission of an act which, if done directly by him, would be a felony or a misdemeanor under a provision of this act, is guilty of the same felony or misdemeanor.

§ 4-110—Offenses relating to title and registration—felonies

A person is guilty of a felony who, with fraudulent intent:

- 1. Alters, forges or counterfeits a certificate of title, registration card or license plate;
- 2. Alters or forges an assignment of a certificate of title, or an assignment or release of a security interest, on a certificate of title or a form the department prescribes;
- 3. Has possession of or uses a certificate of title, registration card or license plate, knowing it to have been altered, forged or counterfeited: or
- 4. Uses a false or fictitious name or address, or makes a material false statement, or fails to disclose a security interest, or conceals any other material fact, in an application for a certificate of title, or for registration.

\S 4-111—Offenses relating to title and registration—misdemeanors

A person is guilty of a misdemeanor who:

- 1. With fraudulent intent, permits another, not entitled thereto, to use or have possession of a certificate of title, registration card or license plate;
- 2. Willfully fails to mail or deliver a certificate of title or application therefor to the department within 10 days after the time required by this act;
- 3. Willfully fails to deliver to his transferee a certificate of title within 10 days after the time required by this act;
- 4. Commits a fraud in any application for a title or registration: or
- 5. Willfully violates any other provision of chapter 3 or 4 of this act, except as otherwise provided in this act.

CHAPTER 5

Dealers, Wreckers and Rebuilders

ARTICLE I—DEALERS

§ 5-101—Dealers must be licensed

- (a) No person, unless licensed so to do by the department under the provisions of this chapter, shall carry on or conduct the business of a dealer in motor vehicles, trailers or semitrailers of a type subject to registration.
- (b) Application for a dealer's license shall be made upon the form prescribed by the department and shall contain the name and address of the applicant; and when the applicant is a partnership, the name and address of each partner; or when the applicant is a corporation, the names of the principal officers of the corporation and the state in which incorporated, and the place or places where the business is to be conducted, and the nature of such business, and such other information as may be required by the department. Every such application shall be verified by the oath or affirmation of the applicant, if an individual, or in the event an applicant is a partnership or corporation then by a partner or officer thereof. Every such application shall be accompanied by the fee required by law. (Section revised, 1956.)

§ 5-102—Department to issue license certificate

- (a) The department, upon receiving application accompanied by the required fee, and when satisfied that the applicant is of good character, and so far as can be ascertained has complied with and will comply with the laws of this State with reference to the registration of vehicles and certificates of title and the provisions of this chapter, shall issue to the applicant a license certificate which shall entitle the licensee to carry on and conduct the business of a dealer during the calendar year in which the license is issued. Every such license shall expire on December 31st of each year, and may be renewed upon application and payment of the fee required by law.
- (b) The department may refuse to issue a license or, after written notice to the licensee and a hearing, may cancel a li-

cense when satisfied that the applicant for a license or the licensee has failed to comply with the provisions of this chapter.

(c) Any licensee, before removing any one or more of his places of business, or opening any additional place of business, shall apply to the department for and obtain a supplemental license. (Section revised, 1956.)

ARTICLE II—USED PARTS DEALERS, WRECKERS AND REBUILDERS

§ 5-201—Used parts dealers, wreckers and rebuilders must be licensed

- (a) No person shall, except as an incident to the sale or servicing of vehicles, carry on or conduct the business of:
 - 1. Selling used parts of or used accessories for vehicles;
 - 2. Wrecking or dismantling vehicles for resale of the parts thereof; or
- 3. Rebuilding wrecked or dismantled vehicles; unless licensed to do so by the department under this section.
- (b) Application for a license shall be made on the form the department prescribes, containing the name of the applicant, the address or addresses where business is to be conducted, the kind or kinds of business, enumerated in subsection (a), to be conducted, the residence address of the applicant if an individual, the names and residence addresses of the partners of the applicant if a partnership, the names and residence addresses of the principal officers of the applicant and the state of its incorporation if a corporation, and any other information the department requires. The application shall be verified by the oath or affirmation of the applicant or, if the applicant is a partnership or a corporation, by a partner or officer of the applicant and shall be accompanied by a fee. (NEW, 1956.)
- (c) The department shall file each application received by it with the required fee and, when satisfied that the applicant, if an individual, or each of the partners or principal officers of the applicant, if a partnership or corporation, is of good moral character and that the applicant, so far as can be ascertained, has complied and will comply with the provisions of this section and the laws of the State relating to registration of and certificates of title of vehicles, shall issue to the applicant a license to carry on and conduct the kind or kinds of business, enumerated in

subsection (a), specified in the application at the address or addresses therein specified, until the (December 31st) next following the date on or as of which the license is issued.

§ 5-202—Suspension and revocation

The department shall suspend or revoke a license, upon notice and reasonable opportunity to be heard, if it finds:

- 1. The license was fraudulently procured or erroneously issued;
- 2. The applicant, or any partner or principal officer of the applicant, if a partnership or a corporation, has failed to comply with the provisions of this section and the laws of the State relating to registration of and certificates of title of vehicles. (New, 1956.)

§ 5-203—Licensee's records

Every licensee shall maintain for (three) years, in the form the department prescribes, a record of:

- 1. Every vehicle or used part, accessory, body, chassis or engine of or for a vehicle received or acquired by him, its description and identifying number, the date of its receipt or acquisition, and the name and address of the person from whom received or acquired;
- 2. Every vehicle or vehicle body, chassis or engine disposed of by him, its description and identifying number, the date of its disposition, and the name and address of the person to whom disposed; and
- 3. Every vehicle wrecked or dismantled by him, and the date of its wrecking or dismantling. Every such record shall be open to inspection by any representative of the department or police officer during reasonable business hours. (Revised, 1956.)

CHAPTER 6

Drivers' Licenses 1

ARTICLE I—ISSUANCE OF LICENSES, EXPIRATION AND RENEWAL (REVISED, 1968.) ²

§ 6-101—Drivers must be licensed

- (a) No person, except those hereinafter expressly exempted, shall drive any motor vehicle ³ upon a highway in this State unless such person has a valid driver's license under the provisions of this chapter for the type or class of vehicle being driven.
- (b) No person, except those hereinafter expressly exempted, shall steer or, while within the passenger compartment of such vehicle, exercise any degree of physical control of a vehicle being towed by a motor vehicle upon a highway in this State unless such person has a valid driver's license under the provisions of this chapter for the type or class of vehicle being towed.
- (c) No person shall receive a driver's license unless and until he surrenders to the department all valid licenses in his possession issued to him by this or any other jurisdiction. All sur-

¹ Prior to 1968, chapter 6 provided for the issuance of operators' licenses and chauffeurs' licenses. This distinction was discontinued in 1968 in favor of licensure based on the type or general class of vehicles to be driven by the licensee. The elimination of operators' and chauffeurs' licenses from the Code necessitated the revision of many sections in chapter 6 and some sections in other chapters of the Uniform Vehicle Code.

subject to renewal examinations under § 6-115.

3 Attention is directed to the fact that this section referring to any person driving "any motor vehicle" is sufficiently broad by reason of the definition of motor vehicle in § 1-134 to apply to any person driving any type of motor vehicle, including any motorcycle, motor-driven cycle, any motor scooter or bicycle with motor attached, and to any person driving or operating a trackless trolley coach and other more commonly recognized types of motor vehicles. Thus, all of the provisions of this chapter apply to any person driving a motor vehicle.

² States adopting the revised article I may find it desirable to delay the effective date to allow sufficient time to prepare new driver licensing forms or for employment and training of additional personnel to administer the chapter. See § 19-107 for one form of provision that could be used to postpone the effective date of a revised driver licensing law. It is also suggested that each state consider adopting a law providing that all operators' and chauffeurs' licenses issued prior to the effective date of the revised chapter 6 shall remain valid until their normal date of expiration or the dates of expiration shown on such license cards, subject to de licensing procedures under article II, of course. After the effective date of any revision, each operator and chauffeur applying for renewal will then be subject to renewal examinations under § 6-115.

rendered licenses issued by another jurisdiction shall be returned thereto, together with information that the person is licensed in this State. No person shall be permitted to have more than one valid driver's license at any time.⁴

(d) Any person licensed as a driver hereunder may exercise the privilege thereby granted upon all streets and highways in this State and 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. (SECTION REVISED, 1968.)

§ 6-102—What persons are exempt from license

The following persons are exempt from license hereunder:

- 1. Any employee of the United States Government while operating a motor vehicle owned by or leased to the United States Government and being operated on official business; (REVISED, 1952.)
- 2. A nonresident who is at least 16 years of age and who has in his immediate possession a valid license issued to him in his home state or country may operate a motor vehicle in this State; (REVISED, 1968.)
- 3. Any nonresident who is at least 18 years of age, whose home state or country does not require the licensing of driv-

⁴ The "one license concept" expressed in subsection (c) means that each driver shall possess only one valid license, and that license is to be issued by the jurisdiction in which he resides. It contemplates that a driver may not possess license cards issued by two or more jurisdictions at the same time.

Further, the limitation of any person to one license indicates that every person has but one privilege to drive and that no matter how many different types or classes of vehicles a licensee has been qualified to drive in his home state, all types and classes will be noted on one license card. The issuance of one license card to a person for a motorcycle, another card for a passenger car, and another for a tractor-semitrailer combination is not recommended because of the inconvenience and enforcement difficulties that would result. Some latitude should be provided administratively to accommodate situations where a person is licensed to drive one type of vehicle (such as a passenger car) and wants to learn to operate an additional type (such as a motorcycle or a large tractor-semifrailer combination). Preferably, the license card held by such a person should be endorsed to indicate his additional status as a learner. If this is not practical, then the applicant could be allowed to retain his license and at the same time be issued a separate instruction permit or he could be required to surrender his license in exchange for an instruction permit covering the motorcycle or combination which would clearly state his present qualification to full driving privileges in a passenger car.

ers, may operate a motor vehicle for a period of not more than 90 days in any calendar year, if the motor vehicle so operated is duly registered in the home state or country of such non-resident; (REVISED, 1968.)

- 4. A nonresident on active duty in the Armed Forces of the United States who has a valid license issued by his home state and such nonresident's spouse or dependent son or daughter who has a valid license issued by such person's home state; (NEW, 1968.)
- 5. Any person on active duty in the Armed Forces of the United States who has in his immediate possession a valid license issued in a foreign country by the Armed Forces of the United States may operate a motor vehicle in this State for a period of not more than 45 days from the date of his return to the United States. (NEW, 1968.)

§ 6-103—Persons not to be licensed

- (a) Minimum age requirements. The department shall not issue any driver's license to any person who is under the age of 18 years, except that:
- 1. The department may issue a license to any person who is at least 16 years of age and who presents evidence that he has satisfactorily completed a driver education course approved by the (State board of education) or a similar course meeting standards of the department and the (State board of education); ⁶
- 2. The department may issue a restricted license to any person who is at least 15 years of age under § 6-113;
- 3. The department may issue an instruction permit to any person who is at least 15 years of age under \S 6-105(a) or under \S 6-105(c);
- 4. The department may issue an instruction permit to any person who is at least 16 years of age under § 6-105(b).

6 Some states may wish to delay the effective date of this subsection to allow sufficient time for driver education courses to be made available to

all students.

⁵ It is recognized that the desirable minimum age limit for drivers in a particular state may depend very largely upon the accident records of minors, the hazards upon the highways, and other conditions in the state, and it is recommended that these factors be carefully considered in determining such minimum age and from time to time thereafter to determine whether any change should be made in the established minimum age.

- (b) Disqualifications.—The department shall not issue any driver's license to, nor renew the driver's license of, any person:
- 1. Whose license has been suspended during such suspension, nor to any person whose license has been revoked, except as provided in §§ 6-208 and 6-209;
- 2. Whose license is currently under suspension or revocation in any other state upon grounds which would authorize the suspension or revocation of a license under this act;
- 3. Who is an habitual drunkard, or is an habitual user of narcotic drugs, or is an habitual user of any other drug to a degree which renders him incapable of safely driving a motor vehicle;
- 4. Who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law;
- 5. Who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;
- 6. Who is required under the laws of this State to deposit proof of financial responsibility and who has not deposited such proof:
- 7. When the commissioner has good cause to believe that such person by reason of physical or mental disability would not be able to operate a motor vehicle with safety upon the highways. (SECTION REVISED, 1968.)

§ 6-104—Classes of licenses

- (a) The department upon issuing a driver's license shall indicate thereon the type or general class of vehicles the licensee may drive.
- (b) The department shall establish such qualifications as it believes reasonably necessary for the safe operation of the various types, sizes or combinations of vehicles and shall appropriately examine each applicant to determine his qualification according to the type or general class of license applied for.
- (c) No person who is under the age of 21 years shall drive any school bus transporting school children or any motor vehicle

when in use for the transportation of persons for compensation nor in either event until he has been licensed for either such purpose and the license so indicates. The department shall not issue a license for either such purpose unless the applicant has had at least one year of driving experience prior thereto and the department is fully satisfied as to the applicant's good character, competency and fitness to be so employed. (SECTION REVISED, 1968.)

§ 6-105—Instruction permits and temporary licenses

- (a) Any person who is at least 15 years of age may apply to the department for an instruction permit. The department may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant while having such permit in his immediate possession to drive a specified type or class of motor vehicle upon the public highways for a period of six months when accompanied by a person at least 21 years of age who has been licensed as a driver for the type or class of vehicle being used for at least one year, who is fit and capable of exercising control over the vehicle and who is occupying a seat beside the driver. Any such instruction permit may be renewed or a new permit issued for additional periods of six months. This subsection does not apply to instruction permits for the operation of motorcycles.
- (b) Any person who is at least 16 years of age may apply to the department for a motorcycle instruction permit. The department may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant while having such permit in his immediate possession to drive a motorcycle upon the public highways for a period of six months under the immediate supervision of a person at least 21 years of age who has been licensed to operate motorcycles for at least one year. Any such instruction permit may be renewed or a new permit issued for additional periods of six months.
- (c) The department upon receiving proper application may in its discretion issue a restricted instruction permit effective for a school year or more restricted period to an applicant who is

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at least 15 years of age and who is enrolled in a driver education program which includes practice driving and which is approved by the (State board of education) or the department. Such instruction permit shall entitle the permittee when he has such permit in his immediate possession to operate a specified type or class of motor vehicle only on a designated highway or within a designated area but only when an approved instructor is occupying a seat beside the permittee, or in the event the permittee is operating a motorcycle, only when under the immediate supervision of an approved instructor.

(d) The department may in its discretion issue a temporary driver's permit to an applicant for a driver's license permitting him to operate a specified type or class of motor vehicle while the department is completing its investigation and determination of all facts relative to such applicant's eligibility to receive a driver's license. Such permit must be in his immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused. (Section refused.)

§ 6-106—Application for license or instruction permit

- (a) Every application for an instruction permit or for a driver's license shall be made upon a form furnished by the department. Every application shall be accompanied by the proper fee and payment of such fee shall entitle the applicant to not more than three attempts to pass the examination within a period of six months from the date of application. (REVISED, 1968.)
- (b) Every said application shall state the full name, date and place of birth, sex and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as a driver and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal, and such other information as the department may require to determine the applicant's identity, competency and eligibility. (REVISED, 1968.)
- (c) Whenever application is received from a person previously licensed in another jurisdiction, the department shall request a copy of such driver's record from such other jurisdic-

tion. When received, the driving record shall become a part of the driver's record in this State with the same force and effect as though entered on the driver's record in this State in the original instance. (REVISED, 1962.)

(d) Whenever the department receives request for a driving record from another licensing jurisdiction the record shall be forwarded without charge. (REVISED, 1962.)

§ 6-107—Applications of minors

- (a) The application of any person under the age of 18 years for an instruction permit or driver's license shall be signed and verified before a person authorized to administer oaths by the father, mother or guardian, or in the event there is no parent or guardian, then by another responsible adult who is willing to assume the obligation imposed under this act upon a person signing the application of a minor. (REVISED, 1968.)
- (b) Any negligence or willful misconduct of a minor under the age of 18 years when driving a motor vehicle upon a highway shall be imputed to the person who has signed the application of such minor for a permit or license, which person shall be jointly and severally liable with such minor for any damages caused by such negligence or willful misconduct (except as otherwise provided in the next succeeding paragraph).
- (c) In the event a minor deposits or there is deposited upon his behalf proof of financial responsibility in respect to the operation of a motor vehicle owned by him, or if not the owner of a motor vehicle, then with respect to the operation of any motor vehicle, in form and in amounts as required under the motor vehicle financial responsibility laws of this State, then the department may accept the application of such minor when signed by one parent or guardian of such minor, and while such proof is maintained such parent or guardian shall not be subject to the liability imposed under the preceding paragraph of this section.

§ 6-108—Release from liability

Any person who has signed the application of a minor for a

⁷ Paragraph (c) is suitable for adoption in those states which adopt a motor vehicle financial responsibility law.

license may thereafter file with the department a verified written request that the license of said minor so granted be canceled. Thereupon the department shall cancel the license of said minor and the person who signed the application of such minor shall be relieved from the liability imposed under this act by reason of having signed such application on account of any subsequent negligence or willful misconduct of such minor in operating a motor vehicle.

§ 6-109—Cancellation of license upon death of person signing minor's application

The department upon receipt of satisfactory evidence of the death of the person who signed the application of a minor for a license shall cancel such license and shall not issue a new license until such time as a new application, duly signed and verified, is made as required by this chapter. This provision shall not apply in the event the minor has attained the age of 18 years.

§ 6-110—Examination of applicants

- (a) The department shall examine every applicant for a driver's license. Such examination shall include a test of the applicant's eyesight, his ability to read and understand official traffic-control devices, his knowledge of safe driving practices and the traffic laws of this State, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or general class of vehicles he desires a license to drive. The examination may also include such further physical and mental examination as the department finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways.
- (b) The department shall make provision for giving an examination either in the county where the applicant resides or at a place adjacent thereto reasonably convenient to the applicant within not more than 30 days from the date the application is received. (Section revised, 1968.)

§ 6-111—Licenses issued to drivers

(a) The department shall upon payment of the required fee issue to every applicant qualifying therefor a driver's license

indicating the type or general class of vehicles the licensee may drive, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address, and a brief description (and a photograph) of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

(b) Whenever the department issues an original license to a person under the age of 21 years such license shall be designated and clearly marked as a "provisional license." Upon renewal, the department may for reasonable cause as shown by its records designate the renewal of the license as provisional, otherwise a license in usual form shall be issued subject to other provisions of this chapter. (Section revised, 1968.)

§ 6-112—License to be carried and exhibited on demand

Every licensee shall have his driver's license in his immediate possession at all times when operating a motor vehicle and shall display the same upon demand of a magistrate or a police officer. However, no person charged with violating this section shall be convicted if he produces in court a driver's license theretofore issued to him and valid at the time of his arrest.

For the purposes of this section, "display" means the manual surrender of his license certificate into the hands of the demanding officer for his inspection thereof. (REVISED, 1968.)

§ 6-113—Restricted licenses

- (a) The department upon issuing a driver's license shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee. (Revised, 1968.)
- (b) The department may either issue a special restricted license or may set forth such restrictions upon the usual license form.

- (c) The department may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee shall be entitled to a hearing as upon a suspension or revocation under this chapter.
- (d) It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

§ 6-114—Duplicate permit or license

In the event that an instruction permit or a driver's license issued under the provisions of this chapter is lost or destroyed, the person to whom the same was issued may (upon payment of the required fee) obtain a duplicate, or substitute thereof, upon furnishing proof satisfactory to the department that such permit or license has been lost or destroyed. (REVISED, 1968.)

§ 6-115—Expiration and renewal of license; re-examination required

- (a) Every driver's license shall expire on the licensee's birth-date in the (second, third, fourth) year following the issuance of such license. Every such license shall be renewable on or before its expiration upon application, payment of the required fee, and satisfactory completion of the examination required or authorized by subsection (b).
- (b) The department shall require every person applying for renewal of a driver's license to take and successfully pass a test of his eyesight and knowledge of the traffic laws of this State. The department may require any applicant to take and successfully pass such additional tests as the department may find reasonably necessary to determine his qualification according to the type or general class of license applied for and such examination may include any or all of the other tests required or authorized upon original application by § 6-110.8

⁸ Depending on the duration of licenses in the enacting state under subsection (a), subsection (b) might be modified accordingly. For instance, where licenses must be renewed every two years, a state enacting subsection (b) may wish to modify the first sentence by requiring vision and rules of the road tests every four years; i.e. on every second renewal. In such instances, however, the department should be granted discretionary authority to require any or all tests every two years by the addition of a third sentence to that effect.

(c) The department may defer the expiration of the license of a licensee who is on active duty in the Armed Forces of the United States for a period not in excess of (here insert maximum period authorized) years, upon such terms and conditions as it may prescribe. The department may similarly defer the expiration of the license of the spouse or dependent son or daughter of such serviceman, if such person is residing with the serviceman. (SECTION REVISED, 1968.)

§ 6-116-Notice of change of address or name

Whenever any person after applying for or receiving a driver's license shall move from the address named in such application or in the license issued to him or when the name of a licensee is changed by marriage or otherwise such person shall within 10 days thereafter notify the department in writing of his old and new addresses or of such former and new names and of the number of any license then held by him. (REVISED, 1968.)

§ 6-117—Records to be kept by the department

- (a) The department shall file every application for a license received by it and shall maintain suitable indexes containing, in alphabetical order:
- 1. All applications denied and on each thereof note the reasons for such denial;
 - 2. All applications granted; and
- 3. The name of every licensee whose license has been suspended or revoked by the department and after each such name note the reasons for such action.
- (b) The department shall also file all accident reports and abstracts of court records of convictions received by it under the laws of this State and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which he has been involved shall be readily ascertainable and available for the consideration of the department upon any application for renewal of license and at other suitable times.⁹

⁹ This is believed most desirable if the license provisions of this chapter are to serve the purpose intended and afford opportunity to refuse re-

§ 6-118—Medical advisory board

- (a) There shall be a medical advisory board consisting of members appointed by the commissioner with the assistance of the (State department of public health).¹⁰
- (b) The board shall advise the commissioner on medical criteria and vision standards relating to the licensing of drivers under the provisions of this chapter.
- (c) The department, having cause to believe that a licensed driver or applicant may not be physically or mentally qualified to be licensed, may obtain the advice of the board. The board may formulate its advice from records and reports or may cause an examination and report to be made by one or more members of the board or any other qualified person it may designate. The licensed driver or applicant may cause a written report to be forwarded to the board by a physician of his choice and it shall be given due consideration by the board.
- (d) Members of the board and other persons making examinations shall not be held liable for their opinions and recommendations presented pursuant to subsection (c).
- (e) Reports received or made by the board, or its members, for the purpose of assisting the department in determining whether a person is qualified to be licensed are for the confidential use of the board or the department and may not be divulged to any person or used as evidence in any trial except that the reports may be admitted in proceedings under § 6-206(c) and § 6-212, and any person conducting an examination pursuant to subsection (c) may be compelled to testify concerning his observations and findings in such proceedings. (New Section, 1968.)

newal of license and to suspend or revoke the licenses of those responsible for traffic accidents or frequently convicted of traffic violations. In this connection, it is very important that the state adopt as part of its motor vehicle laws those provisions contained in chapter 10 requiring reports of traffic accidents.

¹⁰ It is suggested that the board have members whose medical and other specialties are known to relate to driving abilities, such as an internist, vision specialist, orthopedic surgeon, neurologist and other medical authorities.

¹¹ A state enacting this section may wish to consider requiring the board to convene at stated intervals or at the request of the commissioner and providing compensation for members of the board.

ARTICLE II—CANCELLATION, SUSPENSION OR REVOCATION OF LICENSES

§ 6-201—Authority of department to cancel license

The department is hereby authorized to cancel any driver's license upon determining that the licensee was not entitled to the issuance thereof hereunder or that said licensee failed to give the required or correct information in his application. (REVISED, 1968.)

§ 6-202—Suspending privileges of nonresidents; reporting convictions, suspensions and revocations

- (a) The privilege of driving a motor vehicle on the highways of this State given to a nonresident hereunder shall be subject to suspension or revocation by the department in like manner and for like cause as a driver's license issued hereunder may be suspended or revoked. (REVISED, 1968.)
- (b) The department is further authorized, upon receiving a record of the conviction in this State of a nonresident driver of a motor vehicle of any offense, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident. (REVISED, 1968.)
- (c) When a nonresident's operating privilege is suspended or revoked, the department shall forward a certified copy of the record of such action to the motor vehicle administrator in the state wherein such person resides. (NEW, 1968.)

§ 6-203—Suspending resident's license based upon conduct in another state

- (a) The department is authorized to suspend or revoke the license of any resident of this State or the privilege of a non-resident to drive a motor vehicle in this State upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this State, would be grounds for the suspension or revocation of the license of a driver. (Revised, 1968.)
- (b) The department may give such effect to conduct of a resident in another state as is provided by the laws of this State had such conduct occurred in this State. (NEW, 1968.)

§ 6-204—When court to forward license to department and report convictions

- (a) Whenever any person is convicted of any offense for which this act makes mandatory the revocation of the license of such person by the department, the court in which such conviction is had shall require the surrender to it of any driver's license then held by the person so convicted and the court shall thereupon forward the same together with a record of such conviction to the department.¹²
- (b) Every court having jurisdiction over offenses committed under this act, or any other act of this State or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, shall forward to the department within 10 days a record of the conviction of any person in said court for a violation of any said laws other than regulations governing standing or parking, and may recommend the suspension of the driver's license of the person so convicted.
- (c) For the purposes of this chapter the term "conviction" shall mean a final conviction. Also, for the purposes of this chapter an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, a plea of nolo contendere accepted by the court, the payment of a fine, a plea of guilty or a finding of guilt on a traffic violation charge, shall be equivalent to a conviction, regardless of whether the penalty is rebated, suspended or probated. (Section revised, 1968.)

§ 6-205—Mandatory revocation of license by department

The department shall forthwith revoke the license of any driver upon receiving a record of such driver's conviction of any of the following offenses:

- 1. Manslaughter (or homicide by vehicle) resulting from the operation of a motor vehicle:
- 2. Driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor;
- 3. Driving a motor vehicle while an habitual user or under the influence of any narcotic drug or while under the influence of

¹² This paragraph is desirable as a means to carry out mandatory revocation as hereinafter provided.

any other drug to a degree which renders him incapable of safely driving a motor vehicle:

- 4. Any felony in the commission of which a motor vehicle is used:
- 5. Failure to stop, render aid, or identify himself as required by § 10-102 in the event of a motor vehicle accident resulting in the death or personal injury of another;
- 6. Perjury or the making of a false affidavit or statement under oath to the department under this act or under any other law relating to the ownership or operation of motor vehicles:
- 7. Unauthorized use of a motor vehicle belonging to another which act does not amount to a felony.13 (SECTION REVISED. 1968.)

§ 6-205.1—Revocation of license in event of refusal to submit to chemical tests 14

- (a) Any person who operates a motor vehicle upon the public highways of this State shall be deemed to have given consent. subject to the provisions of § 11-902, to a chemical test or tests of his blood, breath, or urine for the purpose of determining the alcoholic content of his blood if arrested for any offense arising out of acts alleged to have been committed while the person was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle upon the public highways of this State while under the influence of intoxicating liquor. The law enforcement agency by which such officer is employed shall designate which of the aforesaid tests shall be administered.
- (b) Any person who is dead, unconscious or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by para-

6-208 and 1-155.

¹³ Where the offenses above enumerated are defined in the traffic and motor vehicle laws or criminal code of the state, it would be sufficient in the above section to refer by number to the pertinent sections of those laws or code without specifically describing such offenses in the above sec-

¹⁴ Generally known as the "implied consent law." A state contemplating the enactment of this section should refer also to §§ 11-902, 11-902.1,

- graph (a) of this section and the test or tests may be administered, subject to the provisions of § 11-902.
- (c) If a person under arrest refuses upon the request of a law enforcement officer to submit to a chemical test designated by the law enforcement agency as provided in paragraph (a) of this section, none shall be given, but the department, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways of this State while under the influence of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer, shall revoke his license subject to review as hereinafter provided.
- (d) Upon revoking the license, as hereinbefore in this section directed, the department shall immediately notify the person in writing and upon his request shall afford him an opportunity for a hearing in the same manner and under the same conditions as is provided in § 6-206(c) for notification and hearings in the cases of discretionary suspension of licenses, except that the scope of such a hearing for the purposes of this section shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle upon the public highways of this State while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether he refused to submit to the test upon request of the officer. Whether the person was informed that his privilege to drive would be revoked if he refused to submit to the test shall not be an issue. The department shall order that the revocation either be rescinded or sustained.
- (e) If the revocation is sustained after such a hearing, the person whose license has been revoked, under the provisions of this section, shall have the right to file a petition in the appropriate court to review the final order of revocation by the department in the same manner and under the same conditions as is provided in § 6-212 in the cases of discretionary revocations and suspensions. (New Section, 1962; Revised, 1968.)

§ 6-206—Authority of department to suspend or revoke license

(a) The department is hereby authorized to suspend the li-

cense of a driver without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

- 1. Has committed an offense for which mandatory revocation of license is required upon conviction;
- 2. Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;
- 3. Is an habitually reckless or negligent driver of a motor vehicle, such fact being established by the point system in subsection (b), by a record of accidents, or by other evidence;
 - 4. Is incompetent to drive a motor vehicle;
- 5. Has permitted an unlawful or fraudulent use of such license;
- 6. Has committed an offense in another state which if committed in this State would be grounds for suspension or revocation:
- 7. Has been convicted of fleeing or attempting to elude a police officer: or
- 8. Has been convicted of racing on the highways. (REVISED, 1968.)
- (b) For the purpose of identifying habitually reckless or negligent drivers and habitual or frequent violators of traffic regulations governing the movement of vehicles, the department shall adopt regulations establishing a uniform system assigning demerit points for convictions of violations of chapter 11 of this act or of ordinances adopted by local authorities regulating the operation of motor vehicles. The regulations shall include a designated level of point accumulation which so identifies drivers. The department may assess points for convictions in other states of offenses which, if committed in this State, would be grounds for such assessment. Notice of each assessment of points may

¹⁵ In formulating the administrative point system authorized by this section, each department is urged to consider, in the interest of interstate uniformity, authorizing suspension for an accumulation of 12 or more points as a result of offenses committed during any consecutive 12-month period or 18 or more points as a result of offenses committed during any 24-month period; assigning six points for convictions of reckless driving (willful and wanton disregard for the safety of persons or property, as in § 11-901) and for convictions of speeding when the licensee drove at least 20 miles per hour over the lawful limit; four points for convictions of relatively serious offenses; and three points for less serious offenses.

be given, but notice is required when the point accumulation reaches percent of the number at which suspension is authorized. No points shall be assessed for violating a provision of this act or municipal ordinance regulating standing, parking, equipment, size or weight. In case of the conviction of a licensee of two or more traffic violations committed on a single occasion, such licensee shall be assessed points for one offense only and if the offenses involved have different point values, such licensee shall be assessed for the offense having the greater point value. The department is authorized to suspend the license of a driver, with or without preliminary hearing, when his driving record identifies him as an habitually reckless or negligent driver or as an habitual or frequent violator under this subsection. (NEW, 1968.)

(c) Upon suspending the license of any person as hereinbefore in this section authorized, the department shall immediately notify the licensee in writing and upon his request shall afford him an opportunity for a hearing as early as practicable within not to exceed 20 days after receipt of such request in the county wherein the licensee resides unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the commissioner or his duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a re-examination of the licensee. Upon such hearing the department shall either rescind its order of suspension or, good cause appearing therefor, may continue, modify or extend the suspension of such license or revoke such license. (REVISED, 1968.)

§ 6-207—Department may require re-examination

The department, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed, may upon written notice of at least five days to the licensee re-

¹⁶ It is suggested that a percentage low enough to give the driver opportunity to protest any erroneous entry and to improve his driving habits prior to any suspension be specified. Fifty percent might be appropriate.

¹⁷ In addition, it is suggested that no points be assessed for violations by pedestrians, passengers or bicycle riders, or for violations of provisions relating to the preservation of the condition of traffic-control devices or the highway.

quire him to submit to an examination. Upon the conclusion of such examination, the department shall take action as may be appropriate and may suspend or revoke the license of such person or permit him to retain such license, or may issue a license subject to restrictions as permitted under § 6-113 or restrictions as to the type or class of vehicles that may be driven. Refusal or neglect of the licensee to submit to such examination shall be ground for suspension or revocation of his license. (REVISED, 1968.)

§ 6-208—Period of revocation

- (a) Unless the revocation was for a cause which has been removed, any person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall not be eligible to apply for a new license nor restoration of his non-resident's operating privilege until the expiration of:
- 1. Six months from the date on which the revoked license was surrendered to and received by the department or from such other date as shall be determined by the department in cases of revocation for refusal to submit to a chemical test under the provisions of § 6-205.1;
- 2. One year from the date on which the license was surrendered to a court under § 6-204;
- 3. One year from the date on which the revoked license was surrendered to and received by the department;
- 4. Or, in all other revocation cases, one year commencing on a date determined by the department.
- (b) The department shall not issue a new license nor restore a person's revoked nonresident's operating privilege unless and until it is satisfied after investigation of the character, habits and driving ability of such person that it will be safe to grant the privilege of driving a motor vehicle on the public highways. (Section revised, 1968.)

§ 6-209—Period of suspension

(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a period of more than one year, except as permitted under § 6-303. (REPOSITIONED, 1968.)

(b) At the end of the period of suspension a license surrendered to the department under § 6-210 shall be returned to the licensee. (NEW, 1968.)

§ 6-210—Surrender and return of license

- (a) The department upon canceling, suspending or revoking a license shall require that such license shall be surrendered to and be retained by the department. (REVISED AND REPOSITIONED, 1968.)
- (b) Any person whose license has been canceled, suspended or revoked shall immediately return his license to the department. (NEW, 1968.)

§ 6-211—No operation under foreign license during suspension or revocation in this State

Any resident or nonresident whose driver's license or privilege to operate a motor vehicle in this State has been suspended or revoked as provided in this act shall not operate a motor vehicle in this State under a license or permit issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this chapter. (REVISED AND RENUMBERED, 1968.)

§ 6-212—Right of appeal to court

Any person denied a license or whose license has been cancelled, suspended or revoked by the department except where such cancellation or revocation is mandatory under the provisions of this act shall have the right to file a petition within 30 days thereafter for a hearing in the matter in (a court of record) in the county wherein such person shall reside, or in the case of cancellation, suspension or revocation of a nonresident's operating privilege in the county in which the main office of the department is located, and such court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon 30 days' written notice to the commissioner, and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a license or is subject to suspension, cancellation or revocation of license under the provisions of this chapter. (REVISED, 1962; RENUMBERED, 1968.)

ARTICLE III—VIOLATION OF LICENSE PROVISIONS

§ 6-301—Unlawful use of license

It is a misdemeanor for any person:

- 1. To display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious or fraudulently altered driver's license;
- 2. To lend his driver's license to any other person or knowingly permit the use thereof by another;
- 3. To display or represent as one's own any driver's license not issued to him;
- 4. To fail or refuse to surrender to the department upon lawful demand any driver's license which has been suspended, revoked or canceled;
- 5. To use a false or fictitious name in any application for a driver's license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;
- 6. To permit any unlawful use of a driver's license issued to him; or
- 7. To do any act forbidden or fail to perform any act required by this chapter. (Section Revised, 1968.)

§ 6-302—Making false affidavit perjury

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

\S 6-303—Driving while license suspended or revoked

(a) Any person who drives a motor vehicle on any public highway of this State at a time when his privilege so to do is suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than two days nor more than six months and there may be imposed in addition thereto a fine of not more than \$500. (REVISED, 1962.)

(b) The department upon receiving a record of the conviction of any person under this section upon a charge of driving a vehicle while the license of such person was suspended shall extend the period of such suspension for an additional like period if the prior suspension was imposed under § 6-206, and if the suspension was imposed under any other provision of this act the department may impose an additional suspension for a period of not more than one year from the date the person would otherwise have been eligible to be licensed. If the conviction was upon a charge of driving while a license was revoked the department shall not issue a new license for an additional period of one year from and after the date such person would otherwise have been entitled to apply for a new license. (Revised, 1968.)

§ 6-304—Permitting unauthorized minor to drive

No person shall cause or knowingly permit his child or ward under the age of 18 years to drive a motor vehicle upon any highway when such minor is not authorized hereunder or in violation of any of the provisions of this chapter.

§ 6-305—Permitting unlicensed person to drive

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized hereunder or who is not licensed for the type or class of vehicles to be driven or in violation of any of the provisions of this chapter. (REVISED, 1968.)

ARTICLE IV—COMMERCIAL DRIVER TRAINING SCHOOLS (NEW, 1968.)

§ 6-401—License required

No person shall operate a commercial driver training school or act as an instructor unless licensed to do so by the department under the provisions of this article.

§ 6-402—Definitions

As used in this article:

(a) "Commercial driver training school" or "school" means any business or nonprofit enterprise for the education and train-

ing of persons, either practically or theoretically, or both, in the driving of motor vehicles, for which a consideration or tuition is charged.

(b) "Instructor" means any person, whether acting for himself as operator of a school or acting for any such school for compensation, who teaches, conducts classes of, gives demonstrations to, or supervises practice of, persons in the driving of motor vehicles.

§ 6-403—Exemptions

Any driver education course or training which is approved by the (State board of education) or given at an accredited college or university is exempt from the provisions of this article, but an instructor employed by such a school or institution is exempt only to the extent his activities are as agent of the school or institution. 18

§ 6-404—Issuance and expiration of licenses: fees

- (a) The department shall issue a school or instructor license to an applicant who has complied with this article and regulations adopted by the commissioner. All licenses shall expire (on the last day of each calendar year).

§ 6-405—Authority of commissioner to adopt regulations

- (a) The commissioner shall adopt regulations necessary to carry out the provisions of this article.
- (b) The regulations shall state the requirements for a school license, including requirements concerning manner and form of

¹⁸ If driver education courses or training at private high schools are not subject to approval by the state board of education or if such courses or training are given at institutions that are not accredited, the enacting jurisdiction may wish to consider expanding this section to exempt such schools or institutions.

application, location, place of business, facilities, records, equipment, courses and standards of instruction, instructors, previous records of the school and instructors, financial statements, schedule of fees and charges, character and reputation of the operators and instructors, vehicle equipment and condition, inspection during reasonable business hours, insurance or bonds in such sum and with such provisions as the commissioner deems necessary, and such other matters as the commissioner may prescribe for the protection of the public.

(c) The regulations shall state the requirements for an instructor's license, including requirements concerning manner and form of application, moral character, reputation, physical condition, knowledge of the courses of instruction, traffic laws, and safety principles and practices, driving record, driving ability, previous personal and employment record, and such other matters as the commissioner may prescribe for the protection of the public.

§ 6-406—Refusal, suspension or revocation of license

- (a) The department may refuse to issue or renew, or may suspend or revoke a license issued under this article in any case where it finds the applicant or licensee has violated or failed to comply with any of the provisions of this chapter or the regulations adopted by the commissioner.
- (b) Upon suspending, revoking, or refusing to issue or renew a license, the department shall immediately notify the applicant or licensee stating the reasons for such action and affording reasonable opportunity for a hearing. No such suspension or revocation shall become effective until the licensee has been afforded a reasonable opportunity for a hearing. Upon the conclusion of such hearing, the department shall take such action as may be appropriate.
- (c) A suspended or revoked license shall be returned immediately to the department by the licensee.

§ 6-407—Penalties

Any person who violates any of the provisions of this article or regulations adopted by the commissioner shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in § 17-101.

CHAPTER 7

Financial Responsibility

ARTICLE I—ADMINISTRATION

8 7-101—Commissioner to administer chapter

- (a) The commissioner shall administer and enforce the provisions of this chapter and may make rules and regulations necessary for its administration.
- (b) The commissioner shall receive and consider any pertinent information upon request of persons aggrieved by his orders or acts under any of the provisions of this chapter.
- (c) The commissioner shall prescribe and provide suitable forms requisite or deemed necessary for the purposes of this chapter.

§ 7-102—Court review ¹

Any order or act of the commissioner under the provisions of this chapter shall be subject to review (here insert language indicating scope of the review) by (appeal) (writ of certiorari) to (the court) at the instance of any party in interest. The court shall determine whether the filing of the (appeal) (petition for such writ) shall operate as a stay of any such order or act of the commissioner and the court shall summarily hear the matter. The court may, in disposing of the issue before it, modify, affirm or reverse the order or act of the commissioner in whole or in part.

§ 7-103—Department to furnish operating record 2

The department shall upon request furnish any person a cer-

² Section 7-103 may be omitted in those states where the existing law provides for furnishing the same information.

¹ Section 7-102 should be omitted in those states where the existing law provides for some method of judicial review of administrative orders which would be applicable to orders or acts of the commissioner under this which would be applicable to orders or acts of the commissioner under this law. In states where existing statutes providing judicial review of administrative orders may be interpreted to apply only to administrative action authorized by statutes existing at the time of enactment of such administrative review act, § 7-102 should be amended to provide for the application of such judicial review statute to this act. In those states where no proceeding for court review is provided, the text of § 7-102 should be so drafted as to be consistent with constitutional and other resumments in the postional state. quirements in the particular state.

ARTICLE II—SECURITY FOLLOWING ACCIDENT

§ 7-201—Application of article II

The provisions of this chapter, requiring deposit of security and suspensions for failure to deposit security, subject to certain exemptions, shall apply to the driver and owner of any vehicle of a type subject to registration under the motor vehicle laws of this State which is in any manner involved in an accident within this State, which accident has resulted in bodily injury to or death of any person or damage to the property of any one person in excess of \$100.

§ 7-202—Department to determine amount of security required —notices

- (a) The department, not less than 20 days after receipt of a report of an accident as described in the preceding section, shall determine the amount of security which shall be sufficient in its judgment to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each driver or owner. Such determination shall not be made with respect to drivers or owners who are exempt under succeeding sections of this chapter from the requirements as to security and suspension.
- (b) The department shall determine the amount of security deposit required of any person upon the basis of the reports or other information submitted. In the event a person involved in an accident as described in this chapter fails to make a report or submit information indicating the extent of his injuries or the damage to his property within 50 days after the accident and the department does not have sufficient information on which to base an evaluation of such injuries or damage, then

the department after reasonable notice to such person, if it is possible to give such notice, otherwise without such notice, shall not require any deposit of security for the benefit or protection of such person.

(c) The department within 50 days after receipt of report of any accident referred to herein and upon determining the amount of security to be required of any person involved in such accident or to be required of the owner of any vehicle involved in such accident shall give written notice to every such person of the amount of security required to be deposited by him and that an order of suspension will be made as hereinafter provided upon the expiration of 10 days after the sending of such notice unless within said time security be deposited as required by said notice.

§ 7-203—Exceptions to requirement of security

The requirements as to security and suspension in this article shall not apply:

- 1. To the driver or owner if the owner had in effect at the time of the accident an automobile liability policy or bond with respect to the vehicle involved in the accident, except that a driver shall not be exempt under this paragraph if at the time of the accident the vehicle was being operated without the owner's permission, express or implied;
- 2. To the driver, if not the owner of the vehicle involved in the accident, if there was in effect at the time of the accident an automobile liability policy or bond with respect to his driving of vehicles not owned by him;
- 3. To a driver or owner whose liability for damages resulting from the accident is, in the judgment of the department, covered by any other form of liability insurance policy or bond;
- 4. To any person qualifying as a self-insurer under § 7-503 or to any person operating a vehicle for such self-insurer;
- 5. To the driver or the owner of a vehicle involved in an accident wherein no injury or damage was caused to the person or property of anyone other than such driver or owner:
- 6. To the driver or owner of a vehicle which at the time of the accident was parked, unless such vehicle was parked at a place where parking was at the time of the accident prohibited under any applicable law or ordinance:

- 7. To the owner of a vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating such vehicle without such permission;
- 8. To the owner of a vehicle involved in an accident if at the time of the accident such vehicle was owned by or leased to the United States, this State or any political subdivision of this State or a municipality thereof, or to the driver of such vehicle if operating such vehicle with permission; or
- 9. To the driver or the owner of a vehicle in the event at the time of the accident the vehicle was being operated by or under the direction of a police officer who, in the performance of his duties, shall have assumed custody of such vehicle.

§ 7-204—Requirements as to policy or bond

- (a) No policy or bond shall be effective under § 7-203 unless issued by an insurance company or surety company authorized to do business in this State, except as provided in subdivision (b) of this section, nor unless such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than \$10,000 because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than \$20,000 because of bodily injury to or death of two or more persons in any one accident, and if the accident has resulted in injury to, or destruction of, property to a limit of not less than \$5,000 because of injury to or destruction of property of others in any one accident. (AMOUNTS INCREASED, 1956.)
- (b) No policy or bond shall be effective under § 7-203 with respect to any vehicle which was not registered in this State or was a vehicle which was registered elsewhere than in this State at the effective date of the policy or bond or the most recent renewal thereof, unless the insurance company or surety company issuing such policy or bond is authorized to do business in this State, or if said company is not authorized to do business in this State, unless it shall execute a power of attorney authorizing the commissioner to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident.
 - (c) The department may rely upon the accuracy of the in-

formation in a required report of an accident as to the existence of insurance or a bond unless and until the department has reason to believe that the information is erroneous.

§ 7-205—Form and amount of security

- (a) The security required under this chapter shall be in such form and in such amount as the department may require, but in no case in excess of the limits specified in § 7-204 in reference to the acceptable limits of a policy or bond.
- (b) Every depositor of security shall designate in writing every person in whose name such deposit is made and may at any time change such designation, but any single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident.

§ 7-206—Failure to deposit security—suspensions

In the event that any person required to deposit security under this chapter fails to deposit such security within 10 days after the department has sent the notice as hereinbefore provided, the department shall thereupon suspend:

- 1. The license of each driver in any manner involved in the accident;
- 2. The registrations of all vehicles owned by the owner of each vehicle of a type subject to registration under the laws of this State involved in such accident;
- 3. If the driver is a nonresident, the privilege of operating within this State a vehicle of a type subject to registration under the laws of this State;
- 4. If such owner is a nonresident, the privilege of such owner to operate or permit the operation within this State of a vehicle of a type subject to registration under the laws of this State.

Such suspensions shall be made in respect to persons required by the department to deposit security who fail to deposit such security, except as otherwise provided under succeeding sections of this chapter.

§ 7-207—Release from liability

(a) A person shall be relieved from the requirement for deposit of security for the benefit or protection of another person

injured or damaged in the accident in the event he is released from liability by such other person.

- (b) A covenant not to sue shall relieve the parties thereto as to each other from the security requirements of this chapter.
- (c) In the event the department has evaluated the injuries or damage to any minor in an amount not more than \$200 the department may accept, for the purposes of this article only, evidence of a release from liability executed by a natural guardian or a legal guardian on behalf of such minor without the approval of any court or judge.

§ 7-208—Adjudication of nonliability

A person shall be relieved from the requirement for deposit of security in respect to a claim for injury or damage arising out of the accident in the event such person has been finally adjudicated not to be liable in respect to such claim.

§ 7-209—Agreements for payment of damages

- (a) Any two or more of the persons involved in or affected by an accident as described in § 7-201 may at any time enter into a written agreement for the payment of an agreed amount with respect to all claims of any of such persons because of bodily injury to or death or property damage arising from such accident, which agreement may provide for payment in installments, and may file a signed copy thereof with the department.
- (b) The department, to the extent provided by any such written agreement filed with it, shall not require the deposit of security and shall terminate any prior order of suspension, or, if security has previously been deposited, the department shall immediately return such security to the depositor or his personal representative.
- (c) In the event of a default in any payment under such agreement and upon notice of such default the department shall take action suspending the license or registration of such person in default as would be appropriate in the event of failure of such person to deposit security when required under this chapter.
- (d) Such suspension shall remain in effect and such license or registration shall not be restored unless and until:

- 1. Security is deposited as required under this chapter in such amount as the department may then determine; or
- 2. When, following any such default and suspension, the person in default has paid the balance of the agreed amount; or
- 3. One year has elapsed following the effective date of such suspension and evidence satisfactory to the department has been filed with it that during such period no action at law upon such agreement has been instituted and is pending.

§ 7-210—Payment upon judgment

The payment of a judgment arising out of an accident or the payment upon such judgment of an amount equal to the maximum amount which could be required for deposit under this article shall, for the purposes of this article, release the judgment debtor from the liability evidenced by such judgment.

§ 7-211—Termination of security requirement

The department, if satisfied as to the existence of any fact which under §§ 7-207, 7-208, 7-209 or 7-210 would entitle a person to be relieved from the security requirements of this chapter, shall not require the deposit of security by the person so relieved from such requirement and shall terminate any prior order of suspension in respect to such person, or if security has previously been deposited by such person, the department shall immediately return such deposit to such person or to his personal representative.

§ 7-212—Duration of suspension

Unless a suspension is terminated under other provisions of this chapter, any order of suspension by the department under this chapter shall remain in effect and no license shall be renewed for or issued to any person whose license is so suspended and no registration shall be renewed for or issued to any person whose vehicle registration is so suspended until:

- 1. Such person shall deposit or there shall be deposited on his behalf the security required under this chapter; or
- 2. One year shall have elapsed following the date of such suspension and evidence satisfactory to the department has been filed with it that during such period no action for damages aris-

ing out of the accident resulting in such suspension has been instituted.

An affidavit of the applicant that no action at law for damages arising out of the accident has been filed against him or, if filed, that it is not still pending shall be prima facie evidence of that fact. The department may take whatever steps are necessary to verify the statement set forth in any said affidavit.

§ 7-213—Application to nonresidents, unlicensed drivers, unregistered vehicles and accidents in other states

- (a) In case the driver or the owner of a vehicle of a type subject to registration under the laws of this State involved in an accident within this State has no license or registration in this State, then such driver shall not be allowed a license, nor shall such owner be allowed to register any vehicle in this State, until he has complied with the requirements of this chapter to the same extent that would be necessary if, at the time of the accident, he had held a license or been the owner of a vehicle registered in this State.
- (b) When a nonresident's operating privilege is suspended pursuant to § 7-206, the department shall transmit a certified copy of the record of such action to the official in charge of the issuance of licenses and registration certificates in the state in which such nonresident resides, if the law of such other state provides for action in relation thereto similar to that provided for in subsection (c) of this section.
- (c) Upon receipt of such certification that the operating privilege of a resident of this State has been suspended or revoked in any such other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, under circumstances which would require the department to suspend a nonresident's operating privilege had the accident occurred in this State, the department shall suspend the license of such resident if he was the driver, and all of his registrations if he was the owner of a motor vehicle involved in such accident. Such suspension shall continue until such resident furnishes evidence of his compliance with the law of such other state relating to the deposit of such security.

§ 7-214—Authority of department to decrease amount of security

The department may reduce the amount of security ordered in any case within six months after the date of the accident if in its judgment the amount ordered is excessive. In case the security originally ordered has been deposited, the excess deposit over the reduced amount ordered shall be returned to the depositor or his personal representative forthwith.

§ 7-215—Correction of action of department

Whenever the department has taken any action or has failed to take any action under this chapter by reason of having received erroneous information or by reason of having received no information, then upon receiving correct information within one year after the date of an accident the department shall take appropriate action to carry out the purposes and effect of this chapter. The foregoing shall not, however, be deemed to require the department to re-evaluate the amount of any deposit required under this article.

§ 7-216—Custody of security

The department shall place any security deposited with it under this chapter in the custody of the (State treasurer).

§ 7-217—Disposition of security

- (a) Such security shall be applicable and available only:
- 1. For the payment of any settlement agreement covering any claim arising out of the accident upon instruction of the person who made the deposit; or
- 2. For the payment of a judgment or judgments, rendered against the person required to make the deposit, for damages arising out of the accident in an action at law begun not later than one year after the deposit of such security, or within one year after the date of deposit of any security following failure to make payments under an agreement to pay.
- (b) Every distribution of funds from the security deposits shall be subject to the limits of the department's evaluation on behalf of a claimant.

§ 7-218—Return of deposit

Upon the expiration of one year from the date of any deposit of security any security remaining on deposit shall be returned to the person who made such deposit or to his personal representative if an affidavit or other evidence satisfactory to the department has been filed with it:

- 1. That no action for damages arising out of the accident for which deposit was made is pending against any person on whose behalf the deposit was made; and
- 2. That there does not exist any unpaid judgment rendered against any such person in such an action.

The foregoing provisions of this section shall not be construed to limit the return of any deposit of security under any other provision of this chapter authorizing such return.

§ 7-219—Matters not to be evidence in civil suits

The report required following an accident, the action taken by the department pursuant to this chapter, the findings, if any, of the department upon which such action is based, and the security filed as provided in this chapter, shall not be referred to in any way, and shall not be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages.

ARTICLE III—PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE

§ 7-301—Application of article III

The provisions of this chapter requiring the deposit of proof of financial responsibility for the future, subject to certain exemptions, shall apply with respect to persons who have been convicted of or forfeited bail for certain offenses under motor vehicle laws or who have failed to pay judgments upon causes of action arising out of ownership, maintenance or use of vehicles of a type subject to registration under the laws of this State.

§ 7-302—Meaning of "proof of financial responsibility for the future"

The term "proof of financial responsibility for the future" as used in this chapter shall mean: Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a vehicle of a type subject to registration under the laws of this State, in the amount of \$10,000 because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of \$20,000 because of bodily injury to or death of two or more persons in any one accident, and in the amount of \$5,000 because of injury to or destruction of property of others in any one accident. Wherever used in this chapter the terms "proof of financial responsibility" or "proof" shall be synonymous with the term "proof of financial responsibility for the future." (AMOUNTS INCREASED, 1956.)

§ 7-303—Meaning of "judgment" and "state"

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

- (a) The term "judgment" shall mean: Any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any vehicle of a type subject to registration under the laws of this State, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.
- (b) The term "state" shall mean: Any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any province of Canada. (REVISED, 1968.)

§ 7-304—Proof required upon certain convictions 3

Whenever, under any law of this State, the license of any person is suspended or revoked by reason of a conviction or a forfeiture of bail, the department shall suspend the registration of all vehicles registered in the name of such person as owner, except that (a) if such owner has previously given or shall immediately give and thereafter maintains proof of financial responsibility for the future with respect to all such vehicles registered by such person as the owner, the department shall not suspend such registration unless otherwise required by law; (b) if a conviction arose out of the operation, with permission, of a vehicle owned by or leased to the United States, this State or any political subdivision of this State or a municipality thereof, the department shall suspend or revoke such license only with respect to the operation of vehicles not so owned or leased and shall not suspend the registration of any vehicle so owned or leased.

§ 7-305—Suspension until proof furnished

The suspension or revocation hereinbefore required shall remain in effect and the department shall not issue to such person any new or renewal of license or register or reregister in the name of such person as owner any such vehicle until permitted under the motor vehicle laws of this State, and not then unless and until such person shall give and thereafter maintain proof of financial responsibility for the future.

§ 7-306—Action in respect to unlicensed person

If a person has no license, but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension or revocation of license, or for driving a motor vehicle upon the highways without being licensed to do so, or for driving an unregistered vehicle upon the highways, no license shall be thereafter issued to such person and no such vehicle shall continue to be registered or thereafter be registered in the name of such person

³ This section should be read in connection with, and presupposes the enactment of, §§ 6-203, 6-205 and 6-206 which require or authorize revocation of license in the event of certain serious offenses against the motor vehicle laws.

as owner unless he shall give and thereafter maintain proof of financial responsibility for the future.

§ 7-307—Action in respect to nonresidents

Whenever the department suspends or revokes a nonresident's operating privilege by reason of a conviction or forfeiture of bail, such privilege shall remain so suspended or revoked unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility for the future.

§ 7-308—When courts to report nonpayment of judgments

Whenever any person fails within 30 days to satisfy any judgment, then upon the written request of the judgment creditor or his attorney it shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this State to forward to the department immediately upon such request a certified copy of such judgment.

§ 7-309—Further action with respect to nonresidents

If the defendant named in any certified copy of a judgment reported to the department is a nonresident, the department shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses and registrations of the state of which the defendant is a resident.

§ 7-310—Suspension for nonpayment of judgments

The department upon receipt of a certified copy of a judgment and a certificate of facts relative to such judgment, on a form provided by the department, shall forthwith suspend the license and registration and any nonresident's operating privilege of any person against whom such judgment was rendered, except as hereinafter otherwise provided in this chapter.

§ 7-311—Exception in relation to government vehicles

The provisions of § 7-310 shall not apply with respect to any such judgment arising out of an accident caused by the ownership or operation, with permission, of a vehicle owned or leased to the United States, this State or any political subdivision of this State or a municipality thereof.

§ 7-312—Exception when consent granted by judgment creditor

If the judgment creditor consents in writing, in such form as the department may prescribe, that the judgment debtor be allowed license and registration or nonresident's operating privilege, the same may be allowed by the department, in its discretion, for six months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment, or of any installments thereof prescribed in § 7-317, provided the judgment debtor furnishes proof of financial responsibility.

§ 7-313—Exception when insurer liable

No license, registration or nonresident's operating privilege of any person shall be suspended under the provisions of this chapter if the department shall find that an insurer was obligated to pay the judgment upon which suspension is based, at least to the extent and for the amounts required in this chapter, but has not paid such judgment for any reason. A finding by the department that an insurer is obligated to pay a judgment shall not be binding upon such insurer and shall have no legal effect whatever except for the purpose of administering this section. Whenever in any judicial proceedings it shall be determined by any final judgment, decree or order that an insurer is not obligated to pay any such judgment, the department, notwithstanding any contrary finding theretofore made by it, shall forthwith suspend the license and registration and any nonresident's operating privilege of any person against whom such judgment was rendered, as provided in § 7-310.

§ 7-314—Suspension to continue until judgments paid and proof given

Such license, registration and nonresident's operating privilege shall remain so suspended and shall not be renewed, nor shall any such license or registration be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such judgment is stayed, satisfied in full or to the extent hereinafter provided and until the said person gives proof of financial responsibility subject to the exemptions stated in §§ 7-312, 7-313 and 7-317.

§ 7-315—Discharge in bankruptcy

A discharge in bankruptcy following the rendering of any such judgment shall not relieve the judgment debtor from any of the requirements of this chapter.

§ 7-316—Payments sufficient to satisfy requirements

- (a) Judgments herein referred to shall, for the purpose of this chapter only, be deemed satisfied:
- 1. When \$10,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or
- 2. When, subject to such limit of \$10,000 because of bodily injury to or death of one person, the sum of \$20,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or
- 3. When \$5,000 has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.
- (b) Provided, however, payments made in settlements of any claims because of bodily injury, death or property damage arising from such accident shall be credited in reduction of the amounts provided for in this section. (AMOUNTS INCREASED, 1956.)

§ 7-317—Installment payment of judgments—default

(a) A judgment debtor upon due notice to the judgment creditor may apply to the court in which such judgment was renderd for the privilege of paying such judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

(b) The department shall not suspend a license, registration or nonresident's operating privilege, and shall restore any license, registration or nonresident's operating privilege suspended following nonpayment of a judgment, when the judgment debtor gives proof of financial responsibility and obtains such an order permitting the payment of such judgment in installments, and while the payment of any said installments is not in default.

§ 7-318—Action if breach of agreement

In the event the judgment debtor fails to pay any installment as specified by such order, then upon notice of such default, the department shall forthwith suspend the license, registration or nonresident's operating privilege of the judgment debtor until such judgment is satisfied, as provided in this chapter.

§ 7-319—Proof to be furnished for each registered vehicle

No vehicle shall be or continue to be registered in the name of any person required to file proof of financial responsibility for the future unless such proof shall be furnished for such vehicle.

§ 7-320—Alternate methods of giving proof

Proof of financial responsibility when required under this chapter, with respect to such a vehicle or with respect to a person who is not the owner of such a vehicle, may be given by filing:

- 1. A certificate of insurance as provided in § 7-321 or § 7-322;
- 2. A bond as provided in § 7-327;
- 3. A certificate of deposit of money or securities as provided in § 7-330; or
- 4. A certificate of self-insurance, as provided in § 7-503, supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, he will pay the same amounts that an insurer would have been obliged to pay under an owner's motor vehicle liability policy if it had issued such a policy to said self-insurer.

§ 7-321—Certificate of insurance as proof

Proof of financial responsibility for the future may be furnished by filing with the department the written certificate of any

insurance carrier duly authorized to do business in this State certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle.

§ 7-322—Certificate furnished by nonresident as proof

A nonresident may give proof of financial responsibility by filing with the department a written certificate or certificates of an insurance carrier authorized to transact business in the state in which the vehicle, or vehicles, owned by such nonresident is registered, or in the state in which such nonresident resides, if he does not own a vehicle, provided such certificate otherwise conforms with the provisions of this chapter, and the department shall accept the same upon condition that said insurance carrier complies with the following provisions with respect to the policies so certified:

- 1. Said insurance carrier shall execute a power of attorney authorizing the commissioner to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this State;
- 2. Said insurance carrier shall agree in writing that such policies shall be deemed to conform with the laws of this State relating to the terms of motor vehicle liability policies issued therein.

§ 7-323—Default by nonresident insurer

If any insurance carrier not authorized to transact business in this State, which has qualified to furnish proof of financial responsibility, defaults in any said undertakings or agreements, the department shall not thereafter accept as proof any certificate of said carrier whether theretofore filed or thereafter tendered as proof, so long as such default continues.

§ 7-324—"Motor vehicle liability policy" defined

(a) Certification.—A "motor vehicle liability policy" as said

term is used in this chapter shall mean an "owner's policy" or an "operator's policy" of liability insurance, certified as provided in § 7-321 or § 7-322 as proof of financial responsibility for the future, and issued, except as otherwise provided in § 7-322, by an insurance carrier duly authorized to transact business in this State, to or for the benefit of the person named therein as insured.

- (b) Owner's policy.—Such owner's policy of liability insurance:
- 1. Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted; and
- 2. Shall insure the person named therein and any other person, as insured, using any such vehicle or vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such vehicle or vehicles within the United States or Canada, subject to limits exclusive of interest and costs, with respect to each such vehicle, as follows: \$10,000 because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, \$20,000 because of bodily injury to or death of two or more persons in any one accident, and \$5,000 because of injury to or destruction of property of others in any one accident. (Amounts increased, 1956.)
- (c) Operator's policy.—Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.
- (d) Required statements in policies.—Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter.

- (e) Policy need not insure workmen's compensation, etc.—Such motor vehicle liability policy need not insure any liability under any workmen's compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any such vehicle nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.
- (f) Provisions incorporated in policy.—Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:
- 1. The liability of the insurance carrier with respect to the insurance required by this chapter shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be canceled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy.
- 2. The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.
- 3. The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in subdivision 2 of subsection (b) of this section.
- 4. The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this chapter shall constitute the entire contract between the parties.
- (g) Excess or additional coverage.—Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this chapter. With respect to a policy which grants such excess or additional coverage the term "motor vehicle li-

ability policy" shall apply only to that part of the coverage which is required by this section.

- (h) Reimbursement provision permitted.—Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this chapter.
- (i) Proration of insurance permitted.—Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.
- (j) Multiple policies.—The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carrier which policies together meet such requirements.
- (k) *Binders*.—Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

§ 7-325—Notice of cancellation or termination of certified policy

When an insurance carrier has certified a motor vehicle liability policy under § 7-321 or § 7-322 the insurance so certified shall not be cancelled or terminated until at least 10 days after a notice of cancellation or termination of the insurance so certified shall be filed in the department, except that such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any vehicle designated in both certificates.

§ 7-326—Chapter not to affect other policies

- (a) This chapter shall not be held to apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this State, and such policies, if they contain an agreement or are endorsed to conform with the requirements of this chapter, may be certified as proof of financial responsibility under this chapter.
- (b) This chapter shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his behalf of vehicles not owned by the insured.

§ 7-327—Bond as proof

Proof of financial responsibility may be evidenced by the bond of a surety company duly authorized to transact business within this State, or a bond with at least two individual sureties each owning real estate within this State, and together having equities equal in value to at least twice the amount of the bond, which real estate shall be scheduled in the bond approved by a judge of a court of record, which said bond shall be conditioned for payment of the amounts specified in § 7-302. Such bond shall be filed with the department and shall not be cancellable except after 10 days written notice to the department.

§ 7-328—When bond shall constitute a lien

Such bond shall constitute a lien in favor of the State upon the real estate so scheduled of any surety, which lien shall exist in favor of any holder of a final judgment against the person who has filed such bond, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damage because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a vehicle of a type subject to registration under the laws of this State after such bond was filed, upon the filing of notice to that effect by the department in the office of the proper clerk or court of the county or city where such real estate shall be located.

(Here add provisions, in conformity with local practice, to regulate the recording of such liens.)

§ 7-329—Action on bond

If such a judgment, rendered against the principal on such bond, shall not be satisfied within 30 days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the State against the company or persons executing such bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond.

(Here add provisions, in conformity with local practice, to fix the procedure for foreclosure of such liens.)

§ 7-330—Money or securities as proof

Proof of financial responsibility may be evidenced by the certificate of the (State treasurer) that the person named therein has deposited with him \$25,000 in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of \$25,000. The (State treasurer) shall not accept any such deposit and issue a certificate therefor and the department shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides. (Amounts increased, 1956.)

§ 7-331—Application of deposit

Such deposit shall be held by the (State treasurer) to satisfy, in accordance with the provisions of this chapter, any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a vehicle of a type subject to registration under the laws of this State after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid.

§ 7-332—Owner may give proof for others

The owner of a motor vehicle may give proof of financial responsibility on behalf of his employee or a member of his immediate family or household in lieu of the furnishing of proof by any said person. The furnishing of such proof shall permit such person to operate only a motor vehicle covered by such proof. The department shall endorse appropriate restrictions on the face of the license held by such person, or may issue a new license containing such restrictions.

§ 7-333—Substitution of proof

The department shall consent to the cancellation of any bond or certificate of insurance or the department shall direct and the (State treasurer) shall return any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this chapter.

§ 7-334—Other proof may be required

Whenever any proof of financial responsibility filed under the provisions of this chapter no longer fulfills the purposes for which required, the department shall, for the purpose of this chapter, require other proof as required by this chapter and shall suspend the license and registration pending the filing of such other proof.

§ 7-335—Duration of proof—when proof may be canceled or returned

- (a) The department shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or the department shall direct and the (State treasurer) shall return to the person entitled thereto any money or securities deposited pursuant to this chapter as proof of financial responsibility, or the department shall waive the requirement of filing proof, in any of the following events:
- 1. At any time after three years from the date such proof was required when, during the three-year period preceding the request, the department has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license or registration of the person by or for whom such proof was furnished; or
- 2. In the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or
- 3. In the event the person who has given proof surrenders his license and registration to the department.
- (b) Provided, however, that the department shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has within one year immediately preceding such request been

involved as a driver or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the department.

(c) Whenever any person whose proof has been canceled or returned under subdivision 3 of this section applies for a license or registration within a period of three years from the date proof was originally required, any such application shall be refused unless the applicant shall re-establish such proof for the remainder of such three-year period.

ARTICLE IV—VIOLATION OF PROVISIONS OF CHAPTER 7

§ 7-401—Transfer of registration to defeat purpose of act prohibited

- (a) If an owner's registration has been suspended hereunder, such registration shall not be transferred nor the vehicle in respect to which such registration was issued be registered in any other name until the department is satisfied that such transfer of registration is proposed in good faith and not for the purpose or with the effect of defeating the purposes of this chapter.
- (b) Nothing in this section shall in any way affect the rights of any lienholder (, conditional vendor, chattel mortgagee or lessor) of such a vehicle registered in the name of another as owner who becomes subject to the provisions of this chapter. (Revised, 1968.)
- (c) The department shall suspend the registration of any vehicle transferred in violation of the provisions of this section.

§ 7-402—Surrender of license and registration

(a) Any person whose license or registration shall have been suspended under any provision of this chapter, or whose policy of insurance or bond, when required under this chapter, shall have been canceled or terminated, shall immediately upon lawful demand, or notice under § 2-314, return his license and registration to the department. (REVISED, 1968.)

(b) Any person willfully failing to return license or registration as required in paragraph (a) of this section shall be fined not more than \$500 or imprisoned not to exceed 30 days, or both.

§ 7-403—Forged proof

Any person who shall forge, or, without authority, sign any evidence of proof of financial responsibility for the future, or who files or offers for filing any such evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

ARTICLE V—MISCELLANEOUS PROVISIONS RELATING TO FINANCIAL RESPONSIBILITY

Optional § 7-501—Assigned risk plans 4

After consultation with the insurance companies authorized to issue automobile liability policies in this State, the (insurance commissioner) 5 shall approve a reasonable plan or plans, fair to the insurers and equitable to their policyholders, for the apportionment among such companies of applicants for such policies and for motor vehicle liability policies who are in good faith entitled to but are unable to procure such policies through ordinary methods. When any such plan has been approved, all such insurance companies shall subscribe thereto and participate therein. Any applicant for any such policy, any person insured under any such plan, and any insurance company affected, may appeal to the (insurance commissioner)⁵ from any ruling or decision of the manager or committee designated to operate such plan. Any order or act of the (insurance commissioner) bunder the provisions of this section shall be subject to review (here insert language indicating scope of the review) by

⁴ This optional section is included so that it might be available whenever some provision of this kind, whether mandatory or voluntary, may be considered necessary or desirable in the enacting state. In states where such a provision would be considered more appropriately a part of the Insurance Code this section should be omitted.

⁵ Insert proper title of state officer in charge of the administration of the general insurance laws.

(appeal) (writ of certiorari) to (the ______ court) at the instance of any party in interest. The court shall determine whether the filing of the (appeal) (petition for such writ) shall operate as a stay of any such order or act of the (insurance commissioner) and the court shall summarily hear the matter. The court may, in disposing of the issue before it, modify, affirm or reverse the order or act of the (insurance commissioner) in whole or in part.

§ 7-502—Exception in relation to vehicles insured under other laws

Except for §§ 10-107(a) and 7-332, the provisions of this chapter shall not apply with respect to any vehicle which is subject to the requirements of (insert reference to provisions of the existing law requiring insurance or other security on certain types of vehicles).

§ 7-503—Self-insurers

- (a) Any person in whose name more than 25 vehicles are registered in this State may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the department as provided in subsection (b) of this section.
- (b) The department may, in its discretion, upon the application of such a person, issue a certificate of self-insurance when it is satisfied that such person is possessed and will continue to be possessed of ability to pay judgment obtained against such person. Such certificate may be issued authorizing a person to act as a self-insurer for either property damage or bodily injury, or both.
- (c) Upon not less than five days' notice and a hearing pursuant to such notice, the department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within 30 days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

§ 7-504—Past application of chapter

This chapter shall not apply with respect to any accident, or

⁶ Consideration should be given to the practice and procedure in each state.

judgment arising therefrom, or violation of the motor vehicle laws of this State, occurring prior to the effective date of this chapter.

§ 7-505—Chapter not to prevent other process

Nothing in this chapter shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law.

CHAPTER 8

Owners of For-Rent Vehicles

§ 8-101—Owner of for-rent motor vehicle to give proof of financial responsibility

- (a) It shall be unlawful for the owner of any motor vehicle engaged in the business of renting motor vehicles without drivers to rent a motor vehicle without a driver otherwise than as a part of a bona fide transaction involving the sale of such motor vehicle, unless he has previously notified the department of the intention to so rent such vehicle and has given proof of financial responsibility, and the department shall not register any such vehicle unless and until the owner gives proof of financial responsibility either as provided in this section or in the alternative, as provided in § 8-102. The department shall cancel the registration of any motor vehicle rented without a driver whenever the department ascertains that the owner has failed or is unable to give and maintain such proof of financial responsibility.
- (b) Such owner shall submit to the commissioner evidence that there has been issued to him by an insurance carrier authorized to do business in this State a public liability insurance policy or policies covering each such motor vehicle so rented in the amounts as hereinafter stated and insuring every person operating such vehicle under a rental agreement or operating the vehicle with the express or implied permission of the owner against loss from the liability imposed by law upon such person arising out of the operation of said vehicle in the amount of \$10,000 for bodily injury to or death of one person and subject to said limit as respects bodily injury to or death of any one person the amount of \$20,000 on account of bodily injury to or death of more than one person in any one accident and \$5,000 for damage to property of others in any one accident. (AMOUNTS INCREASED, 1956.)
- (c) The owner shall maintain such policy or policies in full force and effect during all times that he is engaged in the business of renting any motor vehicle without a driver unless said owner shall have given proof of financial responsibility as provided in § 8-102.

- (d) Said policy or policies need not cover any liability incurred by the renter of any vehicle to any passenger in such vehicle.
- (e) When any suit or action is brought against the owner of a for-rent motor vehicle upon a liability under this act, it shall be the duty of the judge of the court before whom the case is pending to cause a preliminary hearing to be had in the absence of the jury for the purpose of determining whether the owner has obtained and there is in full force and effect a policy or policies of insurance covering the person operating the vehicle under a rental agreement in the limits above mentioned. When it appears that the owner has obtained such policy or policies and that the same are in full force and effect, the judge or magistrate before whom such action is pending shall dismiss the action as to the owner of the motor vehicle.
- (f) Whenever the owner of a motor vehicle rents such vehicle without a driver to another it shall be unlawful for the latter to permit any other person to operate such vehicle without the permission of the owner.
- (g) Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500 or by imprisonment for not more than six months or by both such fine and imprisonment.

§ 8-102—Owner of for-rent vehicle liable when no policy obtained

- (a) In the event the owner of a for-rent motor vehicle has not given proof of financial responsibility as provided in § 8-101, then the commissioner shall not register any motor vehicle owned by such person and rented, or intended to be rented, to another unless such owner shall demonstrate, to the satisfaction of the commissioner, his financial ability to respond in damages as follows:
- 1. If he applies for registration of one motor vehicle, in the sum of at least \$10,000 for any one person injured or killed and in the sum of \$20,000 for any number more than one injured or killed in any one accident.
- 2. If he applies for the registration of more than one motor vehicle, then in the foregoing sums for one motor vehicle and

\$10,000 additional for each motor vehicle in excess of one, but it shall be sufficient for the owner to demonstrate ability to respond in damages in the sum of \$100,000 for any number of motor vehicles. (AMOUNTS IN PARAGRAPHS 1 AND 2 INCREASED, 1956.)

- (b) The department shall cancel the registration of any motor vehicle rented without a driver whenever the department ascertains that the owner has failed or is unable to comply with the requirements of this section.
- (c) Any owner of a for-rent motor vehicle who has given proof of financial responsibility under this section or who in violation of this act has failed to give proof of financial responsibility shall be jointly and severally liable with any person operating such vehicle for any damages caused by the negligence of any person operating the vehicle by or with the permission of the owner, except that the foregoing provision shall not confer any right of action upon any passenger in any such rented vehicle as against the owner.
- (d) Nothing in this section shall be construed to prevent an owner from making defense in any such action upon the ground of comparative or contributory negligence to the extent to which such defense is allowed in other cases.

§ 8-103—Renting motor vehicle to another

- (a) No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed as required under this act or, in the case of a nonresident, then duly licensed under the laws of the state or country of his residence except a nonresident whose home state or country does not require that an operator be licensed.
- (b) No person shall rent a motor vehicle to another until he has inspected the license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his presence. (REVISED, 1968.)
- (c) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle

is rented, the number of the license of said latter person and the date and place when and where said license was issued. Such record shall be open to inspection by any police officer or officer or employee of the department.

CHAPTER 9

Civil Liability

ARTICLE I—LIABILITY OF GOVERNMENT AGENCIES

§ 9-101—Liability of State, counties, municipalities and other public corporations

- (a) This State and every county, incorporated city, town or village and every other public corporation within this State shall be liable for civil damages on account of bodily injury to or death of any person or damage to property resulting from the operation of a motor vehicle by any officer, agent or employee of such public entity or corporation when acting within the scope of his office, agency or employment to the same extent that liability is imposed by law on such operator. The liability of any said public entity or corporation and its officers, agent or employee shall be joint and several.
- (b) Any person having a claim against any such public entity or corporation under this section may present the same to such public entity or corporation in the same manner as other claims are presented and if thereupon such claim is not acted upon within 30 days after said presentation or is rejected in whole or in part, then said person may sue such public entity or corporation in a court of competent jurisdiction in the manner prescribed by law for the commencement and maintenance of such a suit against a private individual.
- (c) Any such public entity or corporation may insure against the liability imposed by this section in any insurance carrier duly authorized to transact business in this State and the premium for such insurance shall be a proper charge against the general fund of such public entity or corporation.

ARTICLE II—IMPUTING NEGLIGENCE AND LIABILITY TO GUESTS

§ 9-201—Imputing negligence or willful misconduct of operator to owner

(a) Any negligence or willful misconduct of a person operating a motor vehicle with the express or implied permission of the owner shall be imputed to said owner for all purposes of civil damages and said owner shall be liable for civil damages

caused by such negligence or willful misconduct to the extent that liability is imposed by law on such operator subject to the limit in amount of \$10,000 for bodily injury to or death of one person in any one accident and, subject to said limit as to one person, the amount of \$20,000 for bodily injury to or death of all persons as a result of any one accident and \$5,000 for damage to property of others as a result of any one accident. (Amounts increased, 1956.)

- (b) The foregoing limits as to liability shall not apply with respect to the liability of an owner for the negligence or willful misconduct of an agent or servant operating a motor vehicle in the scope of his employment.
- (c) This section shall not impose liability upon the owner of a motor vehicle when the same is being operated by the keeper of a garage, repair shop or service station or by the employees of such keeper in the course of storing, servicing or repairing such vehicle or when the same is being operated by any bailee, pledgee, mortgagee or other lienholder of such vehicle.
- (d) An owner so subject to liability under this section may settle and pay any bona fide claims for damages under this section, whether reduced to judgment or not, and to that extent discharge the liability imposed upon him under this section.
- (e) An owner so subject to liability under this section shall be subrogated to all bona fide claims for damages reduced to judgment to the extent that he has paid or discharged the same and upon such subrogation may recover from such operator the total amount so paid by him.
- (f) This section shall not be deemed to relieve the operator of a motor vehicle from any liability imposed upon him by law.

§ 9-202—Liability for bodily injury to or death of guest

No guest riding in or upon any vehicle without giving compensation for such ride or riding in or upon any vehicle while engaged in a joint enterprise with the owner or driver of such vehicle shall have, nor shall any other person have, any right of action for civil damages against the driver of such vehicle, or against any other person legally liable for the conduct of such driver, on account of bodily injury to or the death of such guest during such ride, unless the plaintiff in any such

action establishes that such injury or death proximately resulted from the intoxication or willful misconduct of said driver.

ARTICLE III—PROCESS ON NONRESIDENT

§ 9-301—Service of process on nonresident

- (a) The acceptance by a nonresident of any right or privilege conferred upon him by the laws of this State to operate a motor vehicle within this State, or the operation by a nonresident or his duly authorized agent or employee of a motor vehicle within this State, or in the event such nonresident is the owner of a motor vehicle, then also the operation of such vehicle within this State by any person with such owner's express or implied permission shall be deemed equivalent to an appointment by such nonresident of the commissioner or his successor in office to be his true and lawful attorney upon whom may be served all lawful processes in any action or proceeding against said nonresident growing out of any accident or collision resulting from the operation of a motor vehicle upon any highway or elsewhere throughout this State by said owner or other person as above mentioned. (Revised, 1968.)
- (b) Said operation of a motor vehicle within this State shall be signification of the agreement of said nonresident that any such process against him which is served in the manner herein provided shall be of the same legal force and validity as if served on said nonresident personally. (REVISED, 1968.)
- (c) Service of such process shall be made by leaving a copy of the summons and complaint with a fee of \$2 with the commissioner or in his office and such service shall be sufficient service on said nonresident subject to compliance with the other provisions of this section. The plaintiff shall likewise and at the same time file with the commissioner or in his office a bond in the sum of \$500 with sureties to be approved by the commissioner, conditioned that upon the failure of the plaintiff to prevail in the action said plaintiff shall reimburse the defendant for the expenses necessarily incurred by him in defending the action in this State.

¹ This section would not be valid in those states where the state constitution creates a right of action based upon negligence.

- (d) The plaintiff or his attorney shall forthwith send a notice of such service and a copy of the summons and complaint by registered mail to the defendant or in the alternative such notice and copy of the summons and complaint may be served personally upon the defendant wherever found outside of this State by any duly constituted public officer qualified to serve like process of and in the state or in the jurisdiction where such personal service is made.
- (e) Proof of compliance with subsection (d) hereof shall be made in the event of service by mail by affidavit of said plaintiff or his attorney, showing said mailing, to which shall be attached the return receipt of the United States post office bearing the signature of said defendant, which affidavit and receipt shall be appended to the original summons, which shall be filed with the court from out of which such summons issued within the time allowed by law for the return of such summons, or in the event of personal service outside this State by the return of any duly constituted public officer, qualified to serve like process of and in the state or jurisdiction where the defendant is found, showing such service to have been made at least 15 days before the return day of the process, which return shall be so appended to the original summons, which shall be so filed as aforesaid.
- (f) The court in which the action is pending may order such continuance as may be necessary to afford the defendant a reasonable opportunity to defend the action.
- (g) The commissioner shall keep a record of all processes so served upon him, which record shall show the day and hour of service.²
- (h) The provisions of this section shall also apply to any resident who departs from this State subsequent to an accident or collision and remains absent for days continuously, whether such absence is intended to be temporary or permanent. (New, 1968.)

² The validity of the above method of service has been sustained by the Supreme Court of the United States in *Hess* v. *Pawloski*, 274 U.S. 352 (1927).

CHAPTER 10

Accidents and Accident Reports

§ 10-101—Provisions of chapter apply throughout State

The provisions of this chapter shall apply upon highways and elsewhere throughout the State.

§ 10-102—Accidents involving death or personal injury

- (a) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of § 10-104. Every such stop shall be made without obstructing traffic more than is necessary.
- (b) Any person failing to stop or to comply with said requirements under such circumstances shall, upon conviction, be punished by imprisonment for not less than 30 days nor more than one year or by fine of not less than \$100 nor more than \$5,000, or by both such fine and imprisonment.
- (c) The commissioner shall revoke the license or permit to drive and any nonresident operating privilege of the person so convicted.

§ 10-103—Accidents involving damage to vehicle or property

The driver of any vehicle involved in an accident resulting only in damage to a vehicle or other property which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible, but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of § 10-104. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in § 17-101. (REVISED, 1962.)

§ 10-104—Duty to give information and render aid

(a) The driver of any vehicle involved in an accident re-

sulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving, and shall upon request and if available exhibit his license or permit to drive to any person injured in such accident or to the driver or occupant of or person attending any vehicle or other property damaged in such accident and shall give such information and upon request exhibit such license or permit to any police officer at the scene of the accident or who is investigating the accident and shall render to any person injured in such accident reasonable assistance. including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary, or if such carrying is requested by the injured person.

(b) In the event that none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subdivision (a) of this section, and no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of § 10-102 and subdivision (a) of this section, insofar as possible on his part to be performed, shall forthwith report such accident to the nearest office of a duly authorized police authority and submit thereto the information specified in subdivision (a) of this section. (Section revised, 1962.)

§ 10-105—Duty upon damaging unattended vehicle or other property

The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to such other vehicle or property shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle or other property of his name, address and the registration number of the vehicle he is driving or shall attach securely in a conspicuous place in or on such vehicle or other property a written notice giving his name, address and the registration number of the vehicle he is driving and shall without unnecessary delay notify the nearest office of a duly authorized police authority. Every

such stop shall be made without obstructing traffic more than is necessary. (Revised, 1968.)

§ 10-106—Immediate notice of accident

- (a) The driver of a vehicle involved in an accident resulting in injury to or death of any person or total damage to all property to an apparent extent of \$100 or more shall immediately by the quickest means of communication give notice of such accident to the nearest office of a duly authorized police authority. (REVISED, 1968.)
- (b) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in subsection (a) and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver. (REVISED, 1962.)

§ 10-107—Written report of accident by drivers or owners

- (a) The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total damage to all property to an apparent extent of (\$25, \$50, \$100) or more shall, within 10 days after such accident, forward a written report of such accident to the department. (Revised, 1968.)
- (b) The department may require any driver of a vehicle involved in an accident of which written report must be made as provided in this section to file supplemental written reports whenever the original report is insufficient in the opinion of the department.
- (c) A written accident report is not required under this chapter from any person who is physically incapable of making a report during the period of such incapacity.
- (d) Whenever the driver is physically incapable of making a written report of an accident as required in this section and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within 10 days after the accident make such report not made by the driver. (Revised, 1968.)
- (e) All written reports required in this section to be forwarded to the department by drivers or owners of vehicles in-

volved in accidents shall be without prejudice to the individual so reporting and shall be for the confidential use of the department or other State agencies having use for the records for accident prevention purposes, except that the department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident.

(f) No written reports forwarded under the provisions of this section shall be used as evidence in any trial, civil or criminal, arising out of an accident except that the department shall furnish upon demand of any party to such trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department in compliance with law, and, if such report has been made, the date, time and location of the accident, the names and addresses of the drivers, the owners of the vehicles involved, and the investigating officers. The reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of § 10-108. (Section revised, 1962.)

§ 10-108—False reports

Any person who gives information in oral or written reports as required in this chapter knowing or having reason to believe that such information is false shall be fined, upon conviction, not more than \$1,000, or imprisoned for not more than one year, or both. (REVISED, 1962.)

§ 10-109—Suspension and penalty for failure to report

The commissioner shall suspend the license or permit to drive and any nonresident operating privileges of any person failing to report an accident as herein provided until such report has been filed, and the commissioner may extend such suspension not to exceed 30 days. Any person who shall fail to make a written report as required in this chapter and who shall fail to file such report with the department within the time prescribed shall be guilty of a misdemeanor and upon conviction shall be punished as provided in § 17-101. (REVISED, 1962.)

§ 10-110—State bureau of vital statistics to report

The state bureau of vital statistics (or other state agency

keeping records of deaths) shall on or before the 10th day of each month report in writing to the department the death of any person resulting from a vehicle accident, giving the time and place of the accident and the circumstances relating thereto. (REVISED, 1962.)

§ 10-111—Garages to report

The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident of which written report must be made by the driver thereof as provided in § 10-107, or struck by any bullet, shall report to the local police department if such garage is located within a municipality, otherwise to the office of the county sheriff or the nearest office of the (State highway patrol, State police), within 24 hours after such motor vehicle is received by the garage or repair shop, giving the identifying number, registration number, and the name and address of the owner or driver of such vehicle. (REVISED, 1968.)

§ 10-112—Police to report

- (a) Every law enforcement officer who investigates a vehicle accident of which report must be made as required in this chapter, or who otherwise prepares a written report as a result of an investigation either at the time of and at the scene of the accident or thereafter by interviewing the participants or witnesses, shall forward a written report of such accident to the department within 10 days after his investigation of the accident.
- (b) Such written reports required to be forwarded by law enenforcement officers and the information contained therein shall not be privileged or held confidential. (SECTION REVISED, 1968.)

§ 10-113—Accident report forms

(a) The department shall prepare and upon request supply to police departments, sheriffs, and other appropriate agencies or individuals, forms for written accident reports as required in this chapter and in chapter 7, suitable with respect to the persons required to make such reports and the purposes to be served. The written reports shall call for sufficiently detailed

information to disclose with reference to a vehicle accident the cause, conditions then existing and the persons and vehicles involved.

(b) Every accident report required to be made in writing shall be made on the appropriate form approved by the department and shall contain all the information required therein unless not available. (Section Revised, 1962.)

§ 10-114—Department to tabulate and analyze accident reports

The department shall tabulate and may analyze all accident reports received in compliance with this chapter and shall publish annually, or at more frequent intervals, statistical information based thereon as to the number and circumstances of vehicle accidents. (Revised, 1962.)

§ 10-115—Any local authority may require accident reports

Any local authority may by ordinance require that the driver of a vehicle involved in an accident, or the owner of such vehicle, shall also file with the designated municipal department a written report of such accident or a copy of any report herein required to be filed with the department on accidents occurring within their jurisdiction. All such reports shall be for the confidential use of the municipal department and subject to the provisions of § 10-107 of this act. (REVISED, 1968.)

CHAPTER 11

Rules of the Road

ARTICLE I—OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

§ 11-101—Provisions of chapter refer to vehicles upon the highways—exceptions

The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

- 1. Where a different place is specifically referred to in a given section.
- 2. The provisions of article IX and chapter 10 shall apply upon highways and elsewhere throughout the State.

§ 11-102—Required obedience to traffic laws

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

§ 11-103—Obedience to police officers

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic.

§ 11-104—Persons ridir@ animals or driving animal-drawn vehicles

Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature can have no application.

§ 11-105—Persons working on highways—exceptions

Unless specifically made applicable, the provisions of this chapter except those contained in article IX hereof shall not apply to persons, teams, motor vehicles and other equipment while actu-

ally engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work.

§ 11-106—Authorized emergency vehicles

- (a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
 - (b) The driver of an authorized emergency vehicle may:
 - 1. Park or stand, irrespective of the provisions of this chapter;
- 2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- 3. Exceed the maximum speed limits so long as he does not endanger life or property; (REVISED, 1956.)
- 4. Disregard regulations governing direction of movement or turning in specified directions.
- (c) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of an audible signal meeting the requirements of § 12-401(d) and visual signals meeting the requirements of § 12-218 of this act, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle. (REVISED, 1968.)
- (d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

ARTICLE II—TRAFFIC SIGNS, SIGNALS AND MARKINGS

§ 11-201—Obedience to and required traffic-control devices

(a) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this act, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this act. (REVISED, 1968.)

- (b) No provision of this act for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place. (Revised, 1968.)
- (c) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this act, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence. (NEW, 1962.)
- (d) Any official traffic-control device placed pursuant to the provisions of this act and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this act, unless the contrary shall be established by competent evidence. (NEW, 1962.)

§ 11-202—Traffic-control signal legend

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors Green. Red and Yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

- (a) Green indication
- 1. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
- 2. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield

the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.1

- 3. Unless otherwise directed by a pedestrian-control signal, as provided in § 11-203, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.
 - (b) Steady yellow indication 2
- 1. Vehicular traffic facing a steady vellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
- 2. Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian-control signal as provided in § 11-203, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.
 - (c) Steady red indication
- 1. Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in subsection (c) 2. (REVISED, 1968.)
- 2. When a sign is in place permitting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to make the turn indicated by such sign after stopping as required by subsection (c) 1. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. (NEW. 1968.)
- 3. Unless otherwise directed by a pedestrian-control signal as provided in § 11-203, pedestrians facing a steady red signal alone shall not enter the roadway. (RENUMBERED, 1968.)

traffic clearing the intersection.

¹ It is recommended that the display of a turning green arrow alone or with another indication should indicate that during this display the turning movement is not interfered with by oncoming traffic, which simultaneously should face a red signal.

² It is recommended that the color yellow be used only before red. If yellow is used following the red, traffic facing the signal has a tendency to start before the green signal appears, causing interference with cross

(d) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal. (SECTION REVISED, 1962.)

§ 11-203—Pedestrian-control signals

Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" are in place such signals shall indicate as follows: ³

- (a) Walk.—Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.
- (b) Don't Walk.—No pedestrian shall start to cross the road-way in the direction of such signal, but any pedestrian who has partially completed his crossing on the "Walk" signal shall proceed to a sidewalk or safety island while the "Don't Walk" signal is showing. (Section revised, 1962.)

§ 11-204—Flashing signals

- (a) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:
- 1. Flashing red (stop signal).—When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign. (Revised, 1968.)
 - 2. Flashing yellow (caution signal).—When a yellow lens is

³ In states where pedestrian-control signals using the "Wait" legend are still in use, authorization for them should be continued in the law until they are replaced by signals using the "Don't Walk" legend.

illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(b) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in § 11-701 of this act. (Paragraph (b) added, 1952.)

§ 11-204.1—Lane-direction-control signals

When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown. (New, 1962.)

§ 11-205—Display of unauthorized signs, signals or markings

- (a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control device or any railroad sign or signal.
- (b) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.
- (c) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.
- (d) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

§ 11-206—Interference with official traffic-control devices or rail-road signs or signals

No person shall, without lawful authority, attempt to or in fact

alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

ARTICLE III—DRIVING ON RIGHT SIDE OF ROADWAY—OVERTAKING AND PASSING—USE OF ROADWAY

§ 11-301—Drive on right side of roadway—exceptions

- (a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:
- 1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
- 2. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard; (REVISED, 1962.)
- 3. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
- 4. Upon a roadway restricted to one-way traffic. (REVISED, 1968.)
- (b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.
- (c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (a)2 hereof. However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway. (REVISED, 1968.)

§ 11-302—Passing vehicles proceeding in opposite directions

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

§ 11-303—Overtaking a vehicle on the left

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

- (a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
- (b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

§ 11-304—When overtaking on the right is permitted

- (a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
- 1. When the vehicle overtaken is making or about to make a left turn:
- 2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction;
- 3. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.
- (b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

§ 11-305—Limitations on overtaking on the left

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this article and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any approaching vehicle. (Revised, 1962.)

§ 11-306—Further limitations on driving on left of center of roadway

- (a) No vehicle shall be driven on the left side of the roadway under the following conditions:
- 1. When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
- 2. When approaching within 100 feet of or traversing any intersection or railroad grade crossing;
- 3. When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.
- (b) The foregoing limitations shall not apply upon a one-way roadway, nor under the conditions described in § 11-301(a)2, nor to the driver of a vehicle turning left into or from an alley, private road or driveway. (SECTION REVISED, 1968.)

§ 11-307—No-passing zones

(a) The (State highway commission) and local authorities are hereby authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and

when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof. (REVISED, 1968.)

- (b) Where signs or markings are in place to define a nopassing zone as set forth in paragraph (a) no driver shall at any time drive on the left side of the roadway within such nopassing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length. (New, 1956.)
- (c) This section does not apply under the conditions described in § 11-301(a)2, nor to the driver of a vehicle turning left into or from an alley, private road or driveway. (NEW, 1968.)

§ 11-308-One-way roadways and rotary traffic islands

- (a) The (State highway commission) and local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic-control devices. (REVISED, 1968.)
- (b) Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic-control devices. (REVISED, 1968.)
- (c) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

§ 11-309—Driving on roadways laned for traffic

Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply.

- (a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
- (b) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and pass-

ing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices. (Revised, 1962.)

- (c) Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device. (REVISED, 1962.)
- (d) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device. (NEW, 1962.)

§ 11-310—Following too closely

- (a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.
- (b) The driver of any motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.
- (c) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

§ 11-311—Driving on divided highways

Whenever any highway has been divided into two or more

roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space or at a cross-over or intersection as established, unless specifically prohibited by public authority. (Revised, 1962.)

§ 11-312—Restricted access

No person shall drive a vehicle onto or from any controlledaccess roadway except at such entrances and exits as are established by public authority.

§ 11-313—Restrictions on use of controlled-access roadway

- (a) The (State highway commission) by resolution or order entered in its minutes, and local authorities by ordinance, may regulate or prohibit the use of any controlled-access roadway (or highway) within their respective jurisdictions by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.
- (b) The (State highway commission) or the local authority adopting any such prohibition shall erect and maintain official traffic-control devices on the controlled-access highway on which such prohibitions are applicable and when in place no person shall disobey the restrictions stated on such devices. (Section revised, 1968.)

ARTICLE IV—RIGHT OF WAY

§ 11-401—Vehicle approaching or entering intersection

- (a) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.
- (b) The right of way rule declared in paragraph (a) is modified at through highways and otherwise as stated in this chapter. (Section revised, 1968.)

§ 11-402—Vehicle turning left

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. (REVISED, 1962.)

§ 11-403—Vehicle entering stop or yield intersection

- (a) Preferential right of way at an intersection may be indicated by stop signs or yield signs as authorized in § 15-109 of this act.
- (b) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right of way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.
- (c) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection. Provided, however, that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right of way. (SECTION REVISED, 1968.)

§ 11-404—Vehicle entering highway from private road or driveway

The driver of a vehicle about to enter or cross a highway from an alley, building, private road or driveway shall yield the right of way to all vehicles approaching on the highway to be entered. (REVISED, 1968.)

§ 11-405—Operation of vehicles (and streetcars) on approach of authorized emergency vehicles

- (a) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of § 12-401(d) and visual signals meeting the requirements of § 12-218 of this act, or of a police vehicle properly and lawfully making use of an audible signal only: (REVISED, 1968.)
- 1. The driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
- 2. Upon the approach of an authorized emergency vehicle, as above stated, the motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.⁴
- (b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

ARTICLE V-PEDESTRIANS' RIGHTS AND DUTIES

§ 11-501—Pedestrian obedience to traffic-control devices and traffic regulations

(a) A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to him, unless otherwise directed by a police officer. (NEW, 1968.)

⁴ Subparagraph (a) 2 should be omitted in states where no streetcars are in operation.

- (b) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in §§ 11-202 and 11-203. (REVISED, 1968.)
- (c) At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter.

§ 11-502—Pedestrians' right of way in crosswalks

- (a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
- (b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.
- (c) Paragraph (a) shall not apply under the conditions stated in § 11-503(b).
- (d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

§ 11-503—Crossing at other than crosswalks

- (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.
- (b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.
- (c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.
 - (d) No pedestrian shall cross a roadway intersection diag-

onally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements. (NEW, 1962.)

§ 11-504—Drivers to exercise due care

Notwithstanding other provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway. (REVISED, 1968.)

§ 11-505—Pedestrians to use right half of crosswalks

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

§ 11-506—Pedestrians on roadways

- (a) Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.
- (b) Where sidewalks are not provided any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

§ 11-507—Pedestrians soliciting rides or business

- (a) No person shall stand in a roadway for the purpose of soliciting a ride.
- (b) No person shall stand on a highway for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle.
- (c) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway. (Section revised, 1968.)

§ 11-508—Driving through safety zone prohibited

No vehicle shall at any time be driven through or within a safety zone. (REPOSITIONED, 1962.)

§ 11-509—Pedestrians' right of way on sidewalks

The driver of a vehicle emerging from or entering an alley, building, private road or driveway shall yield the right of way to any pedestrian approaching on any sidewalk extending across such alley, building entrance, road or driveway. (NEW, 1968.)

ARTICLE VI—TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING

§ 11-601—Required position and method of turning at intersections

The driver of a vehicle intending to turn at an intersection shall do so as follows:

- (a) *Right turns*.—Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
- (b) Left turns.—The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and, after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.
- (c) The state highway commission and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such devices are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such devices.⁵ (SECTION REVISED, 1968.)

§ 11-602—Turning on curve or crest of grade prohibited

No vehicle shall be turned so as to proceed in the opposite di-

⁵ In view of the fact that there are many intersections, including T intersections, where large numbers of vehicles turn left, the state highway commission, local authorities and police officers should permit and direct vehicles to turn left in two lines at such intersections.

rection upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.

§ 11-603—Starting parked vehicle

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

§ 11-604—Turning movements and required signals

- (a) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in § 11-601, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided. (REVISED, 1962.)
- (b) A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.
- (c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.
- (d) The signals provided for in § 11-605(b) shall be used to indicate an intention to turn, change lanes, or start from a parked position and shall not be flashed on one side only on a parked or disabled vehicle, or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear. (New, 1962.)

§ 11-605—Signals by hand and arm or signal lamps

- (a) Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in paragraph (b).
- (b) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when

the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles. (Section revised, 1956.)

§ 11-606—Method of giving hand-and-arm signals

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

- 1. Left turn.—Hand and arm extended horizontally.
- 2. Right turn.—Hand and arm extended upward.
- 3. Stop or decrease speed.—Hand and arm extended downward.

ARTICLE VII—SPECIAL STOPS REQUIRED

§ 11-701—Obedience to signal indicating approach of train

- (a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:
- 1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
- 2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
- 3. A railroad train approaching within approximately 1,500 feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;
- 4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.
- (b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

§ 11-702—All vehicles must stop at certain railroad grade crossings

The (State highway commission) and local authorities with the approval of the (State highway commission) are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

§ 11-703—Certain vehicles must stop at all railroad grade crossings

- (a) The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks.
- (b) No stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.
- (c) This section shall not apply at street-railway grade crossings within a business or residence district.

§ 11-704—Moving heavy equipment at railroad grade crossings

(a) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of 10 or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface

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

- (b) Notice of any such intended crossing shall be given to a station agent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.
- (c) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than 15 feet nor more than 50 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.
- (d) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

§ 11-705—Emerging from alley, driveway or building

The driver of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon. (REVISED AND RENUMBERED, 1968.)

§ 11-706—Overtaking and passing school bus

- (a) The driver of a vehicle upon a highway outside of a business or residence district upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on said school bus a visual signal as specified in § 12-218 and said driver shall not proceed until such school bus resumes motion or is signaled by the school bus driver to proceed or the visual signals are no longer actuated.
 - (b) Every bus used for the transportation of school children

shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height, and in addition shall be equipped with visual signals meeting the requirements of § 12-218 of this act, which shall be actuated by the driver of said school bus whenever but only whenever such vehicle is stopped on the highway outside of a business or residence district for the purpose of receiving or discharging school children. (REVISED, 1962.)

- (c) When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school, all markings thereon indicating "school bus" shall be covered or concealed.
- (d) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway. (Section Revised, 1954; Renumbered, 1968.)

ARTICLE VIII—SPEED RESTRICTIONS

§ 11-801—Basic rule

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions. (REVISED, 1968.)

§ 11-801.1—Maximum limits

Except when a special hazard exists that requires lower speed for compliance with § 11-801, the limits hereinafter specified or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits. (REVISED, 1968.)

- 1. Thirty miles per hour in any urban district;
- 2. Sixty miles per hour in other locations during the daytime;
- 3. Fifty-five miles per hour in such other locations during the nighttime.

Daytime means from a half hour before sunrise to a half hour after sunset. Nighttime means at any other hour.

The maximum speed limits set forth in this section may be altered as authorized in §§ 11-802 and 11-803. (REVISED, 1956; REPOSITIONED, 1968.)

§ 11-802—Establishment of State speed zones

Whenever the (State highway commission) shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the State highway system, said (commission) may determine and declare a reasonable and safe maximum limit thereat, which shall be effective when appropriate signs giving notice thereof are erected. Such a maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs. (Revised, 1962.)

§ 11-803—When local authorities may and shall alter maximum limits

- (a) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under this article is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:
 - 1. Decreases the limit at intersections; or
- 2. Increases the limit within an urban district but not to more than 60 miles per hour during daytime or 55 miles per hour during nighttime; or

- 3. Decreases the limit outside an urban district, but not to less than 35 miles per hour.
- (b) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this act for an urban district.
- (c) Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.
- (d) Any alteration of maximum limits on State highways or extensions thereof in a municipality by local authorities shall not be effective until such alteration has been approved by the (State highway commission).
- (e) Not more than six such alterations as hereinabove authorized shall be made per mile along a street or highway, except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than 10 miles per hour. (Section revised, 1956.)

§ 11-804—Minimum speed regulation

- (a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.
- (b) Whenever the (State highway commission) or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the (commission) or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law. (Section revised, 1954.)

§ 11-805—Special speed limitation on motor-driven cycles

No person shall operate any motor-driven cycle at any time

mentioned in § 12-201 at a speed greater than 35 miles per hour unless such motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of 300 feet ahead.

§ 11-806—Special speed limitations

- (a) No person shall drive a vehicle which is towing a house trailer at a speed greater than a maximum of 45 miles per hour. (New, 1956.)
- (b) No person shall drive any vehicle equipped with solid rubber or cushion tires at a speed greater than a maximum of 10 miles per hour.
- (c) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section.
- (d) The (State highway commission) upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this chapter, the (commission) shall determine and declare the maximum speed of vehicles which such structure can safely withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained before each end of such structure. (Revised, 1962.)
- (e) Upon the trial of any person charged with a violation of this section, proof of said determination of the maximum speed by said (commission) and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

§ 11-807—Charging violations and rule in civil actions

(a) In every charge of violation of any speed regulation in this article the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have

driven, also the maximum speed applicable within the district or at the location.

(b) The provision of this article declaring maximum speed limitations shall not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident. (Section Revised, 1956.)

§ 11-808—Racing on highways

- (a) No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test, or exhibition.
- (b) Drag race is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.
- (c) Racing is defined as the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes.
- (d) Any person convicted of violating this section shall be punished as provided in § 17-101(c). (NEW SECTION, 1968.)

ARTICLE IX—SERIOUS TRAFFIC OFFENSES 6

§ 11-901—Reckless driving

- (a) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.
 - (b) Every person convicted of reckless driving shall be pun-

⁶ This article covers what are generally regarded as *relatively* serious offenses carrying significantly higher penalties. All sections in this article apply on and off the highways under § 11-101.

ished upon a first conviction by imprisonment for a period of not less than five days nor more than 90 days, or by fine of not less than \$25 nor more than (\$500), or by both such fine and imprisonment, and on a second or subsequent conviction shall be punished by imprisonment for not less than 10 days nor more than six months, or by a fine of not less than \$50 nor more than (\$1,000), or by both such fine and imprisonment.

§ 11-902—Persons under the influence of intoxicating liquor

- (a) It is unlawful and punishable as provided in § 11-902.2 for any person who is under the influence of intoxicating liquor to drive or be in actual physical control of any vehicle within this State.
- (b) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of the person's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:
- 1. If there was at that time 0.05 percent or less by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of intoxicating liquor.
- 2. If there was at that time in excess of 0.05 percent but less than 0.10 percent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor.
- 3. If there was at that time 0.10 percent or more by weight of alcohol in the person's blood, it shall be presumed that the person was under the influence of intoxicating liquor.
- 4. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 cubic centimeters of blood. (REVISED, 1968.)
- 5. The foregoing provisions of paragraph (b) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor.

- (c) Chemical analyses of the person's blood, urine, breath, or other bodily substance to be considered valid under the provisions of this section shall have been performed according to methods approved by the State department of health and by an individual possessing a valid permit issued by the State department of health for this purpose. The State department of health is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the State department of health.
- (d) When a person shall submit to a blood test at the request of a law enforcement officer under the provisions of § 6-205.1, only a physician or a registered nurse (or other qualified person) may withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of breath or urine specimens.
- (e) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.
- (f) Upon the request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or his attorney.

OPTIONAL (g) If a person under arrest refuses to submit to a chemical test under the provisions of § 6-205.1, evidence of refusal shall be admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor. (REVISED, 1968.)

§ 11-902.1—Persons under the influence of drugs

It is unlawful and punishable as provided in § 11-902.2 for any person who is an habitual user of or under the influence of any

narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle to drive a vehicle within this State. The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this State shall not constitute a defense against any charge of violating this section. (REPOSITIONED, 1962.)

§ 11-902.2—Penalties and administrative action of commissioner

- (a) Every person who is convicted of a violation of § 11-902 or § 11-902.1 shall be punished by imprisonment for not less than 10 days nor more than one year, or by fine of not less than \$100 nor more than \$1,000, or by both such fine and imprisonment. On a second or subsequent conviction under either section he shall be punished by imprisonment for not less than 90 days nor more than one year, and, in the discretion of the court, a fine of not more than \$1,000.
- (b) The commissioner shall revoke the license or permit to drive and any nonresident operating privilege of any person convicted under § 11-902 or § 11-902.1. (REPOSITIONED, 1962.)

§ 11-903—Homicide by vehicle

- (a) Whoever shall unlawfully and unintentionally cause the death of another person while engaged in the violation of any state law or municipal ordinance applying to the operation or use of a vehicle or to the regulation of traffic shall be guilty of homicide when such violation is the proximate cause of said death. (Revised, 1968.)
- (b) Any person convicted of homicide by vehicle shall be fined not less than \$500 nor more than \$2,000, or shall be imprisoned in the county jail not less than three months nor more than one year, or may be so fined and so imprisoned, or shall be imprisoned in the penitentiary for a term not less than one year nor more than five years. (REVISED, 1962.)

§ 11-904—Fleeing or attempting to elude a police officer

(a) Any driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police vehicle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty of a misdemeanor. The signal given by the police officer may be by hand, voice, emergency light or siren. The officer giving such signal shall be in uniform, prominently displaying his badge of office, and his vehicle shall be appropriately marked showing it to be an official police vehicle.

(b) Every person convicted of fleeing or attempting to elude a police officer shall be punished by imprisonment for not less than 30 days nor more than six months or by a fine of not less than \$100 nor more than \$500, or by both such fine and imprisonment. (New Section, 1968.)

ARTICLE X-STOPPING, STANDING AND PARKING

§ 11-1001—Stopping, standing or parking outside of business or residence districts

- (a) Upon any highway outside of a business or residence district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park or so leave such vehicle off such part of said highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such highway.
- (b) This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

§ 11-1002—Officers authorized to remove vehicles

(a) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of § 11-1001 such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such highway.

- (b) Any police officer is hereby authorized to remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway, or in any tunnel, in such position or under such circumstances as to obstruct the normal movement of traffic. (REVISED, 1968.)
- (c) Any police officer is hereby authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:
- 1. Report has been made that such vehicle has been stolen or taken without the consent of its owner, or
- 2. The person or persons in charge of such vehicle are unable to provide for its custody or removal, or
- 3. When the person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay. (NEW, 1968.)

§ 11-1003—Stopping, standing or parking prohibited in specified places

- (a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:
 - 1. Stop, stand or park a vehicle:
- a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - b. On a sidewalk:
 - c. Within an intersection;
 - d. On a crosswalk;
 - e. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings; (REVISED, 1968.)
 - f. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
 - g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 - h. On any railroad tracks;
 - i. At any place where official signs prohibit stopping.

- 2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
 - a. In front of a public or private driveway;
 - b. Within 15 feet of a fire hydrant;
 - c. Within 20 feet of a crosswalk at an intersection;
 - d. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway; (REVISED, 1968.)
 - e. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance (when properly signposted);
 - f. At any place where official signs prohibit standing.
- 3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:
 - a. Within 50 feet of the nearest rail of a railroad crossing;
 - b. At any place where official signs prohibit parking.
- (b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful. (SECTION REVISED, 1962.)

§ 11-1004—Additional parking regulations

- (a) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or edge of the roadway. (REVISED, 1962.)
- (b) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or edge of the roadway, or its left-hand wheels within 12 inches of the left-hand curb or edge of the roadway. (REVISED, 1962.)
- (c) Local authorities may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or State highway unless the (State highway commission) has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit

angle parking without interfering with the free movement of traffic.

(d) The (State highway commission) with respect to highways under its jurisdiction may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in its opinion, as evidenced by resolution or order entered in its minutes, such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs.

ARTICLE XI—MISCELLANEOUS RULES

§ 11-1101—Unattended motor vehicle

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway. (RE-VISED, 1968.)

§ 11-1102—Limitations on backing

- (a) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.
- (b) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway. (NEW, 1962.)

§ 11-1103—Driving upon sidewalk

No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. (NEW, 1968.)

§ 11-1104—Obstruction to driver's view or driving mechanism

(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons,

exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle (or streetcar) shall ride in such position as to interfere with the driver's (or motorman's) view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle (or streetcar). (REVISED, 1968.)

§ 11-1105—Opening and closing vehicle doors

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. (RE-VISED, 1962.)

§ 11-1106—Riding in house trailers

No person or persons shall occupy a house trailer while it is being moved upon a public highway. (NEW, 1956.)

§ 11-1107—Driving on mountain highways

The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the highway as reasonably possible and, upon approaching any curve where the view is obstructed within a distance of 200 feet along the highway, shall give audible warning with the horn of such motor vehicle.

§ 11-1108—Coasting prohibited

- (a) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears or transmission of such vehicle in neutral.
- (b) The driver of a truck or bus when traveling upon a down grade shall not coast with the clutch disengaged. (Section revised, 1968.)

§ 11-1109—Following fire apparatus prohibited

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

§ 11-1110—Crossing fire hose

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private road or driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command. (REVISED, 1968.)

§ 11-1111—Putting glass, etc., on highway prohibited

- (a) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway.
- (b) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.
- (c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

ARTICLE XII—OPERATION OF BICYCLES AND PLAY VEHICLES

§ 11-1201—Effect of regulations

- (a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this article.
- (b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this act.
- (c) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

§ 11-1202—Traffic laws apply to persons riding bicycles

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this act, except as to special regulations in this article and except as to those provisions of this act which by their nature can have no application.

§ 11-1203—Riding on bicycles

- (a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
- (b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

§ 11-1204—Clinging to vehicles

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any (streetcar or) vehicle upon a roadway. (REVISED, 1968.)

§ 11-1205—Riding on roadways and bicycle paths

- (a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- (b) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.
- (c) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

§ 11-1206—Carrying articles

No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars.

§ 11-1207—Lamps and other equipment on bicycles

(a) Every bicycle when in use at nighttime shall be equipped

with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the department which shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector. (Revised, 1968.)

- (b) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.
- (c) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

ARTICLE XIII—SPECIAL RULES FOR MOTORCYCLES (NEW, 1968.)

§ 11-1301—Traffic laws apply to persons operating motorcycles

Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this act, except as to special regulations in this article and except as to those provisions of this act which by their nature can have no application.

§ 11-1302—Riding on motorcycles

- (a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator. (FORMERLY § 11-1103; REVISED, 1968.)
- (b) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the the motorcycle.

- (c) No person shall operate a motorcycle while carrying any package, bundle, or other article which prevents him from keeping both hands on the handlebars.
- (d) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

§ 11-1303—Operating motorcycles on roadways laned for traffic

- (a) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.
- (b) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (c) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.
- (d) Motorcycles shall not be operated more than two abreast in a single lane.
- (e) Subsections (b) and (c) shall not apply to police officers in the performance of their official duties.

§ 11-1304—Clinging to other vehicles

No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle (or streetcar) on a roadway.

§ 11-1305—Footrests and handlebars

- (a) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.
- (b) No person shall operate any motorcycle with handlebars more than 15 inches in height above that portion of the seat occupied by the operator.

§ 11-1306—Equipment for motorcycle riders

- (a) No person shall operate or ride upon a motorcycle unless he is wearing protective headgear which complies with standards established by the commissioner.
 - (b) No person shall operate a motorcycle unless he is wearing

an eye-protective device of a type approved by the commissioner, except when the motorcycle is equipped with a windscreen.

- (c) This section shall not apply to persons riding within an enclosed cab.
- (d) The commissioner is hereby authorized to approve or disapprove protective headgear and eye-protective devices required herein, and to issue and enforce regulations establishing standards and specifications for the approval thereof. The commissioner shall publish lists of all protective headgear and eye-protective devices by name and type which have been approved by him.

ARTICLE XIV—STREETCARS 7

(REPOSITIONED, 1968; FORMERLY ARTICLE XIII.)

§ 11-1401—Traffic laws apply to operators of streetcars

Every operator of a streetcar upon any roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter and chapter 10, except regulations and provisions which by their nature can have no application. (New, 1968.)

§ 11-1402—Passing streetcar on left

- (a) The driver of a vehicle shall not overtake and pass upon the left nor drive upon the left side of any streetcar proceeding in the same direction, whether such streetcar is actually in motion or temporarily at rest, except:
 - 1. When so directed by a police officer;
 - 2. When upon a one-way street; or
- 3. When upon a street where the tracks are so located as to prevent compliance with this section.
- (b) The driver of any vehicle when permitted to overtake and pass upon the left of a streetcar which has stopped for the purpose of receiving or discharging any passenger shall reduce speed and may proceed only upon exercising due caution for pedestrians and shall accord pedestrians the right of way when required by other sections of this chapter.

⁷This article should be omitted in states where no streetcars are in operation.

§ 11-1403—Passing streetcar on right

The driver of a vehicle overtaking upon the right any streetcar stopped or about to stop for the purpose of receiving or discharging any passenger shall stop such vehicle at least five feet to the rear of the nearest running board or door of such streetcar and thereupon remain standing until all passengers have boarded such car or upon alighting have reached a place of safety, except that where a safety zone has been established, a vehicle need not be brought to a stop before passing any such streetcar but may proceed past such car at a speed not greater than is reasonable and proper and with due caution for the safety of pedestrians.

§ 11-1404—Driving on streetcar tracks

- (a) The driver of any vehicle proceeding upon any streetcar track in front of a streetcar upon a street shall remove such vehicle from the track as soon as practical after signal from the operator of said streetcar.
- (b) When a streetcar has lawfully entered and is crossing an intersection, no driver of a vehicle shall drive upon or across the car tracks within the intersection in front of the streetcar when there is hazard of a collision.
- (c) The driver of a vehicle upon overtaking and passing a streetcar shall not turn in front of such streetcar so as to interfere with or impede its movement.

CHAPTER 12

Equipment of Vehicles 1

ARTICLE I—Scope and Effect of Regulations

§ 12-101—Scope and effect of regulations

- (a) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter.
- (b) Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.

¹ A state enacting most of the provisions in this chapter or any other law dealing with equipment requirements or performance should ascertain whether a pertinent federal standard has been issued under the National Traffic and Motor Vehicle Safety Act, 80 Stat. 718 (1966), 15 USCA §§ 1381 et seq. (Supp. 1967). See the further discussions in footnotes at §§ 12-102, 12-304 and 12-412, infra.

If a provision in this chapter or in the laws of any state should be in conflict or be inconsistent with any such federal standard, the National Committee recommends amending the Code and those laws as may be necessary to resolve the difference so as not to penalize the user of a vehicle manufactured and equipped in accordance with those standards. In the absence of any such direct conflict or inconsistency, however, the National Committee urges each state to revise its laws to achieve verbatim or substantial conformity with this chapter.

An alternative to amending laws to avoid such conflicts would be to give advance and automatic effect to a federal motor vehicle safety standard. This approach has been partially incorporated into the following California law:

A federal motor vehicle safety standard which conflicts with an equipment provision of this code applicable to the same aspect of performance shall supersede that specific provision of this code with respect to vehicles in compliance with the federal motor vehicle safety standard that was in effect at the time of sale. (Cal. Vehicle Code § 2402.5 (Supp. 1967), as amended by Gen. Laws 1968, ch. 812, CCH ASLR 939.)

Current federal motor vehicle safety standards issued or in effect under the 1966 Act may be obtained from the National Highway Safety Bureau, Federal Highway Administration, Washington, D.C. 20591, or may be found in 49 Code of Federal Regulations Part 371, as added by 33 Federal Register 19700-25 (Dec. 25, 1968).

- (c) The provisions of this chapter with respect to equipment required on vehicles shall not apply to implements of husbandry, road machinery, road rollers or farm tractors except as herein made applicable. (REVISED, 1968.)
- (d) The provisions of this chapter with respect to equipment required on vehicles shall not apply to motorcycles or motordriven cycles, except as herein made applicable. (NEW, 1968.)

§ 12-102—Authority of commissioner 4

(a) The commissioner is hereby required to approve or disapprove any lighting device or other safety equipment, com-

² For equipment provisions applicable to these vehicles, see §§ 12-215, 12-216 and 12-229.

³ For equipment provisions applicable to motorcycles, see §§ 12-501 et

seq.

4 Since its inception in 1926, the *Uniform Vehicle Code* has contemplated that lighting devices and certain other essential items of equipment be approved prior to their sale and use to assure that such devices conform to minimum standards and will perform their intended function. This new section provides a procedure to simplify securing such approval.

Prior editions of the Code have also indicated that motor vehicle lighting and equipment technology is a constantly changing area and that standards and specifications should be revised whenever necessary to reflect improvements or new developments. Further, this necessary and desirable change makes such standards and specifications a more appropriate subject for regulatory treatment by the executive branch of state government than by the legislatures because of the comparative inflexibility of laws.

In large part because of the adoption by Congress in 1966 of the National Traffic and Motor Vehicle Safety Act, the element of change in equipment standards has assumed a new, and as yet partially undefined, dimension. Clearly, insofar as they reflect the newest and best technical developments, federal standards promulgated under this Act should be considered in the administrative formulation of certain equipment regulations in each state But, in connection with the relationship of state regulations to equipment on most new vehicles and to equipment made to replace that original equipment, it should be noted that the 1966 Federal Act provides:

Whenever a federal motor vehicle safety standard established under this title is in effect, no state or political subdivision of a state shall have any authority either to establish, or to continue in effect, with respect to any motor vehicle or item of motor vehicle equipment, any safety standard applicable to the same aspect of performance of such vehicle or item of equipment which is not identical to the federal standard. (15 USCA § 1392(d) (Supp. 1967).)

The extent and nature of limitations placed on the power of a state to establish equipment requirements, standards or approval procedures for new equipment or equipment on new vehicles by the above provision is as yet largely undefined and the subject of current litigation. Whatever the ultimate resolution of the many legal issues may be, it is thus imperative that any federal standard be taken into account, when pertinent and appropriate, in the formulation of state equipment standards. See California

ponents or assemblies of a type for which approval is specifically required in this act within a reasonable time after such approval has been requested. Such approvals may be based upon certificates of approval and test reports furnished to the commissioner by the American Association of Motor Vehicle Administrators.

- (b) The commissioner is further authorized to establish the procedure to be followed when request for approval of any lighting device or other safety equipment, component or assembly is submitted under this section. Such procedure may provide for submission of such device, component or assembly to the American Association of Motor Vehicle Administrators in lieu of submission of such device, component or assembly to the commissioner.
- (c) The commissioner shall maintain and publish lists of all such devices, components or assemblies which have been approved by him or under authority contained in this act. (NEW SECTION, 1968.)

ARTICLE II—LAMPS AND OTHER LIGHTING EQUIPMENT

§ 12-201—When lighted lamps are required

Every vehicle upon a highway within this State at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles, and further that stop lights, turn signals and other signaling devices shall be lighted as prescribed for the use of such devices. (REVISED, 1968.)

Vehicle Code § 2402.5, as amended by Gen. Laws 1968, ch. 812, CCH ASLR 939, and Va. Gen. Laws 1968, ch. 172, CCH ASLR 213, which provide for the administrative adoption of federal motor vehicle safety standards.

In addition to the adoption of standards for new vehicles and replacement equipment, it should be noted that the federal Act requires the establishment of uniform federal motor vehicle safety standards applicable to all used motor vehicles. 15 USCA § 1397(b)(1) (Supp. 1967). When such standards are adopted, they should also be considered.

§ 12-202—Visibility distance and mounted height of lamps

- (a) Whenever requirement is hereinafter declared as to distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in § 12-201 in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.
- (b) Whenever requirement is hereinafter declared as to the mounted height of lamps or devices it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

§ 12-203—Head lamps on motor vehicles

- (a) Every motor vehicle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this chapter.
- (b) Every head lamp upon every motor vehicle shall be located at a height of not more than 54 inches nor less than 24 inches to be measured as set forth in § 12-202(b). (SECTION REVISED, 1968.)

§ 12-204—Tail lamps

⁵ Although added to the Code in 1948, it may be desirable to limit subsection (b) to new motor vehicles first sold after the effective date of said paragraph.

- (b) Every tail lamp upon every vehicle shall be located at a height of not more than 72 inches nor less than 20 inches. (RE-VISED, 1952.)
- (c) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

§ 12-205—Reflectors

- (a) Every motor vehicle, trailer, semitrailer and pole trailer shall carry on the rear, either as a part of the tail lamps or separately, two or more red reflectors meeting the requirements of this section; provided, however, that vehicles of the types mentioned in § 12-208 shall be equipped with reflectors meeting the requirements of §§ 12-210(a) and 12-211(a).
- (b) Every such reflector shall be mounted on the vehicle at a height not less than 20 inches nor more than 60 inches measured as set forth in § 12-202(b), and shall be of such size and characteristics and so mounted as to be visible at night from all distances within 600 feet to 100 feet from such vehicle when directly in front of lawful lower beams of head lamps, except that reflectors on vehicles manufactured or assembled prior to January 1, 1970, shall be visible at night from all distances within 350 feet to 100 feet when directly in front of lawful upper beams of head lamps. (Section Revised, 1968.)

§ 12-206—Stop lamps and turn signals

- (b) After (date), every motor vehicle, trailer, semi-trailer and pole trailer shall be equipped with electric turn signal

lamps meeting the requirements of § 12-219(b), except that passenger cars and trucks less than 80 inches in width, manufactured or assembled prior to January 1, 1953, need not be equipped with electric turn signal lamps. (Section Revised, 1968.)

§ 12-207—Application of succeeding sections

Those sections of this chapter which follow immediately, including §§ 12-208, 12-209, 12-210, 12-211 and 12-212, relating to clearance lamps, marker lamps and reflectors, shall apply as stated in said sections to vehicles of the type therein enumerated, namely buses, trucks, truck-tractors, and trailers, semitrailers and pole trailers, respectively, when operated upon any highway, and said vehicles shall be equipped as required and all lamp equipment required shall be lighted at the times mentioned in § 12-201. (Revised, 1962.)

§ 12-208—Additional lighting equipment required on certain vehicles

In addition to other equipment required in §§ 12-203, 12-204, 12-205 and 12-206 of this chapter, the following vehicles shall be equipped as herein stated under the conditions stated in § 12-207, and in addition, the reflectors elsewhere enumerated for such vehicles shall conform to the requirements of § 12-211(a).

- (a) Buses and trucks 80 inches or more in over-all width:
- 1. On the front, two clearance lamps, one at each side, and on vehicles manufactured or assembled after (date) three identification lamps meeting the specifications of subdivision (f).
- 2. On the rear, two clearance lamps, one at each side, and after (date) three identification lamps meeting the specifications of subdivision (f).
- 3. On each side, two side marker lamps, one at or near the front and one at or near the rear.
- 4. On each side, two reflectors, one at or near the front and one at or near the rear.
- (b) Trailers and semitrailers 80 inches or more in over-all width:
 - 1. On the front, two clearance lamps, one at each side.

- 2. On the rear, two clearance lamps, one at each side, and after (date) three identification lamps meeting the specifications of subdivision (f).
- 3. On each side, two side marker lamps, one at or near the front and one at or near the rear.
- 4. On each side, two reflectors, one at or near the front and one at or near the rear.
 - (c) Truck-tractors:

On the front, two cab clearance lamps, one at each side, and on vehicles manufactured or assembled after (date) three identification lamps meeting the specifications of subdivition (f).

(d) Trailers, semitrailers and pole trailers 30 feet or more in over-all length:

On each side, one amber side marker lamp and one amber reflector, centrally located with respect to the length of the vehicle.

- (e) Pole trailers:
- 1. On each side, one amber side marker lamp at or near the front of the load.
 - 2. One amber reflector at or near the front of the load.
- 3. On the rearmost support for the load, one combination marker lamp showing amber to the front and red to the rear and side, mounted to indicate maximum width of the pole trailer.
- (f) Whenever required or permitted by this chapter, identification lamps shall be grouped in a horizontal row, with lamp centers spaced not less than six nor more than 12 inches apart, and mounted on the permanent structure of the vehicle as close as practicable to the vertical centerline; provided, however, that where the cab of a vehicle is not more than 42 inches wide at the front roof line, a single identification lamp at the center of the cab shall be deemed to comply with the requirements for front identification lamps. (Section Revised, 1962.)

§ 12-209—Color of clearance lamps, identification lamps, side marker lamps, back-up lamps and reflectors

(a) Front clearance lamps, identification lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color. (REVISED, 1962.)

- (b) Rear clearance lamps, identification lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color. (REVISED, 1962.)
- (c) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber.

\S 12-210—Mounting of reflectors, clearance lamps and side marker lamps

(a) Reflectors when required by § 12-208 shall be mounted at a height not less than 24 inches and not more than 60 inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than 24 inches the reflector at such point shall be mounted as high as that part of the permanent structure will permit.

The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.

Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this chapter.

(b) Clearance lamps shall, so far as is practicable, be mounted on the permanent structure of the vehicle in such a manner as to indicate the extreme height and width of the vehicle. Provided, that when rear identification lamps are required and are mounted as high as is practicable, rear clearance lamps may be mounted at optional height and when the mounting of front clearance lamps results in such lamps failing to indicate the extreme width of the trailer, such lamps may be mounted at optional height but must indicate, as near as practicable, the extreme width of the trailer. Clearance lamps on truck-tractors shall be located so as to indicate the extreme width of the truck-tractor cab. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given as required herein with reference to both. (Section revised), 1968.)

§ 12-211—Visibility requirements for reflectors, clearance lamps, identification lamps and marker lamps

- (a) Every reflector upon any vehicle referred to in § 12-208 shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within 600 feet to 100 feet from the vehicle when directly in front of lawful lower beams of head lamps except that the visibility for reflectors on vehicles manufactured or assembled prior to January 1, 1970, shall be measured in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear. (REVISED, 1968.)
- (b) Front and rear clearance lamps and identification lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between 500 and 50 feet from the front and rear, respectively, of the vehicle. (REVISED, 1962.)
- (c) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between 500 and 50 feet from the side of the vehicle on which mounted. (REVISED, 1962.)

§ 12-212—Obstructed lights not required

Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except tail lamps) need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

§ 12-213—Lamps or flags on projecting load

Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in § 12-201, two red lamps visible from a distance of at

least 500 feet to the rear, two red reflectors visible at night from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of head lamps and located so as to indicate maximum width, and on each side one red lamp visible from a distance of at least 500 feet to the side and located so as to indicate maximum overhang. There shall be displayed at all other times on any vehicle having a load which extends beyond its sides or more than four feet beyond its rear, red flags, not less than 12 inches square, marking the extremities of such load, at each point where a lamp would otherwise be required by this section. (REVISED, 1968.)

§ 12-214—Lamps on parked vehicles

- (a) Every vehicle shall be equipped with one or more lamps which, when lighted, shall display a white or amber light visible from a distance of 1,000 feet to the front of the vehicle, and a red light visible from a distance of 1,000 feet to the rear of the vehicle. The location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. (RE-VISED, 1968.)
- (b) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal persons and vehicles within a distance of 1,000 feet upon such street or highway, no lights need be displayed upon such parked vehicle. (REVISED, 1968.)
- (c) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is insufficient light to reveal any person or object within a distance of 1,000 feet upon such highway, such vehicle so parked or stopped shall be equipped with and shall display lamps meeting the requirements of subsection (a).
- (d) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed. (SECTION REVISED, 1962.)

§ 12-215—Lamps, reflectors and emblems on farm tractors, farm equipment and implements of husbandry

- (a) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry (manufactured or assembled after January 1, 1970,) (after (date)) shall be equipped with vehicular hazard warning lights of a type described in § 12-220, visible from a distance of not less than 1,000 feet to the front and rear in normal sunlight, which shall be displayed whenever any such vehicle is operated upon a highway.
- (b) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry manufactured or assembled after (date) shall at all times, and every other such motor vehicle shall at all times mentioned in § 12-201, be equipped with lamps and reflectors as follows:
- 1. At least two head lamps meeting the requirements of §§ 12-222, 12-224 or 12-225.
- 2. At least one red lamp visible when lighted from a distance of not less than 1,000 feet to the rear mounted as far to the left of the center of the vehicle as practicable.
- 3. At least two red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of head lamps.
- (c) Every combination of farm tractor and towed farm equip ment or towed implement of husbandry shall at all times men tioned in § 12-201 be equipped with lamps and reflectors as follows:
- 1. The farm tractor shall be equipped as required in subsections (a) and (b).
- 2. If the towed unit or its load extends more than four feet to the rear of the tractor or obscures any light there on, said unit shall be equipped on the rear with at least two red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of head lamps.
- 3. If the towed unit of such combination extends more that four feet to the left of the center line of the tractor, said unit shall be equipped on the front with an amber reflector visible from all distances within 600 feet to 100 feet to the front when

directly in front of lawful lower beams of head lamps. This reflector shall be so positioned to indicate, as nearly as practicable, the extreme left projection of the towed unit.

- (d) The two red reflectors required in the foregoing subsections shall be so positioned as to show from the rear, as nearly as practicable, the extreme width of the vehicle or combination carrying them. Provided that all other requirements are met, reflective tape or paint may be used in lieu of the reflectors reuired by subsection (c).

- 1. Where the towed unit or any load thereon obscures the slow moving vehicle emblem on the farm tractor, the towed unit shall be equipped with a slow moving vehicle emblem. In such cases, the towing vehicle need not display the emblem.
- 2. Where the slow moving vehicle emblem on the farm tractor unit is not obscured by the towed unit or its load, then either or both may be equipped with the required emblem but it shall be sufficient if either has it.
- (g) The emblem required by subsections (e) and (f) shall comply with current standards and specifications (of the American Society of Agricultural Engineers) (approved by the commissioner). (Section revised, 1968.)

§ 12-216—Lamps on other vehicles and equipment

Every vehicle, including animal-drawn vehicles and vehicles referred to in § 12-101(c), not specifically required by the provisions of this article to be equipped with lamps or other lighting devices, shall at all times specified in § 12-201 of this act be equipped with at least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of said

vehicle, and shall also be equipped with two lamps displaying red light visible from a distance of not less than 1,000 feet to the rear of said vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 to 100 feet to the rear when illuminated by the lawful lower beams of head lamps. (REVISED, 1968.)

§ 12-217—Spot lamps and auxiliary lamps

- (a) Spot lamps.—Any motor vehicle may be equipped with not to exceed two spot lamps and every lighted spot lamp shall be so aimed and used that no part of the high intensity portion of the beam will strike the windshield, or any windows, mirror, or occupant of another vehicle in use. (REVISED, 1962.)
- (b) Fog lamps.—Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height not less than 12 inches nor more than 30 inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high intensity portion of the light to the left of the center of the vehicle shall at a distance of 25 feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower head lamp beams as specified in § 12-222(a)2. (REVISED, 1968.)
- (c) Auxiliary passing lamps. Any motor vehicle may be equipped with not to exceed two auxiliary passing lamps mounted on the front at a height not less than 24 inches nor more than 42 inches above the level surface upon which the vehicle stands. The provisions of § 12-222 shall apply to any combination of head lamps and auxiliary passing lamps. (REVISED, 1968.)
- (d) Auxiliary driving lamps. Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front at a height not less than 16 inches nor more than 42 inches above the level surface upon which the vehicle stands. The provisions of § 12-222 shall apply to any combination of head lamps and auxiliary driving lamps. (REVISED, 1968.)

§ 12-218—Audible and visual signals on vehicles

(a) Every authorized emergency vehicle shall, in addition to

any other equipment and distinctive markings required by this act, be equipped with a siren, exhaust whistle or bell capable of giving an audible signal.

- (b) Every school bus and every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this act, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights shall have sufficient intensity to be visible at 500 feet in normal sunlight. (REVISED, 1962.)
- (c) A police vehicle when used as an authorized emergency vehicle may but need not be equipped with alternately flashing red lights specified herein.
- (d) The alternately flashing lighting described in subsections (b) and (c) of this section shall not be used on any vehicle other than a school bus or an authorized emergency vehicle. (NEW, 1962; SUBSECTION (e) DELETED, 1968.)

§ 12-219—Signal lamps and signal devices

- (a) Any vehicle may be equipped and when required under this act shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than 300 feet to the rear in normal sunlight, and which shall be actuated upon application of the service (foot) brake, and which may but need not be incorporated with one or more other rear lamps.
- (b) Any vehicle may be equipped and when required under § 12-206(b) shall be equipped with electric turn signals which shall indicate an intention to turn by flashing lights showing to the front and rear of a vehicle or on a combination of vehicles on the side of the vehicle or combination toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit white or amber light, or any shade of light between white and amber. The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable, and, when signaling, shall emit a red

or amber light, or any shade of color between red and amber. Turn signal lamps on vehicles 80 inches or more in over-all width shall be visible from a distance of not less than 500 feet to the front and rear in normal sunlight. Turn signal lamps on vehicles less than 80 inches wide shall be visible at a distance of not less than 300 feet to the front and rear in normal sunlight. Turn signal lamps may, but need not be, incorporated in other lamps on the vehicle. (Section Revised, 1962; subsection (b) revised, 1968.)

§ 12-220—Vehicular hazard warning signals

- (a) Any vehicle may be equipped with lamps for the purose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing. (REVISED AND RE-POSITIONED, 1968.)
- (c) Vehicular hazard warning signal lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than 500 feet in normal sunlight. (REVISED AND REPOSITIONED, 1968.)

§ 12-221—Additional lighting equipment

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

- (c) Any motor vehicle may be equipped with one or more back-up lamps either separately or in combination with other lamps, but any such back-up lamp or lamps shall not be lighted when the motor vehicle is in forward motion.
- (d) Any vehicle 80 inches or more in over-all width, if not otherwise required by § 12-208, may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted as specified in subdivision (f) of § 12-208. (SECTION REVISED, 1962; REPOSITIONED, 1968.)

§ 12-222—Multiple-beam road-lighting equipment

- (a) Except as hereinafter provided, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:
- 1. There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 450 feet ahead for all conditions of loading.
- 2. There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 150 feet ahead; and on a straight level road under any condition of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

§ 12-223—Use of multiple-beam road-lighting equipment

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in § 12-201, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

- 1. Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in §\$ 12-222(a)2 or 12-506(b)2 shall be deemed to avoid glare at all times, regardless of road contour and loading.
- 2. Whenever the driver of a vehicle approaches another vehicle from the rear, within 300 feet, such driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in §§ 12-222(a)1 and 12-506(b)1. (SECTION REVISED AND RENUMBERED, 1968.)

§ 12-224—Single-beam road-lighting equipment

Head lamp systems which provide only a single distribution of light shall be permitted on all farm tractors regardless of date of manufacture, and on other motor vehicles manufactured and sold prior to one year after the effective date of this act in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations: (REVISED, 1968.)

- 1. The head lamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall at a distance of 25 feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than 42 inches above the level on which the vehicle stands at a distance of 75 feet ahead.
- 2. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet. (Section Renumbered, 1968.)

§ 12-225—Alternate road-lighting equipment

Any motor vehicle may be operated under the conditions specified in § 12-201 when equipped with two lighted lamps upon the front thereof capable of revealing persons and vehicles 100 feet ahead in lieu of lamps required in § 12-222 or § 12-224, provided, however, that at no time shall it be operated at a speed in excess of 20 miles per hour. (REVISED, 1968.)

§ 12-226—Number of driving lamps required or permitted

- (a) At all times specified in § 12-201, at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles. (REVISED, 1968.)
- (b) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than 300 candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

§ 12-227—Special restrictions on lamps

- (a) During the times specified in § 12-201, any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, vehicular hazard warning lamps and school bus warning lamps, which projects a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle. (REVISED, 1968.)
- (b) Except as required in § 12-218, no person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front of the center thereof.
- (c) Flashing lights are prohibited except as authorized or required in §§ 12-215, 12-218, 12-219, 12-220 and 12-229. (REVISED, 1968.)

§ 12-228—Special lighting equipment on school buses

The (commissioner of motor vehicles) is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses consistent with the provisions of this chapter, but supplemental thereto. Such standards and specifications shall correlate with and, so far as possible, conform to the specifications then current as approved by the Society of Automotive Engineers.⁶ (Subsection (b) Deleted, 1968.)

§ 12-229—Standards for lights on snow-removal and other highway maintenance and service equipment

- (a) The (State highway commission) shall adopt standards and specifications applicable to head lamps, clearance lamps identification and other lamps on snow-removal and other high way maintenance and service equipment when operated on the highways of this State in lieu of the lamps otherwise required on motor vehicles by this chapter. Such standards and specifications may permit the use of flashing lights for purposes of iden tification on snow-removal and other highway maintenance and service equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with and, so far as possible, conform with thos approved by the American Association of State Highway Officials.
- (b) It shall be unlawful to operate any snow-removal and other highway maintenance and service equipment on any high way unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted a provided in this section. (SECTION REVISED, 1962.)

§ 12-230—Selling or using lamps or equipment

(a) On and after (date) no person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, semitrailer, or pole trailer or use

⁶ In addition to SAE standards, the portion of Federal Motor Vehicle Safety Standard No. 108, 49 Code of Federal Regulations Part 371, as added by 33 Federal Register 19708 (Dec. 25, 1968), dealing with signal lamps on school buses, should be consulted in the formulation of suitable standards and specifications.

upon any such vehicle any head lamp, auxiliary, or fog lamp, rear lamp, signal lamp or reflector, which reflector is required here-under, or parts of any of the foregoing which tend to change the original design or performance, unless of a type which has been submitted to the commissioner and approved by him. The foregoing provisions of this section shall not apply to equipment in actual use when this section is adopted or replacement parts therefor. (Revised, 1952.)

- (b) No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, semitrailer or pole trailer any lamp or device mentioned in this section which has been approved by the commissioner unless such lamp or device bears thereon the trade-mark or name under which it is approved so as to be legible when installed.
- (c) No person shall use upon any motor vehicle, trailer, semi-trailer or pole trailer any lamps mentioned in this section unless said lamps are mounted, adjusted and aimed in accordance with instructions of the commissioner. (Section revised, 1968.)

§ 12-231—Revocation of certificate of approval on lighting devices

When the commissioner has reason to believe that an approved device as being sold commercially does not comply with the requirements of this chapter, he may, after giving 30 days' previous notice to the person holding the certificate of approval for such device in this State, conduct a hearing upon the question of compliance of said approved device. After said hearing the commissioner shall determine whether said approved device meets the requirements of this chapter. If said device does not meet the requirements of this chapter he shall give notice to the person holding the certificate of approval for such device in this State.

If at the expiration of 90 days after such notice the person holding the certificate of approval for such device has failed to satisfy the commissioner that said approved device as thereafter to be sold meets the requirements of this chapter, the commissioner shall suspend or revoke the approval issued therefor until or unless such device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this chapter, and may require that all said devices sold since the

notification following the hearing be replaced with devices that do comply with the requirements of this chapter. The commissioner may at the time of the retest purchase in the open market and submit to the testing agency one or more sets of such approved devices, and if such device upon such retest fails to meet the requirements of this chapter, the commissioner may refuse to renew the certificate of approval of such device. (SECTION RENUMBERED, 1968.)

ARTICLE III—BRAKES

§ 12-301—Brake equipment required

Every motor vehicle, trailer, semitrailer and pole trailer, and any combination of such vehicles operating upon a highway within this State shall be equipped with brakes in compliance with the requirements of this chapter.

- (a) Service brakes—adequacy.—Every such vehicle and combination of vehicles, except special mobile equipment as defined in § 1-166, shall be equipped with service brakes complying with the performance requirements of § 12-302 and adequate to control the movement of and to stop and hold such vehicle under all conditions of loading, and on any grade incident to its operation.
- (b) Parking brakes—adequacy.—Every such vehicle and combination of vehicles shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the

service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes. (REVISED, 1968.)

- (c) *Brakes on all wheels.*—Every vehicle shall be equipped with brakes acting on all wheels except:
- 1. Trailers, semitrailers or pole trailers of a gross weight not exceeding 3,000 pounds, provided that:
 - a. The total weight on and including the wheels of the trailer or trailers shall not exceed 40 percent of the gross weight of the towing vehicle when connected to the trailer or trailers, and
 - b. The combination of vehicles, consisting of the towing vehicle and its total towed load, is capable of complying with the performance requirements of § 12-302.
- 2. Any vehicle being towed in driveaway or towaway operations, provided the combination of vehicles is capable of complying with the performance requirements of § 12-302.
- 3. Trucks and truck-tractors having three or more axles need not have brakes on the front wheels, except that when such vehicles are equipped with at least two steerable axles, the wheels of one steerable axle need not have brakes. However, such trucks and truck-tractors must be capable of complying with the performance requirements of § 12-302.
- 4. Special mobile equipment as defined in § 1-166. (SUBPARA-GRAPH 5 REPOSITIONED, 1968.)
- (e) Tractor brakes protected.—Every motor vehicle manufactured or assembled after (date) and used to tow a trailer, semitrailer or pole trailer equipped with brakes, shall be equipped with means for providing that in case of breakaway

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of the towed vehicle, the towing vehicle will be capable of being stopped by the use of its service brakes.

- - (g) Two means of emergency brake operation.—
- 1. Air brakes. After (date), every towing vehicle, when used to tow another vehicle equipped with air controlled brakes, in other than driveaway or towaway operations, shall be equipped with two means for emergency application of the trailer brakes. One of these means shall apply the brakes automatically in the event of a reduction of the towing vehicle air supply to a fixed pressure which shall be not lower than 20 pounds per square inch nor higher than 45 pounds per square inch. The other means shall be a manually controlled device for applying and releasing the brakes, readily operable by a person seated in the driving seat, and its emergency position or method of operation shall be clearly indicated. In no instance may the manual means be so arranged as to permit its use to prevent operation of the automatic means. The automatic and the manual means required by this section may be, but are not required to be, separate.

can be used to operate all service brakes. This requirement does not prohibit vehicles from being equipped with an additional control device to be used to operate brakes on the towed vehicles. This regulation does not apply to driveaway or towaway operations unless the brakes on the individual vehicles are designed to be operated by a single control on the towing vehicle. (Revised, 1968.)

- (i) Reservoir capacity and check valve.—
- 1. Air brakes. Every bus, truck or truck-tractor with air operated brakes shall be equipped with at least one reservoir sufficient to insure that, when fully charged to the maximum pressure as regulated by the air compressor governor cut-out setting, a full service brake application may be made without lowering such reservoir pressure by more than 20 percent. Each reservoir shall be provided with means for readily draining accumulated oil or water.
- 3. Reservoir safeguarded. All motor vehicles, trailers, semitrailers and pole trailers, when equipped with air or vacuum reservoirs or reserve capacity as required by this section, shall have such reservoirs or reserve capacity so safeguarded by a check valve or equivalent device that in the event of failure or leakage in its connection to the source of compressed air or vacuum, the stored air or vacuum shall not be depleted by the leak or failure.
 - (j) Warning devices.—
- 1. Air brakes. Every bus, truck or truck-tractor using compressed air for the operation of its own brakes or the brakes on any towed vehicle shall be provided with a warning signal, other than a pressure gauge, readily audible or visible to the driver, which will operate at any time the air reservoir pressure of the vehicle is below 50 percent of the air compressor governor cutout pressure. In addition, each such vehicle shall be equipped

with a pressure gauge visible to the driver, which indicates in pounds per square inch the pressure available for braking.

- 3. Combination of warning devices. When a vehicle required to be equipped with a warning device is equipped with both air and vacuum power for the operation of its own brakes or the brakes on a towed vehicle, the warning devices may be, but are not required to be, combined into a single device which will serve both purposes. A gauge or gauges indicating pressure or vacuum shall not be deemed to be an adequate means of satisfying this requirement. (Section revised and amplified, 1962.)

§ 12-302—Performance ability of brakes

- (a) Every motor vehicle and combination of vehicles, at all times and under all conditions of loading, upon application of the service brake, shall be capable of:
- 1. Developing a braking force that is not less than the percentage of its gross weight tabulated herein for its classification;
- 2. Decelerating to a stop from not more than 20 miles per hour at not less than the feet per second per second tabulated herein for its classification; and
- 3. Stopping from a speed of 20 miles per hour in not more than the distance tabulated herein for its classification, such distance to be measured from the point at which movement of the service brake pedal or control begins.
- (b) Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one percent grade), dry, smooth, hard surface that is free from loose material. (Section revised, table revised and amplified, 1962; Table revised, 1968.)⁷

^{7 (}a) There is a definite mathematical relationship between the figures in columns 2 and 3. If the decelerations set forth in column 3 are divided

	1	2	3	4 Brake system application
	Classification of Vehicles	Braking force as a percentage of gross vehicle or combination weight	Deceleration in feet per second per second	and braking distance in feet from an initial speed of 20 m.p.h.
Ā	Passenger vehicles with a seating capacity of 10 people or less including driver, not having a manufacturer's gross) ;		
В	vehicle weight rating Single unit vehicles with a manufacturer's gross	. 52.8% 1 5	17	2 5
C-1	vehicle weight rating of 10,000 pounds or less Single unit vehicles with a manufacturer's gross	. 43.5% s	14	30
C-2	weight rating of more than 10,000 pounds Combination of a two-axle towing vehicle and a trailer with a gross	. 43.5% a	14	40
C-3	trailer with a gross trailer weight of 3,000 pounds or less) . 43.5% e t	14	40
C-4	er's gross weight rat ing	- . 43.5% s	14	40
_	in driveaway-towaway operations	43.5%	14	40
D	All other vehicles and combinations of vehicles		14	50

by 32.2 feet per second per second, the column 2 figures will be obtained. (For example, 17 divided by 32.2 gives 52.8%). Column 2 is included in the tabulation because certain brake testing devices utilize this factor.

(b) The decelerations as in column 3 are an indication of the effectiveness of the basic brakes, and as measured in practical brake testing are the maximum braking decelerations attained at some time during the stop.

This deceleration as measured in brake tests cannot be used to compute the values in column 4 because it is not sustained at the same rate over the entire period of the stop. The deceleration increases from zero to a maximum during a period of brake system application and brake force build-up. Also, other factors may cause the deceleration to decrease after reaching a maximum. The added distance which results because a maximum deceleration is not sustained is included in the figures in column 4 but is not indicated by the usual brake testing devices for checking deceleration.

(c) The distances in column 4 and the decelerations in column 3 are not directly related. "Brake system application and braking distance in feet" (column 4) is a definite measure of the over-all effectiveness of the

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§ 12-303—Maintenance of brakes

All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

§ 12-304—Hydraulic brake fluid

- (a) The term "hydraulic brake fluid" as used in this section shall mean the liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle.
- (b) Hydraulic brake fluid shall be distributed and serviced with due regard for the safety of the occupants of the vehicle and the public.
- (c) The (department or official) shall, after public hearing following due notice, adopt and enforce regulations for the administration of this section and shall adopt and publish standards and specifications for hydraulic brake fluid which shall correlate with, and so far as practicable conform to, the then current standards and specifications of the Society of Automotive Engineers applicable to such fluid.
- (d) No person shall distribute, have for sale, offer for sale, or sell any hydraulic brake fluid unless it complies with the requirements of this section. No person shall service any vehicle with brake fluid unless it complies with the requirements of this section.⁸ (REVISED, 1962; SECTION RENUMBERED, 1968.)

braking system, being the distance traveled between the point at which the driver starts to move the braking controls and the point at which the vehicle comes to rest. It includes distance traveled while the brakes are being applied and the distance traveled while the brakes are retarding the vehicle.

⁽d) The distance traveled during the period of brake system application and brake force build-up varies with vehicle type, being negligible for many passenger cars and greatest for combinations of commercial vehicles. This fact accounts for the variation from 25 to 50 feet in the numerical values in column 4 for the various classes of vehicles.

⁽e) The deceleration requirement in column 3 is the same for all classifications of vehicles except for passenger vehicles, not including buses, because brakes on vehicles in the second, third and fourth classifications are all capable with reasonable maintenance of producing the designated deceleration as measured by brake testing devices. A higher deceleration requirement is warranted for passenger cars in view of Bureau of Public Roads test data.

⁸ Subsection (c) requires the adoption of brake fluid specifications based on current SAE standards if such conformance with those standards is practicable. In connection with this provision, it should be noted that a

ARTICLE IV-OTHER EQUIPMENT

§ 12-401—Horns and warning devices

- (a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.
- (b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell, except as otherwise permitted in this section.
- (c) It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.
- (d) Every authorized emergency vehicle shall be equipped with a siren, whistle or bell, capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the department, but such siren

federal motor vehicle safety standard establishing standards for hydraulic brake fluid is in effect under the National Traffic and Motor Vehicle Safety Act of 1966. See Motor Vehicle Safety Standard No. 116, as added to 49 Code of Federal Regulations Part 371 by 34 Federal Register 113-15 (Jan. 4, 1969). Previously, this Standard appeared in 15 Code of Federal Regulations Part 6, and was originally issued under a 1962 Act of Congress. See 15 USC §§ 1301-1303, 76 Stat. 437 (1962), which was repealed in 1966 by § 117 of the National Traffic and Motor Vehicle Safety Act, 15 USCA § 1405 (Supp. 1967). However, the 1966 Act continued the brake fluid standards issued under the 1962 Act and gave them the same effect as if they had been issued under the 1966 Act.

As previously noted, when a federal motor vehicle safety standard is in effect, a state may not establish or continue in effect a standard "which is not identical to the federal standard" as to the "same aspect of performance" of the equipment—in this instance, brake fluid. 15 USCA § 1392(d). See footnotes 1 and 4, supra, in this chapter. For these reasons and in the interest of consistency and effectiveness of action by the states, current SAE and federal standards should be considered in the administrative formulation of appropriate brake fluid standards.

It is also recommended that consideration be given to requiring, in the regulations, an appropriate label on any container of brake fluid indicating the pertinent SAE and federal standards which have been met or exceeded. In this connection, consideration should also be given to duplicating any labeling requirement that might be specified in future federal mo-

tor vehicle safety standards.

shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof. (Revised, 1968.)

§ 12-402—Mufflers, prevention of noise

- (a) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cut-out, bypass or similar device upon a vehicle on a highway. (REVISED, 1968.)
- (b) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

§ 12-403—Mirrors

On and after (date), every motor vehicle, operated singly or when towing any other vehicle, shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such motor vehicle. (Revised, 1956.)

\S 12-404—Windshields must be unobstructed and equipped with wipers

- (a) No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, side wings or side or rear windows of such vehicle which materially obstructs, obscures, or impairs the driver's clear view of the highway or any intersecting highway. (REVISED, 1968.)
- (b) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.
- (c) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

⁹ States whose climates may cause frequent and substantial accumulation of snow, ice or frost on windows may wish to include reference to such substances in this subsection.

§ 12-405—Restrictions as to tire equipment

- (a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.
- (b) No person shall operate or move on any highway any motor vehicle, trailer or semitrailer having any metal tire in contact with the roadway.
- (c) No tire on a vehicle moved on a highway shall have on its periphery any protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use:
- 1. Farm machinery with tires having protuberances which will not injure the highway;
- 2. Tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid;
- 3. Pneumatic tires having study designed to improve traction without materially injuring the surface of the highway. Any such tires must be approved by the commissioner and their use may be limited to certain months or types of vehicles by the (here insert name of appropriate agency). (REVISED, 1968.)
- (d) The (State highway commission) and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

§ 12-406—Safety glazing material in motor vehicles 10

(a) On and after (date) no person shall sell any new motor vehicle as specified herein, nor shall any new motor vehicle as specified herein be registered thereafter unless such vehicle is equipped with safety glazing material of a type approved by the commissioner wherever glazing material is used in doors, windows and windshields. The foregoing provisions shall

¹⁰ Current requirements of the United States Department of Transportation for safety glazing materials in new motor vehicles and campers were promulgated in Motor Vehicle Safety Standard No. 205, 49 Code of Federal Regulations Part 371.

apply to all passenger-type motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck-tractors, the requirements as to safety glazing material shall not apply to glazing material in compartments not so designed and equipped that persons may ride therein. (REVISED, 1968.)

- (b) No person shall sell or affix to a motor vehicle any camper manufactured or assembled after July 1, 1968, unless such camper is equipped with safety glazing material of a type approved by the commissioner wherever glazing material is used in doors and windows. As used in this section, "camper" means any structure designed to be loaded onto, or affixed to, a motor vehicle to provide temporary living quarters for recreation, travel or other use. (NEW, 1968.)
- (c) The term "safety glazing materials" means glazing materials so constructed, treated or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.
- (d) The commissioner shall compile and publish a list of types of glazing material by name approved by him as meeting the requirements of this section and the commissioner shall not register after (date) any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glazing material, and he shall thereafter suspend the registration of any motor vehicle so subject to this section which he finds is not so equipped until it is made to conform to the requirements of this section. (Section Revised, 1952.)

§ 12-407—Certain vehicles to carry flares or other devices

- (a) No person shall operate any truck, bus or truck-tractor, or any motor vehicle towing a house trailer, upon any highway outside an urban district or upon any divided highway at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicles the following equipment except as provided in subsection (b): (REVISED, 1968.)
- 1. At least three flares or three red electric lanterns or three portable red emergency reflectors, each of which shall be capa-

ble of being seen and distinguished at a distance of not less than 600 feet under normal atmospheric conditions at nighttime.

No flare, fusee, electric lantern or warning flag shall be used for the purpose of compliance with the requirements of this section unless such equipment is of a type which has been submitted to the commissioner and approved by him.¹¹ No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to be capable of reflecting red light clearly visible from all distances within 600 feet to 100 feet under normal atmospheric conditions at night when directly in front of lawful lower beams of head lamps, and unless it is of a type which has been submitted to the commissioner and approved by him.¹² (RE-VISED, 1968.)

- 2. At least three red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried.¹³
- (b) No person shall operate at the time and under conditions stated in subsection (a) any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases, or any motor vehicle using compressed gas as a fuel unless there shall be carried in such vehicle three red electric lanterns or three portable red emergency reflectors meeting the requirements of subsection (a), and there shall not be carried in any said vehicle any flares, fusees or signal produced by flame.
- (c) No person shall operate any vehicle described in subsections (a) or (b) upon any highway outside of an urban district or upon a divided highway at any time when lighted lamps are not required by § 12-201 unless there shall be carried in such vehicle at least two red flags, not less than 12 inches square, with standards to support such flags. (REVISED AND REPOSITIONED, 1968.)

¹¹ It is recommended that the commissioner in each state adopt current standards for electric lanterns and flares (liquid-burning pot torches) approved by the Society of Automotive Engineers.

approved by the Society of Automotive Engineers.

12 It is recommended that consideration be given to standards approved by the Society of Automotive Engineers, and by the Bureau of Motor Carrier Safety in the Federal Highway Administration of the United States Department of Transportation.

¹³ It is recommended that the commissioner adopt current standards for portable red-burning fusees as promulgated by the Bureau of Explosives, American Association of Railroads, 2 Pennsylvania Plaza, New York, New York 10001.

$\$ 12-408—Display of warning lights and devices when vehicle is stopped or disabled

- (a) Whenever any truck, bus, truck-tractor, trailer, semitrailer or pole trailer 80 inches or more in over-all width or 30 feet or more in over-all length is stopped upon a roadway or adjacent shoulder, the driver shall immediately actuate vehicular hazard warning signal lamps meeting the requirements of § 12-220. Such lights need not be displayed by a vehicle parked lawfully in an urban district, or stopped lawfully to receive or discharge passengers, or stopped to avoid conflict with other traffic or to comply with the directions of a police officer or an official traffic-control device, or while the devices specified in subsections (b) to (h) are in place.¹⁴
- (b) Whenever any vehicle of a type referred to in subsection (a) is disabled, or stopped for more than 10 minutes, upon a roadway outside of an urban district at any time when lighted lamps are required, the driver of such vehicle shall display the following warning devices except as provided in subsection (c):
- 1. A lighted fusee, a lighted red electric lantern or a portable red emergency reflector shall immediately be placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.
- 2. As soon thereafter as possible but in any event within the burning period of the fusee (15 minutes), the driver shall place three liquid-burning flares (pot torches), or three lighted red electric lanterns, or three portable red emergency reflectors on the roadway in the following order:
- (I) One, approximately 100 feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane.
- (II) One, approximately 100 feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle.
- (III) One at the traffic side of the disabled vehicle not less than 10 feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic

¹⁴ The effective date of this subsection should correspond with the date on which such vehicles must be equipped with traffic hazard warning signal lamps under § 12-220.

side of the vehicle in accordance with paragraph (I) of this subsection, it may be used for this purpose.

- (c) Whenever any vehicle referred to in this section is disabled, or stopped for more than 10 minutes, within 500 feet of a curve, hillcrest or other obstruction to view, the warning device in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than 100 feet nor more than 500 feet from the disabled vehicle.
- (d) Whenever any vehicle of a type referred to in this section is disabled, or stopped for more than 10 minutes, upon any roadway of a divided highway during the time lighted lamps are required, the appropriate warning devices prescribed in subsections (b) and (e) shall be placed as follows:

One at a distance of approximately 200 feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane; one at a distance of approximately 100 feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; one at the traffic side of the vehicle and approximately 10 feet from the vehicle in the direction of the nearest approaching traffic.

- (e) Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, or any motor vehicle using compressed gas as a fuel, is disabled, or stopped for more than 10 minutes, at any time and place mentioned in subsections (b), (c) or (d), the driver of such vehicle shall immediately display red electric lanterns or portable red emergency reflectors in the same number and manner specified therein. Flares, fusees or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this subsection.
- (f) The warning devices described in subsections (b) to (e) need not be displayed where there is sufficient light to reveal persons and vehicles within a distance of 1,000 feet.
- (g) Whenever any vehicle described in this section is disabled, or stopped for more than 10 minutes, upon a roadway outside of an urban district or upon the roadway of a divided highway at any time when lighted lamps are not required by § 12-201, the driver of the vehicle shall display two red flags as follows:

- (I) If traffic on the roadway moves in two directions, one flag shall be placed approximately 100 feet to the rear and one flag approximately 100 feet in advance of the vehicle in the center of the lane occupied by such vehicle.
- (II) Upon a one-way roadway, one flag shall be placed approximately 100 feet and one flag approximately 200 feet to the rear of the vehicle in the center of the lane occupied by such vehicle.
- (h) When any vehicle described in this section is stopped entirely off the roadway and on an adjacent shoulder at any time and place hereinbefore mentioned, the warning devices shall be placed, as nearly as practicable, on the shoulder near the edge of the roadway.
- (i) The flares, fusees, red electric lanterns, portable red emergency reflectors and flags to be displayed as required in this section shall conform with the requirements of § 12-407 applicable thereto. (Section revised, 1968.)

§ 12-409—Vehicles transporting hazardous materials

- (a) The (commissioner or other appropriate State official or agency) shall adopt such regulations as may be necessary for the safe transportation of hazardous materials. Such regulations shall duplicate or be consistent with current Hazardous Materials Regulations of the United States Department of Transportation. The (commission or other appropriate State official or agency) is hereby authorized to adopt said Hazardous Materials Regulations by reference (and any such adoption shall be construed to incorporate amendments thereto as may be made from time to time).¹⁵
- (b) Any person operating a vehicle transporting any hazardous material as a cargo or part of a cargo upon a highway shall at all times comply with regulations of the (commissioner or other appropriate State official or agency) adopted pursuant to the provisions of this section.

¹⁵ The pertinent Hazardous Materials Regulations constitute Parts 171, 172, 173, 177 and 178 of Title 49 of the *Code of Federal Regulations*. These regulations are promulgated pursuant to the Transportation of Explosives and Other Dangerous Articles Act, 74 Stat. 808 (1960), 18 USC § 834. See also, the regulations in 49 *Code of Federal Regulations* Part 297, which were adopted pursuant to a different Act of Congress but which are often regarded as part of the Hazardous Materials Regulations.

- (c) Said vehicle shall be marked or placarded at such places and in such manner as have been prescribed by regulations adopted pursuant to this section.
- (d) Every said vehicle shall be equipped with fire extinguishers of a type, size and number approved by the (commissioner), filled and ready for immediate use, and placed at a convenient point on the vehicle so used.¹⁶

OPTIONAL (e) Any person convicted of violating a regulation adopted pursuant to this section shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment; but if the death or bodily injury of any person results from such violation, any person convicted shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than 10 years, or by both such fine and imprisonment. (SECTION REVISED, 1968.)

§ 12-410—Air-conditioning equipment

- (a) The term "air-conditioning equipment" as used or referred to in this section shall mean mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.
- (b) Such equipment shall be manufactured, installed and maintained with due regard for the safety of the occupants of the vehicle and the public and shall not contain any refrigerant which is toxic to persons or which is flammable.
- (c) The (department or official) may adopt and enforce safety requirements, regulations and specifications consistent with the requirements of this section applicable to such equipment which shall correlate with and, so far as possible, conform to the current recommended practice or standard applicable to such equipment approved by the Society of Automotive Engineers.
- (d) No person shall have for sale, offer for sale, sell or equip any motor vehicle with any such equipment unless it complies with the requirements of this section.
- (e) No person shall operate on any highway any motor vehicle equipped with any air-conditioning equipment unless said

¹⁶ A possible alternative to this section is a provision that would prohibit driving a vehicle containing any hazardous material in violation of current Hazardous Materials Regulations of the United States Department of Transportation.

equipment complies with the requirements of this section. (New SECTION, 1954.)

§ 12-411—Television receivers

- (a) No motor vehicle operated on the highways of this State shall be equipped with television-type receiving equipment so located that the viewer or screen is visible from the driver's seat.
- (b) This section does not prohibit the use of television-type receiving equipment used exclusively for safety or law enforcement purposes, provided such use is approved by the (appropriate State official). (NEW SECTION, 1968.)

§ 12-412—Seat belts and shoulder harnesses

- (a) Every passenger car manufactured or assembled after January 1, 1965, shall be equipped with at least two lap-type safety belt assemblies for use in the front seating positions.
- (b) Every passenger car manufactured or assembled after January 1, 1968, shall be equipped with a lap-type safety belt assembly for each permanent passenger seating position. This requirement shall not apply to police vehicles.
- (c) Every passenger car manufactured or assembled after January 1, 1968, shall be equipped with at least two shoulder harness-type safety belt assemblies for use in the front seating positions.
- (d) The commissioner shall except specified types of motor vehicles or seating positions within any motor vehicle from the requirements imposed by subsections (a) to (c) when compliance would be impractical.¹⁷
- (e) No person shall distribute, have for sale, offer for sale or sell any safety belt or shoulder harness for use in motor vehicles unless it meets current minimum standards and specifications (approved by the commissioner or the Federal Highway

¹⁷ It is recommended that the commissioner except the same passenger cars specified by present and future federal motor vehicle safety standards as not having to be equipped with seat belts or other types of restraining devices. For instance, Motor Vehicle Safety Standard No. 208, Seat Belt Installations—Passenger Cars, does not require seat belts in "multipurpose passenger vehicles" or shoulder harnesses in convertibles. See 49 Code of Federal Regulations §§ 371.3(b) and 371.21, as added by 33 Federal Register 19700 (Dec. 25, 1968).

Administrator) (of the United States Department of Transportation). 18 (NEW SECTION, 1968.)

ARTICLE V—EQUIPMENT ON MOTORCYCLES AND MOTOR-DRIVEN CYCLES ¹⁹ (NEW, 1968.)

§ 12-501—Head lamps

- (a) Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this article.
- (b) Every head lamp upon every motorcycle and motordriven cycle shall be located at a height of not more than 54 inches nor less than 24 inches to be measured as set forth in § 12-202(b).

§ 12-502—Tail lamps

- (a) Every motorcycle and motor-driven cycle shall have at least one tail lamp which shall be located at a height of not more than 72 nor less than 20 inches.
- (b) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

§ 12-503—Reflectors

Every motorcycle and motor-driven cycle shall carry on the rear, either as part of the tail lamp or separately, at least one red reflector meeting the requirements of § 12-205(b).

§ 12-504—Stop lamps

Every motorcycle and motor-driven cycle shall be equipped

19 For additional equipment provisions incident to the operation of mo-

torcycles, see §§ 11-1302, -1305 and -1306.

¹⁸ The current federal motor vehicle safety standard for seat belts is Standard No. 209, 49 Code of Federal Regulations § 371.21, as added by 33 Federal Register 19700 (Dec. 25, 1968) and as amended by 34 Federal Register 115-23 (Jan. 4, 1969).

with at least one stop lamp meeting the requirements of § 12-219(a).

§ 12-505—Lamps on parked vehicles

- (a) Every motorcycle must comply with the provisions of § 12-214 regarding lamps on parked vehicles and the use thereof.
- (b) Motor-driven cycles need not be equipped with parking lamps nor otherwise comply with the provisions of § 12-214.

§ 12-506—Multiple-beam road-lighting equipment

- (a) Every motorcycle other than a motor-driven cycle shall be equipped with multiple-beam road-lighting equipment.
 - (b) Such equipment shall:
- 1. Reveal persons and vehicles at a distance of at least 300 feet ahead when the uppermost distribution of light is selected.
- 2. Reveal persons and vehicles at a distance of at least 150 feet ahead when the lowermost distribution of light is selected, and on a straight, level road under any condition of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

§ 12-507—Lighting equipment for motor-driven cycles

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

- (a) Every said head lamp or head lamps on a motor-driven cycle shall be of sufficient intensity to reveal persons and vehicles at a distance of not less than 100 feet when the motor-driven cycle is operated at any speed less than 25 miles per hour, and at a distance of not less than 200 feet when the motor-driven cycle is operated at a speed of 25 or more miles per hour, and at a distance of not less than 300 feet when the motor-driven cycle is operated at a speed of 35 or more miles per hour. (RE-VISED, 1968.)
- (b) In the event the motor-driven cycle is equipped with a multiple-beam head lamp or head lamps, such equipment shall comply with the requirements of § 12-506(b).

(c) In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, said lamp or lamps shall be so aimed that when the vehicle is loaded none of the high intensity portion of light, at a distance of 25 feet ahead, shall project higher than the level of the center of the lamp from which it comes.

§ 12-508—Brake equipment required

Every motorcycle and motor-driven cycle must comply with the provisions of § 12-301, except that:

- (a) Motorcycles and motor-driven cycles need not be equipped with parking brakes.
- (b) The wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, and the front wheel of a motor-driven cycle need not be equipped with brakes, provided that such motorcycle or motor-driven cycle is capable of complying with the performance requirements of this article.

§ 12-509—Performance ability of brakes

Every motorcycle and motor-driven cycle, at all times and under all conditions of loading, upon application of the service brake, shall be capable of:

- (a) Developing a braking force that is not less than 43.5 percent of its gross weight:
- (b) Decelerating to a stop from not more than 20 miles per hour at not less than 14 feet per second per second; and
- (c) Stopping from a speed of 20 miles per hour in not more than 30 feet, such distance to be measured from the point at which movement of the service brake pedal or control begins.

Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one percent grade), dry, smooth, hard surface that is free from loose material.²⁰

§ 12-510—Brakes on motor-driven cycles

(a) The commissioner is authorized to require an inspection of the braking system on any motor-driven cycle and to disapprove any such braking system on a vehicle which he finds will

²⁰ See the footnote accompanying § 12-302 for a discussion of these brake performance standards.

not comply with the performance ability standard set forth in § 12-509, or which in his opinion is equipped with a braking system that is not so designed or constructed as to insure reasonable and reliable performance in actual use.

- (b) The commissioner may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when he determines that the braking system thereon does not comply with the provisions of this section.
- (c) No person shall operate on any highway any vehicle referred to in this section in the event the commissioner has disapproved the braking system upon such vehicle.

§ 12-511—Other equipment

Every motorcycle and every motor-driven cycle shall comply with the requirements and limitations of § 12-401 on horns and warning devices, § 12-402 on mufflers and prevention of noise, and § 12-403 on mirrors.

CHAPTER 13

Inspection of Vehicles (Revised, 1968.)

§ 13-101—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 act and unless the vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person or property.

§ 13-102—Inspection by officers

- (a) Uniformed police officers may at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the driver of such vehicle to stop and submit such vehicle to an inspection and such test with reference thereto as may be appropriate.
- (b) In the event a vehicle is found to be in unsafe condition or any required part or equipment is not present or in proper repair and adjustment, the officer shall give a written notice to the driver and shall send a copy to the department. Said notice shall require that the vehicle be placed in safe condition and its equipment in proper repair and adjustment as soon as practicable, specifying the particulars with reference thereto, and shall require that an official certificate of inspection and approval be obtained within 10 days.
- (c) In the event any such vehicle is, in the reasonable judgment of the officer, in such condition that further operation would be hazardous, the officer may require in addition that the vehicle not be operated under its own power or that it be driven to the nearest garage or other place of safety.
- (d) Every owner or driver shall comply with the notice and secure an official certificate of inspection and approval within 10 days or the vehicle shall not be operated on the highways of this State.¹

¹ Subsections (b) to (d) of this section supplement the authority of a police officer detecting equipment violations and the notice required there-

§ 13-103—Owners and drivers to comply with inspection laws

No owner or driver shall refuse to submit a vehicle to any inspection and test that is authorized or required by the provisions of this chapter.

§ 13-104—Periodic inspection required²

(a) Every motor vehicle, trailer, semitrailer or pole trailer reg-

in is intended to serve as an additional means of encouraging maintenance of vehicles in safe operating condition. The notice issued to the driver should describe any defects and should require repairs to be made either as soon as practicable or within such other time as may be specified therein by the officer. Depending on the nature of the defect, the notice might also mention the consequences that may result from continued operation of a vehicle that is not equipped as required by law. In any event, a certificate of inspection and approval must be obtained within 10 days.

Subsection (d) requires compliance with the notice and contemplates that the vehicle will be repaired within the time specified or not be driven on the highways; and further contemplates that a certificate of inspection and approval must be obtained within 10 days or the vehicle may not be operated on the highways even though the vehicle may already display a certificate issued under a program of periodic inspection pursuant to \$\\$\$ 13-104 et \(\sec{eq} \).

Subsection (c) provides that when operation of the vehicle would be hazardous, the officer may, in addition to issuing a notice, restrict further driving by requiring that the vehicle not be moved under its own power or that it be driven to the nearest garage or other place of safety. In these circumstances, it is recommended that the notice indicate any such special instructions given by the officer.

² The Federal Highway Safety Act contemplates that each state will have a comprehensive highway safety program meeting uniform standards approved by the Secretary of Transportation. Under the Act, such standards are to include provisions for vehicle inspection. 80 Stat. 731 (1966) 23 USCA § 402(a) (Supp. 1967). However, it should be noted that the standard on inspection issued by the Secretary on June 27, 1967, does not necessarily require states to have an inspection program of a type specified by this or ensuing sections of the *Uniform Vehicle Code*. The pertinent portion of Highway Safety Program Standard 4.4.1 provides:

Each State shall have a program for periodic inspection of all registered vehicles or other experimental, pilot, or demonstration program approved by the Secretary, to reduce the number of vehicles with existing or potential conditions which cause or contribute to accidents or increase the severity of accidents which do occur, and shall require the owner to correct such conditions.

I. The program shall provide, as a minimum, that:

A. Every vehicle registered in the State is inspected either at the time of initial registration and at least annually thereafter, or at such other time as may be designated under an experimental, pilot, or demonstration program approved by the Secretary.

33 Federal Register 16560 (Nov. 14, 1968); 23 Code of Federal Regulations § 204.4. This is noted only for the purpose of alerting states to the need for considering inspection laws within the context of current federal requirements for approval of highway safety programs and is not intended to diminish the longstanding and continuing recommendation of the National Committee for periodic inspection of all registered vehicles.

istered in this State (except house trailers not operated upon the highways) shall be inspected periodically, but at least annually, and an official certificate of inspection and approval shall be obtained for each such vehicle. Such inspections shall be made and such certificates obtained with respect to such items of equipment as the commissioner shall designate.³ Inspections shall be conducted in accordance with such standards of the United States of America Standards Institute or the Federal Highway Administrator as may be specified by the commissioner.

- (b) The commissioner may require a portion of all registered vehicles to be inspected each calendar month or during such other period of time as he shall find desirable to avoid unnecessary inconvenience and congestion at inspection stations.
- (c) Any vehicle required by law to be registered or proportionally registered in this and any other jurisdiction shall be exempt from periodic inspection in this State, provided said vehicle bears a valid inspection certificate issued by such other jurisdiction within the previous six months.
- (d) The commissioner may, by regulation or reciprocal agreement with other jurisdictions, authorize the acceptance in this State of a certificate of inspection and approval issued in another jurisdiction having an inspection law similar to this chapter. The commissioner may extend the time within which a certificate shall be obtained by the resident owner of a vehicle which was not in this State during the time an inspection was required and may also provide by regulation for inspection of any foreign vehicle on request of the owner or operator of such vehicle.
- (e) The commissioner may suspend or revoke the registration of any vehicle which he determines is mechanically unfit or unsafe to be operated or moved upon the highways, or which after notice and demand is not equipped as required in this act or for which a required certificate has not been obtained.

³ It is recommended that the commissioner specify the items of equipment to be inspected that will be appropriate for different types or categories of vehicles. For most motor vehicles, these items should include at least the brakes, lights, reflectors, steering, glazing, mirrors, exhaust systems, windshield wipers and tires. The items specified for all types of vehicles should also reflect equipment required under state laws comparable to chapter 12 of the Code, equipment required on vehicles made after January 1, 1968, under the National Traffic and Motor Vehicle Safety Act, and equipment recommended for inspection under the Highway Safety Act.

§ 13-105—Commissioner may establish stations 4

For the purpose of making inspections and issuing official certificates of inspection as provided herein, the commissioner may establish such permanent or temporary stations of the department and shall provide such equipment, either stationary or movable, as he may deem necessary and suitable for such purposes and shall publicize the location of all stations or other places where and times when official certificates of inspection and approval may be obtained.

§ 13-106—Appointment of official inspection stations

- (a) For the purpose of establishing a system of official inspection stations, the commissioner shall issue permits, instructions and all necessary forms to privately-owned (or municipally-owned) facilities that comply with the requirements of this chapter and regulations adopted by the commissioner. Such official inspection stations are hereby authorized to inspect vehicles and issue official certificates of inspection.
- (b) Application for a permit shall be made upon an official form and such permit shall be issued only when the commissioner is satisfied that the station is equipped properly and has competent personnel to make inspections and adjustments and that inspections will be conducted properly. Before issuing a permit the commissioner may require a bond or proof of insurance to provide compensation for any damage to a vehicle during an inspection or adjustment due to negligence on the part of such applicant or its employees.
- (c) The commissioner may require the payment of an annual fee by official inspection stations not to exceed dollars, which shall accompany the application for a permit. If a permit is not issued, one-half of the fee shall be returned to the applicant. Official certificates shall be obtained from the department at a cost not to exceed per certificate. All fees collected by the department under this chapter shall be deposited in the

⁴ This section provides for the establishment of state-owned inspection stations. As to whether inspections should be performed by publicly- or privately-owned stations, the enacting jurisdiction should decide which system, or a combination thereof, is more suitable. In the event a state decides upon the appointment of private garages or municipally-owned stations to perform inspections, then §§ 13-106 and 13-107(a) and (b) should be added, or inserted in place of § 13-105.

treasury of the State and credited to a revolving fund for the administration and enforcement of this chapter. Unused certificates may be returned to the department for a credit or refund.

- (d) The commissioner may issue a permit under the provisions of this chapter to any person who owns or operates or more vehicles and who meets the requirements of this chapter and regulations adopted by the commissioner. Such permit shall authorize inspection only of vehicles owned or operated by the permit holder.
- (e) The commissioner shall supervise and inspect such stations and may suspend or revoke the permit issued to a station which he finds is not properly equipped or conducted, or which has violated or failed to comply with any of the provisions of this chapter or regulations adopted by the commissioner. The commissioner shall maintain a list of all stations holding permits and of those whose permits have been suspended or revoked. Any suspended or revoked permit and all unused certificates of inspection shall be returned immediately to the department.

§ 13-107—Operation of inspection stations; issuance of inspection certificates

- (a) No permit for any official station shall be assigned or transferred or used at any location other than therein designated and permits shall be posted in a conspicuous place at the location designated.
- (b) The person operating an official inspection station shall issue a certificate of inspection and approval upon an official form furnished by the department only upon inspecting such vehicle and determining that the equipment required by the commissioner to be inspected is in good working order and adjustment.
- (c) A certificate of inspection and approval may be issued free of charge or a fee of not more than may be charged for an inspection and issuance of such certificate.
- (d) In the event repair or adjustment of any vehicle or its equipment is found necessary upon inspection, the owner of said vehicle may obtain such repair or adjustment at any place he may choose. If the vehicle is to be operated on the highways prior

to such repair or adjustment, an official certificate of rejection shall be issued and shall require that the vehicle be placed in safe condition and its equipment in proper repair and adjustment as soon as practicable, specifying the particulars with reference thereto, and shall require that a certificate of inspection and approval be obtained within 10 days. Every owner or driver shall comply with such requirements and shall secure a certificate of inspection and approval within 10 days or the vehicle shall not be operated further on the highways of this State. Any fee shall be collected at the time of the original inspection, and no additional fee shall be charged if the vehicle is repaired and returned to the same inspection station within 10 days.

- (e) The appropriate inspection certificate shall be placed on the vehicle or shall be issued to the driver in accordance with regulations adopted by the commissioner at the conclusion of each inspection.
- (f) A record shall be made of every inspection and every certificate issued and such record shall be forwarded to the department in such manner and at such time as the commissioner shall specify by regulation.

§ 13-108—Display of inspection certificates

Every vehicle inspected under the provisions of this chapter shall at all times display the certificate of inspection placed thereon or said certificate shall at all times be carried in the vehicle for which it is issued or shall be carried by the driver who shall display the same upon demand of a police officer.

§ 13-109—Improper representation as official station

- (a) No person shall in any manner represent any place as an official inspection station unless such station is operated by the department (or is operating under a valid permit issued by the department).⁵
- (b) No person other than a duly authorized officer or employee of the department shall issue a certificate of inspection and approval or a certificate of rejection (unless then holding a valid permit hereunder).⁵

⁵ The portions of paragraphs (a) and (b) in parentheses should be retained or omitted, depending upon whether the state has appointed garages as official testing stations.

(c) No unauthorized person shall knowingly possess official certificates of inspection.

§ 13-110—False certificates

- (a) No person shall make, issue or knowingly use any imitation or counterfeit of an official certificate of inspection.
- (b) No person shall display or cause or permit to be displayed upon any vehicle any certificate of inspection knowing the same to be fictitious or issued for another vehicle or issued without an inspection having been made.

§ 13-111—Official signs or posters

All signs or posters pertaining to the safety inspection program to be used by an official inspection station shall be issued or approved by the department.

§ 13-112—Authority of commissioner to adopt regulations

- (a) The commissioner is hereby authorized to make necessary rules and regulations for the administration and enforcement of this chapter (including regulations for the suspension or revocation of inspection station permits).
- (b) The commissioner may, by regulation, extend the time for any of the inspections required by this chapter for not more than 60 days due to weather conditions or other causes which render compliance with the provisions of this chapter within the prescribed time difficult or impossible.

⁶ The portion of paragraph (a) in parentheses should be retained by states appointing official inspection stations.

CHAPTER 14

Size, Weight and Load 1

§ 14-101—Scope and effect of chapter

- (a) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter or otherwise in violation of this chapter, and the maximum size and weight of vehicles herein specified shall be lawful throughout this State, and local authorities shall have no power or authority to alter said limitations except as express authority may be granted in this chapter.
- (b) The provisions of this chapter governing size, weight and load shall not apply to fire apparatus, road machinery, or to implements of husbandry, including farm tractors, temporarily moved upon a highway, or to a vehicle operated under the terms of a special permit issued as herein provided.

§ 14-102—Width of vehicles

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

In formulating realistic and adequate general limits for the size and

weight of vehicles, each state should consider:

1. The recommendations of the National Committee contained in § 14. 102 on width, § 14-104(a) on height, §§ 14-104(b) through (d) on length, § 14-108 on axle weight and § 14-109 on gross weight.

2. The most recent recommendations of the American Association of State Highway Officials. See Recommended Policy on Maximum Dimensions and Weights of Motor Vehicles To Be Operated Over the Highways of the United States (Rev. ed. 1968).

3. Recommendations of the United States Bureau of Public Roads. See Maximum Desirable Dimensions and Weights of Vehicles Operated on the Federal-Aid Systems, House Doc. No. 354, 88th Cong., 2d Sess. (1964).

4. Weight and width limits specified by the United States Congress for vehicles operated on the interstate system of highways. See 23 USCA § 127 (1966).

5. The physical capacity of highways in each state as well as the convenience and safety of all users of those highways.

¹ This chapter contains the current recommendations of the National Committee with respect to laws regulating the maximum weights and sizes of vehicles. If at a given time or place these general limits are too high and the size or weight of vehicles must be restricted, authority for such reductions is provided by § 14-113. If these general limits are too low and the size or weight can and should be increased, special permits may be issued under § 14-112.

- (b) Incorporated cities and municipalities may by ordinance permit the operation within their respective jurisdictions of any motor bus or trackless trolley coach with a maximum outside width of not to exceed 102 inches.
- (c) No motor bus or trackless trolley coach exceeding a total outside width of 96 inches shall be operated on any highway outside of an incorporated city or municipality, except that any motor bus or trackless trolley coach with a total outside width of not exceeding 102 inches may be operated upon any highway route or routes having traffic-lane widths of not less than 12 feet in suburban areas adjacent to municipalities.²

§ 14-103—Projecting loads on passenger vehicles

No passenger-type vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof.

§ 14-104—Height and length of vehicles and loads

- (a) No vehicle including any load thereon shall exceed a height of 13 feet 6 inches. (REVISED, 1968.)
- (b) No motor vehicle including any load thereon shall exceed a length of 35 feet extreme over-all dimension, inclusive of front and rear bumpers, except that a bus or trackless trolley coach equipped with three axles shall not exceed an over-all length, inclusive of front and rear bumpers, of 40 feet. No trailer, semitrailer or pole trailer, including any load thereon and bumpers, shall exceed a length of 40 feet extreme over-all dimension. (REVISED, 1968.)
- (c) No combination of vehicles coupled together shall consist of more than two units and no such combination of vehicles including any load thereon shall have an over-all length.

² It is recognized that certain conditions inherent in the design of vehicles suggest the desirability of 102 inches as an ultimate standard of maximum width. The existence of numerous bridges and a large mileage of highways too narrow for the safe accommodation of vehicles of such width precludes the present adoption of the higher standard of width. The American Association of State Highway Officials has urged that consideration be given to the desirability of eventual provisions for the accommodation of vehicles 102 inches in width in planning the reconstruction of federal-aid and State highways.

inclusive of front and rear bumpers, in excess of 55 feet except as otherwise provided in subsection (d) and in § 14-105(b). (RE-VISED, 1968.)

(d) On the basis of an engineering and traffic investigation, the (State highway commission) or any local authority may designate highways or parts of highways under their respective jurisdictions upon which combinations of commercial vehicles consisting of three units may be operated. Any such designation shall describe the number and types of units in any such combination, shall not permit the operation of any such combination exceeding 65 feet in over-all length, including the load and front and rear bumpers, and may impose such requirements and restrictions as are deemed necessary for safety. (New, 1968.)

§ 14-105—Special load limits

- (a) Subject to the foregoing provisions of this chapter limiting the length of vehicles and loads, the load upon any vehicle operated alone or the load upon the front vehicle of a combination of vehicles shall not extend more than three feet beyond the foremost part of the vehicle, and the load upon any vehicle operated alone or the load upon the rear vehicle of a combination of vehicles shall not extend more than six feet beyond the rear of the bed or body of such vehicle.
- (b) The limitations as to length of vehicles and loads heretofore stated in § 14-104 and subsection (a) shall not apply to any load upon a pole trailer when transporting poles or pipes or structural material which cannot be dismembered, provided that no pole or pipe or other material exceeding 80 feet in length shall be so transported unless a permit has first been obtained as authorized in § 14-112.

§ 14-106—Loads on vehicles

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

any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached or in any manner a hazard to other users of the highway.

§ 14-107—Trailers and towed vehicles

- (a) When one vehicle is towing another the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby and said drawbar or other connection shall not exceed 15 feet from one vehicle to the other except the connection between any two vehicles transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered.
- (b) When one vehicle is towing another and the connection consists of a chain, rope or cable, there shall be displayed upon such connection a white flag or cloth not less than 12 inches square.

§ 14-108—Single-axle load limit

- (a) The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed 18,000 pounds.
- (b) For the purposes of this chapter an axle load shall be defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.

§ 14-109—Gross weight of vehicles and loads

Subject to the limit upon the weight imposed upon the highway through any one axle as set forth in § 14-108, the total gross weight with load imposed upon the highway by any one group of two or more consecutive axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distance between the first and last axle of the group of axles measured longitudinally to the nearest foot as set forth in the following table:

Distance in feet between first and last axles of group	ds on bet	stance in feet ween first and st axles of	Maximum loa in pounds on group of	
group axl	es	group	axles	
,		•	axles 53,49 54,33 55,16 55,98 56,80 57,61 58,42 60,01 60,80 61,58 62,36 63,13 63,89 64,65 65,40 66,15 66,89	
24	47,470 51 48,350 52 49,220 53 50,090 54 50,950 55			0 0 0 0 0 0
29 30	51,800 56 52,650 57,		72,59	0

§ 14-110—Registration of vehicles according to permissible gross weight

- (a) The commissioner, upon registering any bus, truck, truck-tractor, trailer, semitrailer or pole trailer under the laws of this State, may require such information and may make such investigation or test as necessary to enable him to determine whether such vehicle may safely be operated upon the highways in compliance with all the provisions of this act. He shall register every such vehicle for a permissible gross weight not exceeding the limitations set forth in this chapter. (REVISED, 1968.)
- (b) The commissioner shall insert in the registration card issued for every such vehicle the gross weight for which it is registered, and if it is a motor vehicle to be used for propelling other vehicles he shall separately insert the total permissible gross weight of such motor vehicle and other vehicles to be propelled by it. He may also issue a special plate with such gross weight or weights stated thereon, which shall be attached to the vehicle and displayed thereon at all times. It shall be unlawful

for any person to operate any vehicle or combination of vehicles of a gross weight in excess of that for which registered by the commissioner or in excess of the limitations set forth in this chapter.

§ 14-111—Officers may weigh vehicles and require removal of excess loads

- (a) Any police officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same by means of either portable or stationary scales and may require that such vehicle be driven to the nearest public scales in the event such scales are within two miles.
- (b) Whenever an officer upon weighing a vehicle and load, as above provided, determines that the weight is unlawful, such officer may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under this chapter. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.
- (c) Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing or who fails or refuses when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section, shall be guilty of a misdemeanor.

§ 14-112—Permits for excess size and weight

- (a) The (State highway commission) with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction may in their discretion upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this act upon any highway under the jurisdiction of the party granting such permit and for the maintenance of which said party is responsible.
 - (b) The application for any such permit shall specifically

describe the vehicle or vehicles and load to be operated or moved and the particular highways for which permit to operate is requested, and whether such permit is requested for a single trip or for continuous operation.

- (c) The (State highway commission) or local authority is authorized to issue or withhold such permit at its discretion; or, if such permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces or structures, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.
- (d) Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit, and no person shall violate any of the terms or conditions of such special permit.

§ 14-113—When the (State highway commission) or local authorities may restrict right to use highways

- (a) Local authorities with respect to highways under their jurisdiction may by ordinance or resolution prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, for a total period of not to exceed 90 days in any one calendar year, whenever any said highway by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.
- (b) The local authority enacting any such ordinance or resolution shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution at each end of that portion of any highway affected thereby, and the ordinance or resolution shall not be effective unless and until such signs are erected and maintained.
- (c) Local authorities with respect to highways under their jurisdiction may also, by ordinance or resolution, prohibit the

operation of trucks or other commercial vehicles, or may impose limitations as to the weight or size thereof, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways. (REVISED, 1968.)

(d) The (State highway commission) shall likewise have authority as hereinabove granted to local authorities to determine by resolution and to impose restrictions as to the weight or size of vehicles operated upon any highways under the jurisdiction of said (commission) and such restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion of any highway affected by such resolution. (Revised, 1968.)

§ 14-114—Liability for damage to highway or structure

- (a) Any person driving any vehicle, object or contrivance upon any highway or highway structure shall be liable for all damage which said highway or structure may sustain as a result of any illegal operation, driving or moving of such vehicle, object or contrivance, or as a result of operating, driving or moving any vehicle, object or contrivance weighing in excess of the maximum weight in this act but authorized by a special permit issued as provided in this chapter.
- (b) Whenever such driver is not the owner of such vehicle, object or contrivance, but is so operating, driving or moving the same with the express or implied permission of said owner, then said owner and driver shall be jointly and severally liable for any such damage.
- (c) Such damage may be recovered in a civil action brought by the authorities in control of such highways or highway structure.

CHAPTER 15

Respective Powers of State and Local Authorities

§ 15-101—Provisions uniform throughout State

The provisions of chapters 10, 11, 12, 13 and 14 of this act shall be applicable and uniform throughout this State and in all political subdivisions and municipalities therein and no local authority shall enact or enforce any ordinance on a matter covered by the provisions of such chapters unless expressly authorized. (Revised, 1968.)

§ 15-102—Powers of local authorities

- (a) The provisions of this act shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:
 - 1. Regulating or prohibiting stopping, standing or parking;
- 2. Regulating traffic by means of police officers or official traffic-control devices;
- 3. Regulating or prohibiting processions or assemblages on the highways;
- 4. Designating particular highways or roadways for use by traffic moving in one direction as authorized in § 11-308;
- 5. Establishing speed limits for vehicles in public parks notwithstanding the provisions of § 11-803(a)3;
- 6. Designating any highway as a through highway or designating any intersection as a stop or yield intersection;
 - 7. Restricting the use of highways as authorized in § 14-113;
- 8. Regulating the operation of bicycles and requiring the registration and inspection of same, including the requirement of a registration fee;
- 9. Regulating or prohibiting the turning of vehicles or specified types of vehicles;
- 10. Altering or establishing speed limits as authorized in § 11-803;
- 11. Requiring written accident reports as authorized in § 10-115:
 - 12. Designating no-passing zones as authorized in § 11-307;
 - 13. Prohibiting or regulating the use of controlled-access

roadways by any class or kind of traffic as authorized in § 11-313:

- 14. Prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic:
- 15. Establishing minimum speed limits as authorized in § 11-804(b):
- 16. Designating hazardous railroad grade crossings as authorized in § 11-702;
 - 17. Designating and regulating traffic on play streets;
- 18. Prohibiting pedestrians from crossing a roadway in a business district or any designated highway except in a crosswalk as authorized in § 15-107;
- 19. Restricting pedestrian crossings at unmarked crosswalks as authorized in § 15-108;
 - 20. Regulating persons propelling push carts;
- 21. Regulating persons upon skates, coasters, sleds and other tov vehicles:
- 22. Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions:
- 23. Adopting such other traffic regulations as are specifically authorized by this act.
- (b) No local authority shall erect or maintain any official traffic-control device at any location so as to require the traffic on any State highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the (State highway commission).
- (c) No ordinance or regulation enacted under subdivisions (4), (5), (6), (7), (9), (10), (12), (13), (14), (16), (17) or (19) of paragraph (a) of this section shall be effective until official traffic-control devices giving notice of such local traffic regulations are erected upon or at the entrances to the highway or part thereof affected as may be most appropriate. (SECTION REVISED, 1968.)

§ 15-103—Adoption by reference

Local authorities by ordinance may adopt by reference all or any part of the (name of State) Model Traffic Ordinance (include any further description of the ordinance that may be necessary) without publishing or posting in full the provisions thereof, provided that (the enacting ordinance is published and) not less than three copies are available for public use and examination in the office of the (clerk) (commencing at least days prior to such adoption). (NEW, 1968.)

§ 15-104—(State highway commission) to adopt sign manual

The (State highway commission) shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this chapter for use upon highways within this State. Such uniform system shall correlate with and so far as possible conform to the system set forth in the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways and other standards issued or endorsed by the Federal Highway Administrator.² (REVISED, 1968.)

This section should be considered together with existing constitutional and legal requirements concerning the adoption and publication of municipal ordinances. Also, many states already have laws relating to municipal adoption of codes by reference and they should also be consulted. Consideration should be given to whether subsequent changes in the model ordinance adopted by reference will be adopted automatically or separately. If a state does not have or contemplate having an official or unofficial model traffic ordinance for use by its municipalities, some consideration might be given to authorizing adoption by reference of a printed code of traffic ordinances compiled by a nationally-recognized organization such as the *Model Traffic Ordinance* of the National Committee on Uniform Traffic Laws and Ordinances.

If the recommendation of the National Committee is followed and a model traffic ordinance is adopted by the state legislature, then this section should be included as a part of that enactment.

² In enacting this provision, states should consider one of the Highway Safety Program Standards issued on June 27, 1967, under the Highway Safety Act, 23 USC § 402(a). Standard 4.4.13 suggests that states and local authorities should utilize devices that "conform with standards issued or endorsed by the Federal Highway Administrator." Any subsequent change in this Standard should be considered in enacting or revising laws comparable to this section. Copies of Standard 4.4.13 can be obtained from the National Highway Safety Bureau, Washington, D.C. 20591, or may be found in 33 Federal Register 16560-64 (Nov. 14, 1968) or in 23 Code of Federal Regulations § 204.4.

The requirement that a state agency adopt a manual affords maximum flexibility in devising an appropriate and uniform system for traffic-control devices. The agency might, for instance: adopt the Manual on Uniform Traffic Control Devices for Streets and Highways; or develop and publish a manual of its own that conforms to that Manual and exceeds its minimum specifications or describes the design and application of supplementary traffic-control devices; or adopt the Manual and devise a supplementary publication—the two becoming the manual for that state.

The alternative to adoption of a manual by a state agency is to require all traffic-control devices installed by state and local authorities to con-

§ 15-105—(State highway commission) to sign all State (and county) highways

- (a) The (State highway commission) shall place and maintain such traffic-control devices, conforming to its manual and specifications, upon all State (and county) highways as it shall deem necessary to indicate and to carry out the provisions of this act or to regulate, warn or guide traffic.
- (b) No local authority shall place or maintain any trafficcontrol device upon any highway under the jurisdiction of the (State highway commission) except by the latter's permission.

§ 15-106—Local traffic-control devices

(a) Local authorities in their respective jurisdictions shall place and maintain such traffic-control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this act or local traffic ordinances or to regulate, warn or guide traffic. All such traffic-control devices hereafter erected shall conform to the State manual and specifications.³

OPTIONAL (b) Local authorities in exercising those functions referred to in the preceding paragraph shall be subject to the direction and control of the (State highway commission).⁴

form to specified standards, such as those issued or endorsed by the Federal Highway Administrator. Although not as flexible, this alternative might foster a high degree of uniformity. States following this alternative would not need a law comparable to § 15-104. Instead, §§ 15-105(a) and 15-106(a) could be modified to require such conformance by state and local authorities.

Regardless of the approach selected, all state and local authorities are urged to follow the system of traffic-control devices recommended in the latest edition of the Manual on Uniform Traffic Control Devices. The 1961 edition of this document has been endorsed by the Federal Highway Administrator. In view of Highway Safety Program Standard 4.4.13, however, the use of future editions of this Manual should await the Administrator's endorsement in states desiring to comply with that Standard. In the meantime, the Manual is the national standard for uniformity among traffic-control devices. It is prepared and sponsored by the American Association of State Highway Officials, Institute of Traffic Engineers, National Committee on Uniform Traffic Laws and Ordinances, National Association of Counties and National League of Cities. Copies of the Manual may be obtained from the U.S. Government Printing Office, Washington, D.C. 20401.

³ Section 15-106(a) leaves to local authorities complete jurisdiction to determine the number and location of all traffic-control devices upon highways under their jurisdiction, requiring only that all such devices shall conform to the State manual and specifications.

4 Optional paragraph (b), if adopted, would vest in the (State highway

§ 15-107—Authority to restrict pedestrian crossings

Local authorities by ordinance, and the (State highway commission) by erecting appropriate official traffic-control devices, are hereby empowered within their respective jurisdictions to prohibit pedestrians from crossing any roadway in a business district or any designated highways except in a crosswalk. (RE-VISED, 1968.)

§ 15-108—Authority to close unmarked crosswalks

The (State highway commission) and local authorities in their respective jurisdictions may after an engineering and traffic investigation designate unmarked crosswalk locations where pedestrian crossing is prohibited or where pedestrians must yield the right of way to vehicles. Such restrictions shall be effective only when official traffic-control devices indicating the restrictions are in place. (NEW, 1968.)

§ 15-109—Authority to designate through highways and stop and yield intersections

The (State highway commission) with reference to State (and county) highways and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop signs or yield signs at specified entrances thereto, or may designate any intersection as a stop intersection or as a yield intersection and erect stop signs or yield signs at one or more entrances to such intersection. (Revised, 1956; Renumbered, 1968.)

§ 15-110—Regulations relative to school buses

(a) The (State board of education) by and with the advice of the motor vehicle commissioner shall adopt and enforce regulations not inconsistent with this act to govern the design and operation of all school buses when owned and operated by any school district or privately owned and operated under contract

commission) authority to direct and control where and what number of traffic-control devices might be erected by local authorities. This may be objectionable to some local authorities although it is recognized that in certain instances local authorities having a free hand in this matter have erected such numbers of regulatory signs and signals as to unduly delay traffic and invite disobedience by the motoring public.

with any school district in this State, and such regulations shall by reference be made a part of any such contract with a school district. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to said regulations.

(b) Any officer or employee of any (school or school district) who violates any of said regulations or fails to include obligation to comply with said regulations in any contract executed by him on behalf of a (school or school district) shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a (school or school district) who fails to comply with any said regulations shall be guilty of breach of contract and such contract shall be canceled after notice of hearing by the responsible officers of such (school or school district). (SECTION REVISED, 1962; RENUMBERED, 1968.)

§ 15-111—Designation of authorized emergency vehicles

- (a) The commissioner (or other appropriate state official) shall designate any particular vehicle as an authorized emergency vehicle upon a finding that designation of that vehicle is necessary to the preservation of life or property or to the execution of emergency governmental functions.
- (b) The designation shall be in writing and the written designation shall be carried in the vehicle at all times, but failure to carry the written designation shall not affect the status of the vehicle as an authorized emergency vehicle. (NEW SECTION, 1968.)

§ 15-112—Abandoned vehicles

- (a) No person shall abandon a vehicle upon any highway.
- (b) No person shall abandon a vehicle upon any public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.
- (c) Any police officer who has reasonable grounds to believe that a vehicle has been abandoned may remove the vehicle, or cause it to be removed, at the expense of the owner, to the nearest garage or other place of safety and shall immediately send a written report of such removal to the department, which report shall include a description of the vehicle, the date, time and place of removal, the grounds for removal and the name of

the garage or place where the vehicle is stored. Upon receipt of a report as provided, the department shall notify the registered owner of the vehicle, or any lienholder, giving the grounds for removal and the name of the garage or place where the vehicle is stored. If the vehicle is not registered in this State, the department shall make a reasonable effort to notify the registered owner or any lienholder of the removal and the location of the vehicle. The department shall forward a copy of the notice to the owner or person in charge of the garage or place where the vehicle is stored.

OPTIONAL (e) In the event a vehicle is not reclaimed by the registered owner or any lienholder within days, the laws of this State governing the disposition of abandoned property shall apply.⁵ (NEW SECTION, 1968.)

§ 15-113—Removal of traffic hazards

- (a) It shall be the duty of the owner of real property to remove from such property any tree, plant, shrub or other obstruction, or part thereof, which, by obstructing the view of any driver, constitutes a traffic hazard.
- (b) When the (State highway commission) or any local authority determines upon the basis of an engineering and traffic investigation that such a traffic hazard exists, it shall notify the owner and order that the hazard be removed within 10 days.
- (c) The failure of the owner to remove such traffic hazard within 10 days shall constitute an offense punishable by a penalty of dollars and every day said owner shall fail to remove it shall be a separate and distinct offense. (NEW SECTION, 1968.)

⁵ States enacting this section should consider whether existing laws on abandoned property adequately provide for the disposition of abandoned vehicles.

Powers of State and Local Authorities § 15-114

§ 15-114—Rights of owners of real property

Nothing in this act shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner, and not as a matter of right, from prohibiting such use, or from requiring other or different or additional conditions than those specified in this act, or otherwise regulating such use as may seem best to such owner. (RENUMBERED. 1968.)

CHAPTER 16

Parties and Procedure Upon Arrest

§ 16-101—Parties to a crime

Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of, any act declared in this act to be a crime, whether individually or in connection with one or more other persons or as a principal, agent or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this act is likewise guilty of such offense.

§ 16-102—Offenses by persons owning or controlling vehicles

It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law.

§ 16-103—Public officers and employees—exceptions

The provisions of chapters 10, 11, 12, 13 and 14 applicable to drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this State or any county, city, town, district or any other political subdivision of the State, subject to such specific exceptions as are set forth in this act.

§ 16-104—Procedure upon arrest for felony

Whenever a person is arrested for any violation of this act declared herein to be a felony, he shall be dealt with in like manner as upon arrest for the commission of any other felony. For the purposes of this section any offense which may be punishable by imprisonment in a state penitentiary is a felony. (NEW, 1956.)

§ 16-105—Arrests for serious offenses

(a) The authority of a police officer to make an arrest is the same as upon an arrest for a felony when such officer has rea-

sonable and probable grounds to believe that the person arrested has committed any of the following offenses:

- 1. Homicide by vehicle;
- 2. Driving, or being in actual physical control of, a vehicle while under the influence of intoxicating liquor;
- 3. Driving a vehicle while under the influence of any narcotic drug, or driving a vehicle while under the influence of any other drug to a degree which renders the person incapable of safely driving a vehicle;
- 4. Failure to stop, or failure to give information, or failure to render reasonable assistance, in the event of an accident resulting in death or personal injuries, as prescribed in §§ 10-102 and 10-104:
- 5. Failure to stop, or failure to give information, in the event of an accident resulting in damage to a vehicle or to other property, as prescribed in §§ 10-103 to 10-105 inclusive; (REVISED, 1968.)
 - 6. Reckless driving;
 - 7. Racing on the highway; or (NEW, 1968.)
- 8. Willfully fleeing from or attempting to elude a police officer. (New, 1968.)

Provided, however, that the manner of making arrests under this section shall be as in misdemeanor cases.

(b) Whenever any person is arrested as authorized in this section he shall be taken without unnecessary delay before the proper magistrate as specified in § 16-111, except that in the case of the offenses designated in paragraphs 5, 6, 7 and 8, a police officer shall have the same discretion as is provided in other cases in § 16-107. (REVISED, 1968.)

§ 16-106—When person must be taken immediately before a magistrate

Whenever any person is halted by a police officer for any violation of this act not amounting to a felony, he shall be taken without unnecessary delay before the proper magistrate, as specified in § 16-111, in either of the following cases:

- 1. When the person demands an immediate appearance before a magistrate; or
- 2. In any other event when the person is issued a traffic citation by an authorized person and refuses to give his written

promise to appear in court as hereinafter provided. (Section revised, 1956.)

§ 16-107—When officer has option to take person before a magistrate

Whenever any person is halted by a police officer for any violation of this act and is not required to be taken before a magistrate as hereinbefore provided, the person shall, in the discretion of the officer, either be given a traffic citation as hereinafter provided, or be taken without unnecessary delay before the proper magistrate, as specified in § 16-111 in any of the following cases:

- 1. When the person does not furnish satisfactory evidence of identity or when the officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court;
- 2. When the person is charged with a violation of § 12-409, relating to vehicles transporting hazardous materials; (RE-VISED, 1968.)
- 3. When the person is charged with a violation of § 13-103, relating to the refusal of a driver of a vehicle to submit such vehicle to an inspection and test; or
- 4. When the person is charged with a violation of § 14-111(c), relating to the failure or refusal of a driver of a vehicle to submit the vehicle and load to a weighing or to remove excess weight therefrom. (NEW SECTION, 1956.)

§ 16-108—Arrest of nonresident

- (a) All of the provisions of this chapter apply both to residents and nonresidents of this State, except the special provisions in this section which shall govern in respect to nonresidents under the circumstances herein stated.
- (b) A police officer at the scene of a traffic accident may arrest without a warrant any driver of a vehicle who is a nonresident of this State and who is involved in the accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person has committed any offense under the provisions of this act in connection with the accident, and if the officer has reasonable and probable

grounds to believe the person will disregard a written promise to appear in court.

(c) Whenever any person is arrested under the provisions of this section, he shall be taken without unnecessary delay before the proper magistrate, as specified in § 16-111. (NEW SECTION, 1956.)

§ 16-109—When person to be given five-day notice to appear in court

- (a) Whenever a person is halted by a police officer for any violation of this act punishable as a misdemeanor and is not taken before a magistrate as hereinbefore required or permitted, the officer shall prepare in quadruplicate a written traffic citation containing a notice to appear in court, the name and address of the person, the State registration number of his vehicle, if any, the offense charged, the time and place when and where the person shall appear in court, and such other pertinent information as may be necessary.
- (b) The time specified in the notice to appear must be at least five days after the alleged violation unless the person charged with the violation shall demand an earlier hearing.
- (c) The place specified in the notice to appear must be before a magistrate, as designated in § 16-111.1
- (d) The person charged with the violation may give his written promise to appear in court by signing at least one copy of the written traffic citation prepared by the officer, in which event the officer shall deliver a copy of the citation to the person, and thereupon the officer shall not take the person into physical custody for the violation.
- (e) Any officer violating any of the provisions of this section is guilty of misconduct in office and shall be subject to removal from office. (SECTION REVISED, 1956.)

§ 16-110—Authority of an officer at the scene of an accident

Except for felonies and those offenses enumerated in para-

¹ It is recommended that jurisdiction over juvenile traffic offenders be vested in the traffic courts except where juvenile delinquency involves offenses in addition to or other than traffic offenses. In such latter event, jurisdiction should be vested as at present in most cities in the juvenile court.

graphs 1, 2, 3 and 4 of subsection (a) of § 16-105, a police officer at the scene of a traffic accident may issue a written traffic citation, as provided in § 16-109, to any driver of a vehicle involved in the accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person has committed any offense under the provisions of this act in connection with the accident. (NEW, 1956.)

§ 16-111—Appearance before magistrate having jurisdiction

Whenever any person is taken before a magistrate or is given a written traffic citation containing a notice to appear before a magistrate as hereinbefore provided, the magistrate shall be a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the alleged violation occurred, except that when the offense is alleged to have been committed within an incorporated municipality wherein there is an established court having jurisdiction of the offense, the person shall be taken without unnecessary delay before that court. For the purpose of this chapter, the terms "magistrate" and "court" include magistrates and courts having jurisdiction of offenses under this act as committing magistrates and courts and those having jurisdiction of the trials of such offenses. (NEW, 1956.)

§ 16-112—Release of defendant when magistrate not available

Whenever any person is taken into custody by an officer for the purpose of taking him before a magistrate or court as authorized or required in this chapter upon any charge other than a felony or the offenses enumerated in paragraphs 1, 2, 3 and 4 of subsection (a) of § 16-105, and no magistrate is available at the time of arrest, and there is no bail schedule established by any such magistrate or court and no lawfully designated court clerk or other public officer who is available and authorized to accept bail upon behalf of the magistrate or court, such person shall be released from custody upon the issuance to him of a written traffic citation and his signing a promise to appear, as provided in § 16-109. (NEW, 1956.)

§ 16-113—Failure to obey citation

- (a) It shall be unlawful for any person to violate his written promise to appear given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which such citation was originally isqued. (REVISED, 1952.)
- (b) A written promise to appear in court may be complied with by an appearance by counsel.

§ 16-114—Procedure prescribed herein not exclusive

The foregoing provisions of this chapter shall govern all police officers in making arrests without a warrant for violations of any provisions of chapters 10, 11, 12, 13 or 14, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade.²

§ 16-115—Evidence of conviction inadmissible in a civil action

No evidence of the conviction of any person for any violation of any provision of chapters 10, 11, 12, 13 or 14 shall be admissible in any court in any civil action.

§ 16-116—Conviction for traffic violation not to affect credibility of witness

The conviction of a person upon a charge of violating any provision of chapters 10, 11, 12, 13 or 14 or other traffic regulation less than a felony shall not affect or impair the credibility of such person as a witness in any civil or criminal proceeding.

§ 16-117—Form for traffic citations 3

(a) Every traffic enforcement agency in this State shall provide in appropriate form traffic citations containing notices to appear which shall be issued in books with citations in quadruplicate and meeting the requirements of this chapter. (REVISED, 1968.)

² This provision is intended to make clear that complaints may be filed and warrants issued thereon as usually provided by criminal statutes.

³ It is recommended that each state in adopting this chapter employ the term "traffic citation" which is the term employed in many states, although in some jurisdictions traffic citations are referred to as "notices to appear," "summonses," "tickets," or some other terminology indicating a legal form of traffic charge.

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

§ 16-118—Disposition and records of traffic citations

- (a) Every traffic enforcement officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this State or of any traffic ordinance of any city or town shall deposit the original or a copy of such traffic citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau.
- (b) Upon the deposit of the original or a copy of such traffic citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau as aforesaid, said original or copy of such traffic citation may be disposed of only by trial in said court or other official action by a judge of said court, including forfeiture of the bail, or by the deposit of sufficient bail with or payment of a fine to said traffic violations bureau by the person to whom such traffic citation has been issued by the traffic enforcement officer.
- (c) It shall be unlawful and official misconduct for any traffic enforcement officer or other officer or public employee to dispose of a traffic citation or copies thereof or of the record of the issuance of the same in a manner other than as required herein.
- (d) The chief administrative officer of every traffic enforcement agency shall require the return to him of a copy of every traffic citation issued by an officer under his supervision to an alleged violator of any traffic law or ordinance and of all copies of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.
- (e) Such chief administrative officer shall also maintain or cause to be maintained in connection with every traffic citation issued by an officer under his supervision a record of the disposition of the charge by the court or its traffic violations bureau in which the original or copy of the traffic citation was deposited.

§ 16-119—Illegal cancellation of traffic citation—audit of citation records

- (a) Any person who cancels or solicits the cancellation of any traffic citation, in any manner other than as provided in this chapter, shall be guilty of a misdemeanor.
- (b) Every record of traffic citations required in this chapter shall be audited (monthly) (quarterly) (semiannually) (annually) by the appropriate fiscal officer of the governmental agency to which the traffic enforcement agency is responsible.
- (c) Such fiscal officer shall publish or cause to be published a (monthly) (quarterly) (semiannual) (annual) summary of all traffic violation notices issued by said traffic enforcement agency and the dispositions thereof in at least one local daily newspaper of general circulation.

§ 16-120—When copy of citation shall be deemed a lawful complaint

In the event the form of citation provided under § 16-117 includes information and is sworn to as required under the general laws of this State in respect to a complaint charging commission of the offense alleged in said citation to have been committed, then such citation when filed with a court having jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution under this act. (New Section, 1952.)

CHAPTER 17

Penalties and Disposition of Fines and Forfeitures

§ 17-101—Penalties for misdemeanor

- (a) It is a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this State declared to be a felony.
- (b) Every person convicted of a misdemeanor for a violation of any of the provisions of chapters 10, 11, 12, 13 or 14, for which another penalty is not provided, shall for a first conviction thereof be punished by a fine of not more than \$100 or by imprisonment for not more than 10 days; for conviction of a second offense committed within one year after the date of the first offense, such person shall be punished by a fine of not more than \$200 or by imprisonment for not more than 20 days or by both such fine and imprisonment; for conviction of a third or subsequent offense committed within one year after the date of the first offense, such person shall be punished by a fine of not more than \$500 or by imprisonment for not more than six months or by both such fine and imprisonment. (REVISED, 1968.)
- (c) Unless another penalty is in this act or by the laws of this State provided, every person convicted of a misdemeanor for the violation of any other provision of this act shall be punished by a fine of not more than (\$500), or by imprisonment for not more than six months, or by both such fine and imprisonment.

§ 17-102—Penalty for felony

Any person who is convicted of a violation of any of the provisions of this act herein or by the laws of this State declared to constitute a felony shall be punished by imprisonment for not less than one year nor more than five years, or by a fine of not less than \$500 nor more than \$5,000, or by both such fine and imprisonment.

§ 17-103—Disposition of fines and forfeitures

(a) All fines and forfeitures collected upon conviction or upon forfeiture of bail of any person charged with a violation

of any of the provisions of this act constituting a misdemeanor shall be deposited in the treasury of the State or in the treasury of the county, city or town maintaining the court wherein such conviction or forfeiture was had in a special fund to be known as the "highway improvement fund," which is hereby created, and which shall be used exclusively in the construction, maintenance and repair of public highways, bridges and highway structures or for the installation and maintenance of trafficcontrol devices thereon within such respective jurisdictions.

(b) Failure, refusal or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture, either before or after a deposit in said "highway improvement fund," to comply with the foregoing provisions of this section shall constitute misconduct in office and shall be ground for removal therefrom.

CHAPTER 18

Records and Reports of Convictions

§ 18-101—Record of traffic cases—report of convictions to department

- (a) Every magistrate or judge of a court shall keep or cause to be kept a record of every traffic complaint, traffic citation or other legal form of traffic charge deposited with or presented to said court or its traffic violations bureau, and shall keep a record of every official action by said court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal and the amount of fine or forfeiture resulting from every said traffic complaint or citation deposited with or presented to said court or traffic violations bureau.
- (b) Within 10 days after the final conviction or the forfeiture of bail of a person upon a charge of violating any provision of this act or other law or ordinance regulating the operation of vehicles, every said magistrate of the court or clerk of the court of record in which such conviction was had or bail was forfeited shall prepare and immediately forward to the department an abstract of the record of said court covering the case in which said person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any conviction or forfeiture involving the illegal parking or standing of a vehicle. (REVISED, 1968.)
- (c) Said abstract shall be made upon a form furnished by the department and shall include the full name and residence address of the party charged, the number of his license, the registration number of the vehicle involved, a description of the offense, the section of the law or ordinance violated, the date of hearing, the plea, the judgment or whether bail was forfeited, the sentence or amount of forfeiture as the case may be, and such other information as the department may require. (REVISED, 1968.)
- (d) Every court of record shall also forward a like report to the department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

RECORDS AND REPORTS OF CONVICTIONS § 18-101

- (e) The failure, refusal or neglect of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be ground for removal therefrom.
- (f) The department shall keep all abstracts received hereunder at its main office and the same shall be open to public inspection during reasonable business hours.

CHAPTER 19

Effect of and Short Title of Act

§ 19-101—Uniformity of interpretation

This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

§ 19-102—Effect of headings

Chapter, article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any article or section hereof.

§ 19-103—Short title

This act may be cited as the Uniform Vehicle Code.

§ 19-104—Act not retroactive

This act shall not have a retroactive effect and shall not apply to any traffic accident, to any cause of action arising out of a traffic accident or judgment arising therefrom, or to any violation of the motor vehicle laws of this State, occurring prior to the effective date of this act.

§ 19-105—Constitutionality

If any part or parts of this act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional.

§ 19-106—Repeal

The (existing statutes covering the same matters as embraced in this act) are hereby repealed and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 19-107—Time of taking effect

This act shall take effect from and after the day of

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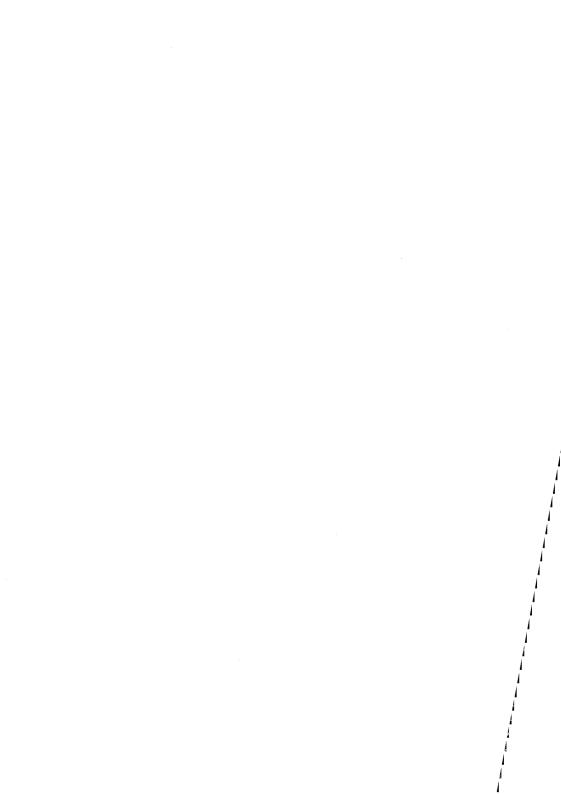
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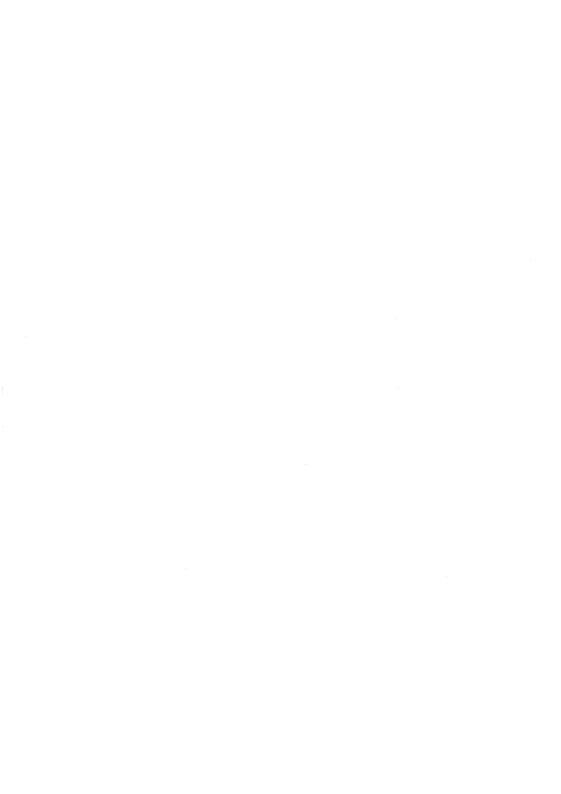
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MODEL TRAFFIC ORDINANCE

Revised—1968



FOREWORD

This volume contains the 1968 revised editions of the *Model Traffic Ordinance* and *Uniform Vehicle Code*. Although published together, these are two separate documents and each has its own Foreword, Table of Contents and Index.

Earlier editions of the Ordinance and Code were published in separate booklets and republished each time they were revised. Under the new format, future revisions will be published in a pocket supplement to be used with this book.

This format was conceived, in part, to emphasize the importance of traffic ordinances and the necessity for considering them in the context of state vehicle codes.²

Because the 1968 revisions in the Ordinance, as well as those in the Code relating to traffic ordinances,³ were fairly extensive, particular attention should be given to a section of this Foreword entitled "1968 Revisions."

THE MODEL TRAFFIC ORDINANCE

The *Model Traffic Ordinance* is a specimen set of motor vehicle ordinances for a municipality and is consistent with the recommended state law embodied in the *Uniform Vehicle Code*. The provisions of the Ordinance are designed as a guide or standard for municipalities to follow in reviewing their traffic ordinances or considering the development or revision of a model traffic ordinance.

The question of adequate traffic laws and ordinances is intimately related to the problem of moving people and goods safely and efficiently. From the standpoint of the public, observance of

² Particularly portions of state vehicle codes comparable to provisions appearing in UVC §§ 10-101 to 10-115 on accidents and accident reports, UVC §§ 11-101 to 11-1404 on rules of the road, and UVC §§ 15-101 to 15-114 on the powers of local authorities.

³ See UVC §§ 15-101 to 15-103.

¹ The Code and Ordinance were first published in 1926 and 1928, respectively, and have been revised and republished at two- to six-year intervals since then. A complete history of these documents is published in the *Uniform Vehicle Code: Rules of the Road with Statutory Annotations*, National Committee on Uniform Traffic Laws and Ordinances (1967 and Supp.).

traffic rules is largely conditioned on clarity, reasonableness, uniformity and knowledge of the regulations. From the standpoint of the official, traffic administration can be effective only to the degree that essential functions are properly synchronized, with authority and responsibility fixed by law.

Non-uniform laws and ordinances are a source of inconvenience and hazard to the motorist and pedestrian alike. They contribute to accidents, traffic snarls and congestion. They increase the administrative and enforcement burdens of governmental agencies and, even more importantly, raise serious barriers to interstate mobility and commerce.

It was in recognition of these problems, and in the interest of safe and efficient highway transportation, that the *Uniform Vehicle Code* for states and the *Model Traffic Ordinance* for municipalities were developed and recommended for adoption by all jurisdictions.

1968 REVISIONS

The 1968 revisions in the *Model Traffic Ordinance* were preceded by an extensive review of the Ordinance and Code by the staff and a subcommittee of the National Committee.

Duplicatory Sections Deleted

Prior editions of the Ordinance duplicated many, but not all, of the basic rules of the road appearing in Chapter 11 of the *Uniform Vehicle Code*. This edition duplicates none of those rules and is limited to sections which implement powers outlined in the Code, supplement Code provisions, or deal with matters not covered by the Code. The deletion of duplicatory provisions from the Ordinance required some rearrangment and revision in the remaining sections.⁴

One State-wide Traffic Law

Implicit in this revision of the Ordinance is the recommendation of the National Committee that there should be one comprehensive traffic law of state-wide application and that an ordinance should not conflict with, duplicate, or cover any matter adequately encompassed in a state vehicle code provision.⁵

⁴ All sections revised in 1968 are shown in the text and Table of Contents, but renumbered or repositioned sections are not indicated.

⁶ See UVC § 15-101.

With the exception of a few states that have for years thus defined the scope of traffic ordinances, the adoption of this approach and its attendant reliance on one state-wide, pre-emptive law containing basic rules of the road may require consideration of state constitutional provisions, the power of municipal police officers to enforce state traffic laws or make arrests for their violation, the jurisdiction of municipal traffic courts to try persons charged with having violated a state traffic law, the disposition of fines and forfeitures.7 and any other related question involving procedural or substantive law.

In this connection, it should be noted that the recently-issued Highway Safety Program Manual 8 suggests that state and local agencies should consider relying on one state-wide traffic law and eliminating duplicatory traffic ordinances.

Model Traffic Ordinance Recommended for Each State

As an additional means of fostering a high degree of intrastate uniformity, the National Committee recommends the preparation and continuous maintenance of an appropriate and comprehensive model traffic ordinance. Preferably, the ordinance should be adopted in the form of an enabling act by the state legislature but, in any event, municipalities should be granted express authority to adopt the state model by reference. 10 This procedure increases the accessibility and knowledge of basic municipal traffic regulations, facilitates reporting convictions on both an intrastate and interstate basis, reduces drafting and printing costs for each municipality, and expedites the adoption of sound, uniform provisions.

 $^{^6}$ See UVC §§ 1-147 and 16-105 to 16-112 and MTO §§ 2-2 and 3-1 concerning the power of local police officers to enforce or make arrests for violations of the state vehicle code.

violations of the state vehicle code.

⁷ See UVC § 17-103 relating to the disposition, by a municipal court, of any fine or forfeiture involving violation of the state vehicle code.

⁸ Volume 6, Chapter IV, page 2, issued by the National Highway Safety Bureau on January 17, 1969. This Manual is designed to provide guidance to state and local governments in designing and implementing a highway safety program under the Highway Safety Act of 1966. For a more complete discussion of this Act and the highway safety program standard on uniform traffic laws and ordinances, see the Foreword to the Uniform Vehicle Code at footnotes 3 to 9.

⁹ The development of a model traffic ordinance in each state is also as

⁹ The development of a model traffic ordinance in each state is also recommended by the Highway Safety Program Manual, Volume 6, pages 2-3.

19 See UVC § 15-103. In addition, state constitutional and statutory provisions relating to adoption by reference generally should be consulted.

In the event duplication of state traffic laws by some or all local authorities is necessary, it is recommended that municipalities be expressly empowered to adopt appropriate portions of the state vehicle code by reference 11 and that the model ordinance be limited to provisions that implement or supplement provisions in the state vehicle code. A less desirable alternative would be to add state vehicle code provisions to the model traffic ordinance.

In formulating a state model traffic ordinance, two additional points should be noted:

- (1) Even though a state traffic law differs from its counterpart in the Uniform Vehicle Code, the state law should be followed.
- (2) If the state vehicle code has no counterpart for a given rule of the road in the *Uniform Vehicle Code*, consideration should be given to including that rule in the model ordinance.¹²

Although these comments relate largely to the development of a model ordinance, many of the principles apply to the review or preparation of traffic ordinances for a particular municipality.

Clearly, a judicious use of both the Ordinance and Code by municipalities and states will lead to the desirable level of uniformity.

SUGGESTED ORDINANCE FOR ADOPTION BY REFERENCE

If municipalities have been empowered to adopt a model traffic ordinance by reference, the ordinance might provide: 13

> (City) of Ordinance Number

¹¹ At least 30 states have general statutes dealing with municipal power to adopt by reference and they should be consulted to determine whether municipalities already have the power to adopt state laws by reference.

12 See the Uniform Vehicle Code: Rules of the Road with Statutory Annotations (1967), and its most recent supplement, for a comparison of all state vehicle codes with each rule of the road in the Uniform Vehicle Code.

13 It is suggested that a suitable ordinance for adoption by reference, taking into account all pertinent requirements, be drafted for use by municipalities in each state. Additional sections should be added in the event the enacting jurisdiction amends a portion of the model. Also, it may event the enacting jurisdiction amends a portion of the model. Also, it may be necessary or desirable to complete and publish some or all of any schedules like those in MTO §§ 21-1 to 21-9 and 5-2 to 5-5.

It is ordained by as follows:

§ 1-Adoption by reference

§ 2—Sections not adopted

The following sections of the "(name of State) Model Traffic Ordinance" are not so adopted and are expressly deleted:

(The adopting municipality should list the deleted sections by number only.

§ 3—Penalties

Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than dollars or by imprisonment for not more than days or by both such fine and imprisonment.

§ 4—Publication of ordinance

The (city clerk) shall certify to the passage of this ordinance (, cause the same to be published in,) and (continue to) make not less than three copies available for inspection during regular business hours.

§ 5-Repeal 14

§ 6-Effective date 14

¹⁴ For these and other general provisions relating to the effect and short title of ordinance, see MTO §§ 20-1 to 20-9.

THE NATIONAL COMMITTEE ON UNIFORM TRAFFIC LAWS AND ORDINANCES

The custodian of the *Uniform Vehicle Code* and *Model Traffic Ordinance* is the National Committee on Uniform Traffic Laws and Ordinances, an independent, non-profit, voluntary association.

The Committee is a carefully selected group of more than 100 representatives of federal, state and local governmental units (legislators, police officers, traffic engineers, highway officials, motor vehicle administrators, governors' highway safety representatives, judges, prosecutors, city attorneys, educators, physicians, mayors, county officials and attorneys general), insurance companies, motor clubs, safety councils, manufacturers, dealers, trade associations, unions, national transportation associations and other individuals and groups interested in achieving sound, uniform motor vehicle laws and regulations.¹⁵

Members of the Committee are people in daily contact, as officials or otherwise, with the complex problems of highway transportation. The broadly representative membership, representing all groups and all sections of the country, precludes undue influence by any one viewpoint or interest.

The Committee operates through careful studies and reports made by a number of subcommittees on various subjects, each composed of officials and others best qualified in that particular field. In addition, the Committee maintains a full-time staff of attorneys to keep abreast of developments in highway safety and motor vehicle legislation and to provide information necessary for a complete and accurate determination of the best legal principles.

¹⁵ The entire membership of the National Committee is published in the most recent supplement to the *Uniform Vehicle Code: Rules of the Road with Statutory Annotations*.

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MODEL TRAFFIC ORDINANCE

An ordinance regulating traffic upon the public streets of the (city of).

It is ordained by as follows:

ARTICLE I-WORDS AND PHRASES DEFINED

§ 1-1—Definition of words and phrases

- (a) The following words and phrases when used in this ordinance shall for the purpose of this ordinance have the meanings respectively ascribed to them in this article, except when the context otherwise requires. (REVISED, 1968.)
- (b) Whenever any words and phrases used herein are not defined herein but are defined in the State laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires. (New, 1968.)
- § 1-3—Commercial vehicle.—Every vehicle designed, maintained, or used primarily for the transportation of property. (New, 1952.)
- § 1-4—Curb loading zone.—A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

² Some cities enact special regulations applicable in the central business (or traffic) district rendering it necessary that such area be defined.

¹ If a state has not enacted definitions of all or certain words and phrases applicable to rules of the road, then such definitions should be added from chapter 1 of the Uniform Vehicle Code. Some of the more significant definitions would include: alley, authorized emergency vehicle, bicycle, business district, controlled-access highway, crosswalk, driver, highway, intersection, laned roadway, motor vehicle, motorcycle, official traffic-control devices, park, pedestrian, person, private road or driveway, railroad, railroad train, residence district, right of way, roadway, safety zone, sidewalk, stand, stop, stop or stopping, street, streetcar, through highway, traffic, traffic-control signal and vehicle—all of which were deleted from this article when subsection (b) was added because these terms are defined in chapter 1 of the Uniform Vehicle Code.

- § 1-5—Freight curb loading zone.—A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight (or passengers).
- § 1-6—Official time standard.—Whenever certain hours are named herein they shall mean standard time or daylight-saving time as may be in current use in this city.
- § 1-7—Passenger curb loading zone.—A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.
- § 1-8—Police officer.—Every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
- § 1-9—Traffic division.—The traffic division of the police department of this city, or in the event a traffic division is not established, then said term whenever used herein shall be deemed to refer to the police department of this city.

ARTICLE II—TRAFFIC ADMINISTRATION

§ 2-1—Police administration

There is hereby established in the police department of this city a traffic division to be under the control of an officer of police appointed by and directly responsible to the chief of police.

§ 2-2—Duty of traffic division

It shall be the duty of the traffic division with such aid as may be rendered by other members of the police department to enforce the street traffic regulations of this city and all of the State vehicle laws, to make arrests for traffic violations, to investigate accidents and to cooperate with the city traffic engineer and other officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon said division by this ordinance and the traffic ordinances of this city. (Revised, 1968.)

§ 2-3—Records of traffic violations

- (a) The police department or the traffic division thereof shall keep a record of all violations of the traffic ordinances of this city or of the State vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate during at least a five-year period and from that time on the record shall be maintained complete for at least the most recent five-year period.
- (b) All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.
 - (c) All such records and reports shall be public records.

§ 2-4—Traffic division to investigate accidents

It shall be the duty of the traffic division, assisted by other police officers of the department, to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

§ 2-5—Traffic accident studies

Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the city traffic engineer in conducting studies of such accidents and determining remedial measures.

§ 2-6—Traffic accident reports

The traffic division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the city traffic engineer.

§ 2-7—Drivers' files to be maintained

(a) The police department or the traffic division thereof shall

maintain a suitable record of all traffic accidents, warnings, arrests, convictions, and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned.

- (b) Said division shall study the cases of all such drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, and report such information to the department (of motor vehicles) or other appropriate state agencies. (REVISED, 1968.)
- (c) Such records shall accumulate during at least a (five-year) period and from that time on such records shall be maintained complete for at least the most recent (five-year) period.

§ 2-8—Traffic division to submit annual traffic safety report

The traffic division shall annually prepare a traffic report which shall be filed with the (mayor). Such report shall contain information on traffic matters in this city as follows:

- 1. The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data:
- 2. The number of traffic accidents investigated and other pertinent data on the safety activities of the police;
- 3. The plans and recommendations of the division for future traffic safety activities.

§ 2-9—Traffic division to designate method of identifying funeral processions

The traffic division shall designate a type of pennant ³ or other identifying insignia to be displayed upon, or other method to be employed to identify, the vehicles in funeral processions.

§ 2-10—City traffic engineer

(a) The office of city traffic engineer is hereby established. The city traffic engineer shall be a qualified engineer and shall be appointed by (under civil service) and he shall exercise the powers and duties as provided in this ordinance and in the traffic ordinances of this city. (AMPLIFIED, 1952.)

³ It is recommended that this pennant be white, with or without special insignia.

ALTERNATE (a) The office of city traffic engineer is hereby established. The (city engineer) shall serve as city traffic engineer in addition to his other functions, and shall exercise the powers and duties with respect to traffic as provided in this ordinance.

(b) It shall be the general duty of the city traffic engineer to determine the installation and proper timing and maintenance of traffic-control devices, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering investigations of traffic conditions, to plan the operation of traffic on the streets and highways of this city, and to cooperate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of this city. (AMPLIFIED, 1952.)

§ 2-11—Emergency and experimental regulations

- (a) The chief of police by and with the approval of the city traffic engineer is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of this city and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than 90 days.⁴
- (b) The city traffic engineer may test traffic-control devices under actual conditions of traffic.

§ 2-12—Traffic commission—powers and duties

(a) There is hereby established a traffic commission to serve without compensation, consisting of the city traffic engineer, the chief of police or in his discretion as his representative the chief of the traffic division, the chairman of the city council traffic committee, and one representative each from the city engineer's office, and the city attorney's office and such number of other city officers and representatives of unofficial bodies as may be determined and appointed by the mayor. The chairman of the commission shall be appointed by the mayor and may be removed by him.

⁴ This subsection is authorized by UVC § 15-102(a)22.

(b) It shall be the duty of the traffic commission, and to this end it shall have the authority within the limits of the funds at its disposal, to coordinate traffic activities, (to carry on educational activities in traffic matters,) to supervise the preparation and publication of traffic reports, to receive complaints having to do with traffic matters, and to recommend to the legislative body of this city and to the city traffic engineer, the chief of the traffic division, and other city officials ways and means for improving traffic conditions and the administration and enforcement of traffic regulations.5

The other type of traffic commission (sometimes called the safety commission or the traffic safety commission) is considerably larger in size, including other public officials and a number of citizen members in addition to the officials mentioned above. Such a commission and its subcommittees not only perform the functions mentioned above, but also carry on a comprehensive program of public safety education. If this type of commission is desired then there should be retained in § 2-12(b) the part reading, "(to carry on educational activities in traffic matters,)" but if the first type of commission is desired the statement with respect to educational activities should be omitted.

The type of traffic commission most effective in any particular community will depend on the local conditions. Before organizing any such commission, advice should be had from one of the national organizations in this field.

In the event the second type of commission is desired it is suggested that it might properly include the following personnel in addition to those official representatives mentioned in § 2-12:

(1) The judicial official who handles most of the traffic cases.
 (2) A representative of the board of education.

(3) A representative of the city planning commission.
(4) A representative of the fire department.

- (5) A representative of the public utilities regulatory body, if any. (6) A number of citizens vitally interested, including the following:
 - (a) Representatives of the mass-transportation companies.

(b) One or more representatives of business organizations.

(c) Representatives of civic and professional groups such as the automobile club, engineers club, local safety council, chamber of commerce and junior chamber, and the parent-teachers association.

(d) A representative of trucking interests. (e) A representative of taxical companies.

(f) A representative of automobile insurance companies.

(g) One or two newspaper editors.

⁵ There are two types of official traffic commissions, each of which has been found effective under certain conditions. The first type consists of a small number of city officials directly concerned with traffic administration, serving ex officio, with perhaps the addition of one or two citizen members. The principal function of this commission is to coordinate official traffic activities of the several departments of the city administration. The safety educational activities in the community are then conducted or coordinated by an unofficial organization such as a safety council, or a safety committee of the chamber of commerce, motor club, or similar organization.

ARTICLE III—ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

§ 3-1—Authority of police and fire department officials

- (a) It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street traffic laws of this city and all of the State vehicle laws. (REVISED, 1968.)
- (b) Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.
- (c) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

§ 3-2-Required obedience to traffic ordinance

It is unlawful and a misdemeanor for any person to do any act forbidden or fail to perform any act required in this ordinance. (REVISED, 1968.)

§ 3-3—Obedience to police and fire department officials

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

§ 3-4—Certain nonmotorized traffic to obey traffic regulations

- (a) Every person propelling any push cart upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this ordinance and by the rules of the road portion of the State vehicle code, except those provisions which by their very nature can have no application.
- (b) Every person riding an animal or driving any animaldrawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver

2 0-0 THOME TIME TO CIMITATION

of a vehicle by this ordinance, except those provisions of this ordinance which by their very nature can have no application. (SECTION REVISED, 1968.)

§ 3-5—Use of coasters, roller skates and similar devices restricted

No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized herein. (Revised, 1968.)

§ 3-6—Public employees to obey traffic regulations

The provisions of this ordinance shall apply to the drivers of all vehicles owned or operated by the United States, this State, or any county, town, district, or any other political subdivision of the State, subject to such specific exceptions as are set forth in this ordinance or in the State vehicle code. (REVISED, 1968.)

§ 3-7—Authorized emergency vehicles

- (a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may park or stand, irrespective of the provisions of this ordinance.
- (b) The foregoing provision shall not relieve the driver of an authorized emergency vehicle from the duty to park or stand with due regard for the safety of all persons, nor shall such provision protect the driver from the consequences of his reckless disregard for the safety of others. (SECTION REVISED, 1968.)

§ 3-8—Written report of accident

The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total damage to all property to an apparent extent of (\$25, \$50, \$100) or more shall within 10 days after such accident forward to the police department a written report of such accident or a copy of any report filed with the department (of motor vehicles). The provisions of this section shall not be applicable when the accident has been investigated at the scene by a police officer while such driver was present thereat. (Revised, 1968.) 6

§ 3-9-When driver unable to report

Whenever the driver is physically incapable of making a written report of an accident as required in § 3-8 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within 10 days after the accident make such report not made by the driver. (REVISED, 1968.)

ARTICLE IV—TRAFFIC-CONTROL DEVICES

§ 4-1—Authority to install traffic-control devices

The (city traffic engineer) shall place and maintain official traffic-control devices when and as required under the traffic ordinances of this city to make effective the provisions of said ordinances, and may place and maintain such additional official traffic-control devices as he may deem necessary to regulate, warn or guide traffic under the traffic ordinances of this city or the State vehicle code. (REVISED, 1968.)

§ 4-2-Manual and specifications for traffic-control devices

All traffic-control signs, signals and devices shall conform to the manual and specifications approved by the (State highway commission) (or resolution adopted by the legislative body of this city). All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city. All traffic-control devices so erected and not inconsistent with the provisions of State law or this ordinance shall be official traffic-control devices.

⁶ Requiring a written accident report is authorized by UVC §§ 10-115 and 15-102(a) 11.

⁷ Ordinances patterned after the first sentence in this section should be modified as may be necessary for consistency with laws comparable to UVC §§ 15-104 and 15-106(a). The optional clause referring to a resolution of the city council would, of course, be necessary when the state highway commission has not approved or adopted a manual or when devices will be employed that exceed minimum standards of a state manual or are not described therein.

§ 4-3—Obedience to official traffic-control devices

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this ordinance, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle. (RE-VISED, 1968.)

§ 4-4—When official traffic-control devices required for enforcement purposes

No provision of this ordinance for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place. (REVISED, 1962.)

§ 4-5—Official traffic-control devices—presumption of legality

- (a) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this ordinance, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.
- (b) Any official traffic-control device placed pursuant to the provisions of this ordinance and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this ordinance, unless the contrary shall be established by competent evidence. (New Section, 1962.)

§ 4-6—Authority to establish play streets

The city traffic engineer shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

§ 4-7—Play streets

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

§ 4-8—City traffic engineer to designate crosswalks and establish safety zones

The city traffic engineer is hereby authorized:

- 1. To designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary;
- 2. To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

§ 4-9—Traffic lanes

The city traffic engineer is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary. (FORMER PARAGRAPH (b) DELETED, 1968.)

ARTICLE V—SPEED REGULATIONS

§ 5-1—State speed laws applicable

The State traffic laws regulating the speed of vehicles shall be applicable upon all streets within this city, except as this ordinance, as authorized by State law, hereby declares and determines upon the basis of an engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared in this ordinance when signs are in place giving notice thereof.8 (Revised, 1956.)

 $^{^8}$ Sections 5-1, 5-2, 5-3, 5-4 and 5-5 are included on the assumption that the state legislature has enacted UVC \S 11-803 authorizing local authorization

§ 5-2—Decrease of State speed limits at certain intersections

It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by State law at the following street intersections is greater than is reasonable or safe under the conditions found to exist at such intersections and it is hereby declared that the maximum speed limit within 100 feet upon every designated approach to and within those intersections herein designated shall be as herein stated, which speeds so declared shall be effective at the times specified herein when signs are erected upon every approach to every such intersection giving notice of the maximum speed limit so declared thereat. (Revised, 1956.)

Name of street	Maximum speed limit	When limit applies 10

§ 5-3—Increasing State speed limits in certain zones

It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by State law upon the following streets is less than is necessary for safe operation of vehicles thereon by reason of the designation and sign-posting of said streets as through highways and (or) by reason

ties to alter certain limits declared by state law subject to the limitations and under the conditions stated in § 11-803. However, in the event a city does not find it necessary to exercise the powers granted in §§ 5-1 to 5-5, inclusive, or any one of said sections, then those sections not needed should be omitted from the ordinance.

In connection with these sections and in the event a state has adopted UVC § 11-803(d), it should be noted that no alteration of a speed limit on a state highway or any extension thereof in a municipality shall be effective unless such alteration has been approved by the State highway commission.

⁹ Section 5-2 is designed to apply and make effective the authorization contained in UVC § 11-803(a) 1 authorizing local authorities under the conditions stated in UVC § 11-803(a) to reduce the state law maximum speed limit at any intersection.

¹⁰ In this and ensuing schedules, the times when a given limit will apply should be specified. For instance, a limit could be made applicable at all times or during specified hours such as daytime, nighttime or 7 to 9:30 a.m. and 4 to 6:30 p.m.

of widely spaced intersections and it is hereby declared that the maximum speed limit shall be as hereinafter set forth on those streets or parts of streets herein designated at the times specified when signs are erected giving notice thereof.¹¹ (REVISED, 1956.)

Name of street	Maximum speed limit	When limit applies
•		

§ 5-4—Decrease of State law maximum speed

It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by State law outside of urban districts as applicable upon the following streets is greater than is reasonable or safe under the conditions found to exist upon such streets and it is hereby declared that the maximum speed limit shall be (35) or (45) miles per hour as herein set forth on those streets or parts of streets herein designated at the times herein specified when signs are erected giving notice thereof.¹² (REVISED, 1968.)

Name of street	Maximum speed limit	When limit applies

¹¹ Section 5-3 is included as authorized by and to make effective UVC § 11-803(a)2 in urban districts on through highways or on highways or portions thereof where there are no intersections or between widely spaced intersections.

¹² Section 5-4 is included as authorized by UVC § 11-803(a)3 permitting local authorities after an engineering and traffic investigation to reduce the lawful maximum speed under state law outside of urban districts upon any street, provided that in no event shall the speed as declared by city ordinance be less than 35 miles per hour.

§ 5-5—Speed limits on arterial streets

Upon the basis of an engineering and traffic investigation, these maximum speed limits are hereby determined and declared reasonable and safe on the following arterial streets (or parts of streets) when signs are erected giving notice thereof.¹³ (New, 1968.)

Name of street	Maximum speed limit	When limit applies

ALTERNATE §§ 5-2, 5-3, 5-4 AND 5-5. In the event it is found necessary in any of the above regularly numbered sections to refer to or enumerate a substantial number of intersections or streets, then it may be desirable to recast the text of said ordinance sections, making reference to schedules to be included in ARTICLE XXI, as for example, as follows:

Alternate § 5-3—Increasing State speed limits in certain zones

NOTE.—Insert in ARTICLE XXI the following schedule:

SCHEDULE

§-Increased speed limits

In accordance with § 5-3, and when signs are erected giving

¹³ Section 5-5 implements UVC § 11-803(b) requiring municipalities to determine appropriate speed limits for all arterial streets.

notice thereof, the maximum speed limit shall be as set forth in this schedule upon those streets or portions thereof and at the times specified herein. (REVISED, 1956.)

Name of street (or) (portions affected)	Maximum speed limit	When limit applies

§ 5-6—Regulation of speed by traffic signals

The city traffic engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.

ARTICLE VI—TURNING MOVEMENTS

§ 6-1—Authority to place devices altering normal course for turns

The city traffic engineer is authorized to place official trafficcontrol devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law.¹⁴ (REVISED AND FORMER PARAGRAPH (b) DELETED, 1968.)

§ 6-2—Authority to place restricted turn signs

The city traffic engineer is hereby authorized to determine those intersections at which drivers of vehicles shall not make a

¹⁴ In view of the fact that there are many intersections, including T intersections, where large numbers of vehicles turn left, local authorities and traffic officers should permit and direct vehicles to turn left in two lines at such intersections. For the general course for drivers to follow at intersections, see UVC § 11-601. Note that UVC §§ 11-601(c) and 15-102(a)9 grant broad power to regulate turning movements, at intersections and elsewhere, by the installation of appropriate traffic-control devices.

right, left or U turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

§ 6-3—Obedience to no-turn signs

Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

§ 6-4—Limitations on turning around

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

ARTICLE VII—ONE-WAY STREETS AND ALLEYS 15

§ 7-1—Authority to sign one-way streets and alleys

Whenever any ordinance of this city designates any one-way street or alley the city traffic engineer shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

§ 7-2—One-way streets and alleys

Upon those streets and parts of streets and in those alleys described in schedule I attached hereto and made a part hereof, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

¹⁵ Authority for these sections is contained in UVC §§ 11-308 and 15-102(a)4.

§ 7-3—Authority to restrict direction of movement on streets during certain periods

The city traffic engineer is hereby authorized to determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The city traffic engineer may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway. (FORMER PARAGRAPH (b) DELETED, 1968.)

ARTICLE VIII—STOP AND YIELD INTERSECTIONS 16

§ 8-1—Through streets designated

Those streets and parts of streets described in schedule II attached hereto and made a part hereof are hereby declared to be through streets for the purpose of this section.

§ 8-2—Signs required at through streets

Whenever any ordinance of this city designates and describes a through street it shall be the duty of the city traffic engineer to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic-control signals; provided, however, that at the intersection of two such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of said streets as may be determined by the city traffic engineer upon the basis of an engineering and traffic study. (REVISED, 1956.)

§ 8-3—Other intersections where stop or yield required

The city traffic engineer is hereby authorized to determine and designate intersections where particular hazard exists upon

¹⁶ For municipal authority to designate through highways, stop intersections and yield intersections, see UVC §§ 15-102(a)6 and 15-109.

other than through streets and to determine (a) whether vehicles shall stop at one or more entrances to any such intersection, in which event he shall cause to be erected a stop sign at every such place where a stop is required, or (b) whether vehicles shall yield the right of way to vehicles on a different street at such intersection, in which event he shall cause to be erected a yield sign at every place where obedience thereto is required. (Revised, 1968.)

ARTICLE IX—MISCELLANEOUS DRIVING RULES

§ 9-1—Stop when traffic obstructed

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

§ 9-2—Driving through funeral or other procession

No driver of a vehicle (or motorman of a streetcar) shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this ordinance. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

§ 9-3—Drivers in a procession

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

§ 9-4—Funeral processions to be identified

A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the traffic division.

§ 9-5—When permits required for parades and processions

No funeral, procession or parade containing (200) or more persons or (50) or more vehicles except the Armed Forces of the United States, the military forces of this State and the forces of the police and fire departments, shall occupy, march or proceed along any street except in accordance with a permit issued by the chief of police and such other regulations as are set forth herein which may apply. (REVISED, 1968.)

ARTICLE X—STREETCARS 17

§ 10-1—Boarding or alighting from streetcars or vehicles

No person shall board or alight from any streetcar or vehicle while such streetcar or vehicle is in motion.

§ 10-2-Unlawful riding

No person shall ride on any streetcar or vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

§ 10-3—Railroad trains and streetcars not to block streets

It shall be unlawful for the directing officer or the operator of any railroad train or streetcar to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five minutes, except that this provision shall not apply to trains or cars in motion other than those engaged in switching. (FORMER PARAGRAPH (b) DELETED, 1968.)

§ 10-4—Streetcar stops

(a) Authority is vested in the (city traffic engineer) to desig-

¹⁷ In the event streetcars are not operated in a city adopting this ordinance, then there is no need to include the regulations in this article except that the provisions in reference to unlawful riding or alighting from a vehicle in §§ 10-1 and 10-2 and the provision applicable to railroad trains in § 10-3 might be transferred to and included in article IX, entitled Miscellaneous Driving Rules. If streetcars are in operation and state laws do not contain provisions comparable to those in UVC §§ 11-1401 et seq., such provisions should be added to this article.

nate streetcar stops at such locations and in such number as may be necessary and of the greatest benefit and convenience to the public. Every such streetcar stop shall be designated by appropriate signs.

- (b) The operator of a streetcar shall not stop such streetcar at any place for the purpose of taking on or discharging passengers other than at a streetcar stop so designated as provided herein, except in case of emergency.
- (c) No person shall stop, stand or park a vehicle at an authorized streetcar stop so designated as provided herein, or between the right curb and any such stop, except that the operator of a passenger vehicle may temporarily stop thereat for the purpose of and while actually engaged in the discharge of passengers or the pickup of passengers then in readiness at the curb. (NEW SECTION, 1952.)

ARTICLE XI-PEDESTRIANS' RIGHTS AND DUTIES

§ 11-1—Crossing at right angles

Except where otherwise indicated by a crosswalk or other official traffic-control devices, a pedestrian shall cross a roadway at right angles to the curb or by the shortest route to the opposite curb. (REVISED, 1968.)

§ 11-2—Prohibited crossing 18

- (a) No pedestrian shall cross a roadway other than in a crosswalk (in the central traffic district or) in any business district.
- (b) No pedestrian shall cross a roadway other than in a crosswalk upon any of the following named (through streets) or (parkways): (FORMER PARAGRAPHS (a) and (d) DELETED, 1968.)

§ 11-3—Obedience of pedestrians to bridge and railroad signals

(a) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate, or barrier after a bridge operation signal indication has been given.

¹⁸ This section implements authority granted in UVC §§ 15-102(a)18 and 15-107.

(b) No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed. (NEW SECTION, 1952.)

§ 11-4—Drivers to exercise due care

Notwithstanding other provisions of this ordinance every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway. (REVISED, 1968.)

ARTICLE XII—REGULATIONS FOR BICYCLES 19

§ 12-1—Effect of regulations

- (a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this article.
- (b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this ordinance.
- (c) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

§ 12-2—License required

No person who resides within this city shall ride or propel a bicycle on any street or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed and a license plate is attached thereto as provided herein.

§ 12-3—License application

Application for a bicycle license and license plate shall be made upon a form provided by the city and shall be made to the (chief of police). An annual license fee of shall be paid to the city before each license or renewal thereof is granted.

¹⁹ The provisions in this article are authorized by UVC § 15-102(a)8

§ 12-4—Issuance of license

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- (a) The (chief of police) upon receiving proper application therefor is authorized to issue a bicycle license which shall be effective until (the next succeeding first day of July).
- (b) The (chief of police) shall not issue a license for any bicycle when he knows or has reasonable ground to believe that the applicant is not the owner of or entitled to the possession of such bicycle.
- (c) The (chief of police) shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued, and the number on the frame of the bicycle for which issued, and a record of all bicycle license fees collected by him.

§ 12-5—Attachment of license plate

- (a) The (chief of police) upon issuing a bicycle license shall also issue a license plate bearing the license number assigned to the bicycle, the name of the city, and (the calendar year for which issued) (the expiration date thereof).
- (b) The (chief of police) shall cause such license plate to be firmly attached to the rear mudguard or frame of the bicycle for which issued in such position as to be plainly visible from the rear.
- (c) No person shall remove a license plate from a bicycle during the period for which issued except upon a transfer of ownership or in the event the bicycle is dismantled and no longer operated upon any street in this city.

§ 12-6—Inspection of bicycles

The chief of police, or an officer assigned such responsibility, shall inspect each bicycle before licensing the same and shall refuse a license for any bicycle which he determines is in unsafe mechanical condition.

§ 12-7—Renewal of license

Upon the expiration of any bicycle license the same may be renewed upon application and payment of the same fee as upon an original application.

§ 12-8—Transfer of ownership

Upon the sale or other transfer of a licensed bicycle the licensee shall remove the license plate and shall either surrender the same to the (chief of police) or may upon proper application but without payment of additional fee have said plate assigned to another bicycle owned by the applicant.

§ 12-9—Rental agencies

A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a license plate is attached thereto as provided herein and such bicycle is equipped with the lamps and other equipment required by the State vehicle code. (REVISED, 1968.)

§ 12-10—Bicycle dealers

Every person engaged in the business of buying or selling new or second-hand bicycles shall make a report to the (chief of police) of every bicycle purchased or sold by such dealer, giving the name and address of the person from whom purchased or to whom sold, a description of such bicycle by name or make, the frame number thereof, and the number of license plate, if any, found thereon.

§ 12-11—Traffic ordinances apply to persons riding bicycles

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this ordinance, except as to special regulations in this article and except as to those provisions of this ordinance which by their nature can have no application. (REVISED, 1968.)

§ 12-12—Obedience to traffic-control devices

- (a) Any person operating a bicycle shall obey the instructions of official traffic-control devices applicable to vehicles, unless otherwise directed by a police officer. (REVISED, 1968.)
- (b) Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except

where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

§ 12-13—Parking

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such manner as to afford the least obstruction to pedestrian traffic.

§ 12-14—Riding on sidewalks

- (a) No person shall ride a bicycle upon a sidewalk within a business district.
- (b) The (chief of police) is authorized to erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person and when such signs are in place no person shall disobey the same.

ALTERNATE (b) No person (15) or more years of age shall ride a bicycle upon any sidewalk in any district.

(c) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

§ 12-15—Penalties

²⁰ It is suggested that each city attorney determine whether this section, imposing penalties, is inapplicable to juveniles by reason of state statutes establishing juvenile courts and special methods of dealing with juvenile offenders.

ARTICLE XIII—ANGLE PARKING 21

§ 13-1—Signs or markings indicating angle parking

- (a) The city traffic engineer shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets but such angle parking shall not be indicated upon any federal-aid or State highway within this city unless the (State highway commission) has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.
- (b) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street (or upon any streetcar tracks).

§ 13-2—Obedience to angle parking signs or markings

On those streets which have been signed or marked by the city traffic engineer for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

§ 13-3—Permits for loading or unloading at an angle to the curb

- (a) The city traffic engineer is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein.
- (b) It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

 $^{^{21}\,}UVC$ §§ 11-1004(c) and 15-102(a)1 provide authority for the regulation of angle parking.

ARTICLE XIV—Stopping, Standing or Parking Prohibited in Specified Places

§ 14-1—Parking not to obstruct traffic

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for free movement of vehicular traffic.

§ 14-2—Parking in alleys

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

§ 14-3—All-night parking prohibited

No person shall park a vehicle on any street for a period of time longer than 30 minutes between the hours of (2) a. m. and (5) a. m. of any day, except physicians on emergency calls.

§ 14-4—Parking for certain purposes prohibited

No person shall park a vehicle upon any roadway for the principal purpose of:

- 1. Displaying such vehicle for sale.
- 2. Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

§ 14-5—Parking adjacent to schools

- (a) The city traffic engineer is hereby authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.
- (b) When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place. (Section Revised, 1952.)

§ 14-6—Parking prohibited on narrow streets

- (a) The city traffic engineer is hereby authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed 20 feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed 30 feet.
- (b) When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

§ 14-7—Standing or parking on one-way streets

The city traffic engineer is authorized to erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left-hand side in violation of any such sign.

§ 14-8—Standing or parking on one-way roadways

In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the lefthand side of such one-way roadway unless signs are erected to permit such standing or parking. The city traffic engineer is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

§ 14-9—No stopping, standing or parking near hazardous or congested places

- (a) The city traffic engineer is hereby authorized to determine and designate by proper signs places not exceeding 100 feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
- (b) When official signs are erected at hazardous or congested places as authorized herein no person shall stop, stand or park a vehicle in any such designated place.

ARTICLE XV—STOPPING FOR LOADING OR UNLOADING ONLY

§ 15-1—City traffic engineer to designate curb loading zones

The city traffic engineer is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable.

§ 15-2—Permits for curb loading zones

§ 15-3—Standing in passenger curb loading zone

No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three minutes.

§ 15-4—Standing in freight curb loading zone

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes.²²

²² In the event it is deemed desirable to permit passenger vehicles to

§ 15-5—City traffic engineer to designate public carrier stops and stands

The city traffic engineer is hereby authorized and required to establish bus stops, bus stands, taxicab stands and stands for other passenger common-carrier motor vehicles on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs. (AMPLIFIED, 1952.)

\S 15-6—Stopping, standing and parking of buses and taxicabs regulated

- (a) The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.
- (b) The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency.
- (c) The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not farther than 18 inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.
- (d) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the ex-

stop temporarily for loading or unloading of passengers in a freight curb loading zone, then the following paragraph might be added in § 15-4:

The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone.

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peditious loading or unloading of passengers. (AMPLIFIED, 1952.)

§ 15-7—Restricted use of bus and taxicab stands

No person shall stop, stand or park a vehicle other than a bus in a bus stop (or other than a hackney in a hackney stand), or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus, (hackney) or taxicab waiting to enter or about to enter such zone.

ARTICLE XVI—STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS

§ 16-1—Application of article

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The provisions of this article prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

§ 16-2—Regulations not exclusive

The provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

§ 16-3—Parking prohibited at all times on certain streets

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described in schedule III attached to and made a part of this ordinance.

§ 16-4—Parking prohibited during certain hours on certain streets

When signs are erected in each block giving notice thereof,

no person shall park a vehicle between the hours specified in schedule IV of any day except Sundays and public holidays within the district or upon any of the streets described in said schedule IV attached to and made a part of this ordinance.

§ 16-5—Stopping, standing or parking prohibited during certain hours on certain streets

When signs are erected in each block giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified in schedule V of any day except Sundays and public holidays within the district or upon any of the streets described in said schedule V attached to and made a part of this ordinance.

§ 16-6—Parking time limited on certain streets

§ 16-7—Parking signs required

Whenever by this or any other ordinance of this city any parking time limit is imposed or parking is prohibited on designated streets it shall be the duty of the city traffic engineer to erect appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense.

ARTICLE XVII—REGULATING THE KINDS AND CLASSES OF TRAFFIC ON CERTAIN HIGHWAYS ²³ (NEW ARTICLE, 1952.)

§ 17-1—Load restrictions upon vehicles using certain highways

When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified in schedule VII at any time upon any of the streets or

 $^{^{23}}$ The provisions in this article are authorized by UVC §§ 14-113, 15-102(a)7 and 15-102(a)14.

parts of streets described in said schedule VII attached to and made a part of this ordinance.

§ 17-2—Commercial vehicles prohibited from using certain streets

When signs are erected giving notice thereof, no person shall operate any commercial vehicle exceeding pounds gross weight at any time upon any of the streets or parts of streets described in schedule VIII attached to and made a part of this ordinance, except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only by entering such street at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection thereafter.

§ 17-3—Size restrictions upon vehicles using certain highways

- (a) It is hereby determined upon the basis of an engineering and traffic investigation that the size permitted by State law is greater than physical conditions will allow upon the streets or parts of streets described in schedule IX attached to and made a part of this ordinance.
- (b) When signs are erected giving notice thereof, no person shall operate any vehicle exceeding the dimensions specified in said schedule. (NEW SECTION, 1968.)

§ 17-4—Restrictions upon use of streets by certain vehicles

- (a) The city traffic engineer is hereby authorized to determine and designate those heavily traveled streets upon which shall be prohibited the use of the roadway by motor-driven cycles, bicycles, horsedrawn vehicles or other non-motorized traffic and shall erect appropriate signs giving notice thereof.
- (b) When signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

ARTICLE XVIII—TRAFFIC VIOLATIONS BUREAU

Note: In preference to legislatively providing for a traffic violations bureau, it is recommended that traffic courts follow the "Model Rules Governing Procedure in Traffic Cases," published by the National Conference of Commissioners on Uniform State Laws, 1155 East 60th Street, Chicago, Illinois 60637. One of these Rules (1:3-7) describes the establishment and purpose of a traffic violations bureau.

ARTICLE XIX-PENALTIES AND PROCEDURE ON ARREST

§ 19-1—Penalties

Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than dollars or by imprisonment for not more than days or by both such fine and imprisonment.

§ 19-2—Forms and records of traffic citations and arrests

- (a) The city (financial official) shall provide books to include traffic citation forms for notifying alleged violators to appear and answer to charges of violating traffic laws and ordinances in the (traffic court) of this city. Said books shall include serially numbered sets of citations in quadruplicate in the form prescribed and approved jointly by the (chief city magistrate) and the chief of police.
- (b) The city (financial official) shall issue such books to the chief of police or his duly authorized agent and shall maintain a record of every book so issued and shall require a written receipt for every such book.
- (c) The chief of police shall be responsible for the issuance of such books to individual members of the police department. The chief of police shall require a written receipt for every book so issued and shall maintain a record of every such book and each set of citations contained therein. (SECTION AMPLIFIED, 1952.)

§ 19-3—Procedure of police officers

Except when authorized or directed under State law to immediately take a person before a magistrate for the violation of any traffic laws, a police officer who halts a person for such violation other than for the purpose of giving him a warning or warning notice and does not take such person into custody under arrest, shall take the name, address, and driver's license number of said person, the registered number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him in writing on a form provided by the city (financial official) a traffic citation containing a no-

tice to answer to the charge against him in the (traffic court) of this city at a time at least five days after such alleged violation to be specified in said citation. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody.²⁴ (SECTION REVISED, 1968.)

§ 19-4—Audit of records and reports

- (a) Every record of traffic citations, complaints thereon, and warrants issued therefor required in this article shall be audited at least (quarterly) by the city (financial official) who shall submit a report of such audit together with a summary thereof to the mayor and city council. Such reports shall be public records.
- (b) Such (financial official) shall publish or cause to be published a (quarterly) summary of all traffic citations issued by members of the police department, the disposition of the complaints thereon, and the issuance and disposition of all warrants issued therefor in at least one local daily newspaper of general circulation.
- (c) For the purpose of this article, the city (financial official) or his duly authorized representatives shall have access at all times to all necessary records, files and papers of the (traffic court) of this city, its traffic violations bureau, and the police department. (New Section, 1952.)

§ 19-5—When copy of citation shall be deemed a lawful complaint

In the event the form of citation provided under § 19-2 includes information and is sworn to as required under the general laws of this State in respect to a complaint charging commission of the offense alleged in said citation to have been committed, then such citation when filed with a court having jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution. (REVISED, 1968.)

²⁴ The procedure upon arrest as provided in this section represents recommended practice in those municipalities where it is permissible under state law for the municipality to prescribe by ordinance the procedure to be followed upon arrest. It is recognized that in some states this matter is regulated by state law, and ordinances in conflict therewith would be invalid.

§ 19-6—Failure to obey citation

It shall be unlawful for any person to violate his written promise to appear given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which such citation was originally issued. (Revised, 1952.)

§ 19-7—Citation on illegally parked vehicle

Whenever any motor vehicle without driver is found parked, standing or stopped in violation of any of the restrictions imposed by ordinance of this city or by State law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the city (financial official), for the driver to answer to the charge against him within five days during the hours and at a place specified in the citation. (Revised, 1968.)

§ 19-8—Failure to comply with traffic citation attached to parked vehicle

If a violator of the restrictions on stopping, standing or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of five days (the clerk of the traffic court) (or) (the traffic violations bureau) shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five days a warrant of arrest will be issued. (Revised, 1952.)

§ 19-9—Presumption in reference to illegal parking

(a) In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or

placed such vehicle at the point where, and for the time during which, such violation occurred.

(b) The foregoing stated presumption shall apply only when the procedure as prescribed in §§ 19-7 and 19-8 has been followed.²⁵

§ 19-10—When warrant to be issued

In the event any person fails to comply with a traffic citation given to such person or attached to a vehicle or fails to make appearance pursuant to a summons directing an appearance in the (traffic court) (traffic violations bureau), or if any person fails or refuses to deposit bail as required and within the time permitted by ordinance, the (clerk of the traffic court) (traffic violations bureau) shall secure and issue a warrant for his arrest. (REVISED, 1952.)

§ 19-11—Disposition of traffic fines and forfeitures

All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this ordinance shall be paid into the city treasury and deposited in a special fund to be known as the 'highway improvement fund," which is hereby created and which shall be used exclusively in the construction, maintenance and repair of public streets, bridges and street structures, or for the installation and maintenance of traffic-control devices thereon.

§ 19-12—Official misconduct

Failure, refusal or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture, either before or after a deposit in said "highway improvement fund," to comply with the foregoing provisions of this section shall constitute misconduct in office and shall be ground for removal therefrom.

²⁵ It would be preferable to obtain enactment of the substance of § 19-9 by the state legislature, as the authority of legislative bodies of municipalities to enact rules of evidence or to create presumptions may be questioned under the state constitution in many states.

§ 19-13—Impounding vehicles

- (a) When authorized by the laws of this State, members of the police department may remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by this city.²⁶ (REVISED, 1968.)
- (b) Whenever an officer removes a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.
- (c) Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three days, then and in that event the officer shall immediately send or cause to be sent a written report of such removal by mail to the State department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal, and name of the garage or place where the vehicle is stored.²⁷

ARTICLE XX—EFFECT OF AND SHORT TITLE OF ORDINANCE

§ 20-1—Application

The provisions of this ordinance relating to the operation of vehicles refer exclusively to the operation of vehicles upon high-

²⁶ As to when an officer may impound a vehicle, see UVC §§ 11-1002 and 15-112.

²⁷ For the procedure to be followed by an officer impounding an abandoned vehicle, however, see UVC § 15-112.

ways except where a different place is specifically referred to in a given section. (New, 1968.)

§ 20-2—Uniformity of interpretation

This ordinance shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those local authorities which enact it. (NEW, 1968.)

§ 20-3—Effect of headings

Article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section hereof. (NEW, 1968.)

§ 20-4—Short title

§ 20-5-Ordinance not retroactive

This ordinance shall not have a retroactive effect and shall not apply to any traffic accident, to any cause of action arising out of a traffic accident or judgment arising therefrom, or to any violation of the motor vehicle ordinance of this city, occurring prior to the effective date of this ordinance. (NEW, 1968.)

§ 20-6—Effect of partial invalidity

If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

§ 20-7—Publication of ordinance

The (city clerk) shall certify to the passage of this ordinance (and cause the same to be published in the) (and cause all or such parts hereof to be published as may be required by the constitution and laws of this State). (REVISED, 1968.)

Alternate § 20-7—Publication of adoption

§ 20-8—Repeal

The (existing ordinances covering the same matters as embraced in this ordinance) are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed. (REVISED, 1968.)

§ 20-9-Effective date

This ordinance shall take effect from and after theday of

ARTICLE XXI—SCHEDULES OF DESIGNATED STREETS REFERRED TO IN ORDINANCE

Note—The primary purpose of setting forth the following schedules is to enable a city to publish and issue the major text of the traffic ordinance as an entity and issue separately the schedules which commonly are revised or added to with great frequency. Technically, the schedules are a part of the ordinance and ordinarily action of the city authorities by ordinance is necessary to amend or add to a schedule. In some instances city attorneys have approved of amendments to a schedule by resolution of the city legislative body, provided such resolution is published as required in reference to an ordinance.

SCHEDULE I

§ 21-1—One-way streets

In accordance with § 7-2 and when properly signposted, traffic shall move only in the direction indicated upon the following streets:

²⁸ The alternate section, which does not require publication of the entire ordinance, should be utilized only when such publication is not required by the constitution and laws of a particular state.

2 41-7 MIONNI THULLIO ONNIMANOR	
Name of street	Direction of traffic movement
Sched	ULE II
§ 21-2—Through streets	
In accordance with the provi are erected giving notice thereof or yield at every intersection being streets or parts of streets: 1968.)	fore entering any of the follow- (REVISED,
§ 21-3—Parking prohibited at	
	d when signs are erected giving at any time park a vehicle upon d streets or parts of streets:
Sched	HE IV
§ 21-4—Parking prohibited du	ring certain hours on certain
streets	
notice thereof, no person shall p specified herein of any day exce	d when signs are erected giving bark a vehicle between the hours ept Sundays and public holidays of the streets or parts of streets
Name of street or district	Hours parking prohibited

Name of street or district	Hours parking prohibited

SCHEDULES

SCHEDULE V

§ 21-5—Stopping, standing or parking during certain hours on certain streets prohibited

In accordance with § 16-5, and when signs are erected giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified herein of any day except Sundays and public holidays within the district or upon any of the streets or parts of streets as follows:

Name of street or district	Hours stopping, standing or parking prohibited

SCHEDULE VI

§ 21-6—Parking time limited on certain streets

SCHEDULE VII (NEW, 1952.)

§ 21-7—Load restrictions upon vehicles using certain streets

In accordance with § 17-1 and when signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified herein at any time upon any of the following streets or parts of streets:

- (a) thousand pound limit.
- (List streets, specifying terminal limits of that part of street to which applicable if necessary.)
 - (b) thousand pound limit.

SCHEDULE VIII (NEW, 1952.)

§ 21-8—Commercial vehicles prohibited from using certain streets

When signs are erected giving notice thereof, no person shall operate a commercial vehicle except as provided under § 17-2, upon any of the following streets or parts of streets:

(List the boulevards, streets in parks, and other streets to which this section is applicable, specifying terminal limits of parts of streets if necessary.)

SCHEDULE IX (NEW, 1968.)

§ 21-9—Size restrictions on certain streets

In accordance with § 17-3 and when signs are erected giving notice thereof, no person shall operate any vehicle exceeding the following dimensions at any time upon any of the following streets or parts of streets:

(Specify the height, width or length limit that may not be exceeded and the streets or parts of streets where each such limit applies.)

APPENDIX

PARKING METER ZONES (NEW, 1952.)

§ (22-1)—Parking meter zones

- (b) The city traffic engineer is hereby authorized, subject to the approval of the city council by amendment of said schedule, to establish parking meter zones at other locations upon those streets or parts of streets where it is determined upon the basis of an engineering and traffic investigation that the installation of parking meters shall be necessary to aid in the regulation, control and inspection of the parking of vehicles.

§ (22-2)—Installation of parking meters

(a) The city traffic engineer shall install parking meters in the parking meter zones established as provided in this ordinance upon the curb immediately adjacent to each designated parking space. Said meters shall be capable of being operated, either automatically or mechanically, upon the deposit therein of a five-cent coin of United States currency, for the full period of time for which parking is lawfully permitted in any such parking meter zone or, in lieu thereof, for the following periods of time, upon the deposit therein of a coin or coins of United States currency as specified:

Upon the deposit of one nickel:

For the full lawful parking time.

Upon the deposit of one penny:

For one-fifth of the lawful parking time.

Upon the deposit of two pennies:

For two-fifths of the lawful parking time.

Upon the deposit of three pennies:

For three-fifths of the lawful parking time.

Upon the deposit of four pennies:

For four-fifths of the lawful parking time.

Upon the deposit of five pennies:

For the full lawful parking time.*

- (b) Each parking meter shall be so designed, constructed, installed and set that upon the expiration of the time period registered, by the deposit of one or more coins, as provided herein, it will indicate by an appropriate signal that the lawful parking meter period has expired, and during said period of time and prior to the expiration thereof, will indicate the interval of time which remains of such period.
- (c) Each parking meter shall bear thereon a legend indicating the days and hours when the requirement to deposit coins therein shall apply, the value of the coins to be deposited, and the limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located.

§ (22-3)—Parking meter spaces

- (a) The city traffic engineer shall designate the parking space adjacent to each parking meter for which such meter is to be used by appropriate markings upon the curb and/or the pavement of the street. Parking meter spaces so designated shall be of appropriate length and width so as to be accessible from the traffic lanes of such street.
- (b) No person shall park a vehicle in any such designated parking meter space during the restricted or regulated time applicable to the parking meter zone in which such meter is located so that any part of such vehicle occupies more than one such space or protrudes beyond the markings designating such space, except that a vehicle which is of a size too large to be parked within a single designated parking meter zone shall be permitted to occupy two adjoining parking meter spaces when coins shall have been deposited in the parking meter for each space so occupied as is required in this ordinance for the parking of other vehicles in such space.

^{*}The amount charged for use of metered parking spaces should be adjusted as may be necessary to reflect current practice in each state or in a given municipality.

PARKING METER ZONES

§ (22-4)—Deposit of coins and time limits

§ (22-4)

- (a) No person shall park a vehicle in any parking space upon a street alongside of and next to which a parking meter has been installed during the restricted and regulated time applicable to the parking meter zone in which such meter is located unless a coin or coins of United States currency of the appropriate denomination as provided in this ordinance shall have been deposited therein, or shall have been previously deposited therein for an unexpired interval of time, and said meter has been placed in operation.
- (b) No person shall permit a vehicle within his control to be parked in any such parking meter space during the restricted and regulated time applicable to the parking meter zone in which such meter is located while the parking meter for such space indicates by signal that the lawful parking time in such space has expired. This provision shall not apply to the act of parking or the necessary time which is required to deposit immediately thereafter a coin or coins in such meter.
- (c) No person shall park a vehicle in any such parking meter space for a consecutive period of time longer than that limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located, irrespective of the number or amounts of the coins deposited in such meter.
- (d) The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this ordinance and the State vehicle code prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

§ (22-5)—Use of slugs prohibited

No person shall deposit or attempt to deposit in any parking meter any slug, button or any other device or substance as substitutes for coins of United States currency.

§ (22-6)—Tampering with meter

No person shall deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter.

§ (22-7)—Application of proceeds

(a) The coins required to be deposited in parking meters as

provided in this ordinance are levied and assessed as fees to cover the regulation and control of parking upon public streets; the costs of parking meters, their installation, inspection, supervision, operation, repair and maintenance, control and use of parking spaces, and regulating the parking of vehicles in parking meter zones; and the costs of acquiring, establishing, improving, maintaining and operating public off-street parking facilities.

- (b) The coins deposited in parking meters shall be collected by the duly authorized agents of the city (treasurer) and shall be deposited by him in a special fund to be known as the "Parking Meter Special and Trust Fund."
- (c) The city (treasurer) shall pay from such special fund the costs of any parking meters purchased by the city and installed as provided in this ordinance, and expenses incurred for their installation, inspection, service, supervision, repair and maintenance, for making collections from such parking meters, and for the enforcement of the provisions of this ordinance applicable to parking meter zones. The net proceeds of the operation of parking meters in said special fund, after the payment of such costs and expenses, shall be used for parking studies and for the acquisition, establishment, improvement, maintenance and operation of public off-street parking facilities as the city council shall from time to time direct.

SCHEDULE

§ (22-8)—Parking meter zones

In accordance with § (22-1), parking meter zones are hereby established within the district or upon those streets or parts of streets described herein in which the parking of vehicles upon streets shall be regulated by parking meters between the hours specified of any day except Sundays and public holidays as follows:

- (a) One-hour limit:
 - (1) Between a. m. and p. m. except (Mondays) and between a. m. and p. m. on (Mondays).
 - (2) Between a. m. and p. m.
- (b) Two-hour limit:
 - (1) Between p. m.

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