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NEW

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AUTOMOBILE LAWS

OF THE

NEW ENGLAND STATES, NEW YORK, NEW
JERSEY AND PENNSYLVANIA.

PUBLISHED

BY THE

LEGISLATIVE REFERENCE BUREAU

OF THE

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INTRODUCTION.

This bulletin has been prepared in response to numerous requests for information on this question. The laws of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania have been included. The states selected are those in which most of the foreign automobiles coming into Rhode Island are owned.

Bulletin 1 related to the veto power in the states, and Bulletin 3 will be a digest of banking laws of the commercial states, and others will be issued as occasion demands.

HERBERT OLIN BRIGHAM,

State Librarian.

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CONTENTS.

REGISTRATION OF MOTOR VEHICLES, IDENTIFICATION MARKS, AND FEES.	5
Me. 5, N. H. 6, Vt. 8, Mass. 10, R. I. 14, Conn. 16, N. Y. 19, N. J. 21, Penn. 28.	
LICENSE OF MOTOR VEHICLE OPERATORS.	29
Me. 29, N. H. 29, Vt. 30, Mass. 31, R. I. 32, Conn. 32, N. Y. 33, N. J. 34, Penn. 36.	
REGULATIONS IN REGARD TO THE OPERATION OF MOTOR VEHICLES, AND THE USE OF HIGHWAYS BY THE SAME.	38
Me. 38, N. H. 39, Vt. 41, Mass. 41, R. I. 44, Conn. 45, N. Y. 47, N. J. 50, Penn. 54.	
REGULATIONS IN REGARD TO NON-RESIDENT OWNERS OF MOTOR VEHI- CLES.	56
Me. 56, N. H. 56, Vt. 57, Mass. 57, R. I. 57, Conn. 57, N. Y. 58, N. J. 58, Penn. 58.	
REGULATION OF DEALERS IN AND MANUFACTURERS OF MOTOR VEHICLES.	59
Me. 59, N. H. 59, Vt. 60, Mass. 60, R. I. 61, Conn. 62, N. Y. 62, N. J. 63, Penn. 63.	
PROCEDURE.	64
Me. 64, N. H. 64, Vt. 64, Mass. 64, R. I. 65, Conn. 65, N. Y. 66, N. J. 67, Penn. 73.	
PENALTIES.	75
Me. 75, N. H. 75, Vt. 76, Mass. 77, R. I. 80, Conn. 80, N. Y. 82, N. J. 83, Penn. 85.	
DISPOSITION OF FEES.	87
Me. 87, N. H. 87, Vt. 87, Mass. 87, R. I. 88, Conn. 88, N. Y. 88, N. J. 88, Penn. 89.	
EQUIPMENT.	90
Me. 90, N. H. 90, Vt. 90, Mass. 91, R. I. 91, Conn. 92, N. Y. 92, N. J. 93, Penn. 94.	
DEFINITIONS.	98
Me. 96, N. H. 96, Vt. 96, Mass. 96, R. I. 96, Conn. 97, N. Y. 97, N. J. 98, Penn. 99.	
MISCELLANEOUS.	100

COMPILATION OF AUTOMOBILE LAWS.

REGISTRATION OF MOTOR VEHICLES, IDENTIFICATION MARKS, AND FEES.

MAINE.

SEC. 17. All automobiles and motor vehicles shall be registered by the owner or person in control thereof in accordance with the provisions of this act. Application for such registration may be made, by mail or otherwise, to the secretary of state upon blanks prepared under his authority. The application shall, in addition to such other particulars as may be required by said secretary, contain a statement of the name, place of residence and address of the applicant, with a brief description of the automobile or motor vehicle, including the name of the maker, the number, if any, affixed by the maker, the character of the motor power and the amount of such motor power stated in figures of horse power; and with such application shall be deposited a registration fee of two dollars. The said secretary shall then register, in a book to be kept for the purpose, the automobile or motor vehicle described in the application, giving to such automobile or motor vehicle a distinguishing number or other mark, and shall thereupon issue to the applicant a certificate of registration. Said certificate shall contain the name, place of residence and address of the applicant, and the registered number or mark, shall prescribe the manner in which said registered number or mark shall be inscribed or displayed upon the automobile or motor vehicle,

and shall be in such form as the secretary may determine. The secretary of state shall also furnish the applicant two enameled iron plates containing the word "Maine" in letters not less than one inch in height and the number of registration in Arabic numerals not less than four inches in height. The number plates must be attached to the front and back of automobiles and one number plate must be attached to the back of motor cycles. On both automobiles and motor cycles the numbers must be so placed to be always plainly visible. A proper record of all applications and of all certificates issued shall be kept by the secretary of state in his office and shall be open to the inspection of any person during reasonable business hours. The certificate of registration shall always be carried in some easily accessible place in the automobile or motor vehicle described therein. Upon the sale of any automobile or motor vehicle its registration shall expire, and the vendor shall immediately return the certificate of registration to the secretary of state, with notice of sale, and of the name, place of residence and address of the vendee.

SEC. 20. Except as otherwise provided herein no automobile or motor vehicle after the first day of June, nineteen hundred five, shall be operated upon any highway, townway, public street, avenue, driveway, park or parkway, unless registered as heretofore provided, and no person shall on or after the first day of June in the year nineteen hundred five, operate an automobile or motor vehicle upon any highway, townway, public street, avenue, driveway, park or parkway, unless licensed to do so under the provisions of this act.

NEW HAMPSHIRE.

SECT. 2. All automobiles and motor cycles shall be registered by the owner or person in control thereof in accordance with the provisions of this act. Applications for such regis-

tration shall be made, by mail or otherwise, to the secretary of state, upon blanks prepared under his authority. The application shall, in addition to such other particulars as may be required by the secretary of state, contain a statement of the name, place of residence, and address of the applicant, with a brief description of the automobile or motor cycle, including the name of the maker, the number, if any, affixed by the maker, the character of the motive power and the amount of such power stated in figures of horse power, and with such application shall be deposited a registration fee of three dollars. Said secretary of state shall then register in a book to be kept for the purpose, the automobile or motor cycle described in the application, giving to such vehicle a distinguishing number or mark, which in all cases shall be followed by the letters "N. H." and shall thereupon issue to the applicant a certificate of registration and shall furnish such applicant with two number plates or tags bearing the distinguishing number or mark of his vehicle, followed by the letters "N. H." of such form as to be conveniently attached to the vehicle registered. The certificate shall contain the name, place of residence and address of the applicant, and the registered number or mark, and shall prescribe the manner in which such registered number or mark shall be displayed upon the vehicle, and shall be in such form and contain such further provisions as the secretary of state may prescribe. The certificate of registration shall always be carried in some easily accessible place in the vehicle described therein. A proper record of all applications and of all certificates issued shall be kept by the secretary of state at his office and shall be open to the inspection of any person during reasonable business hours. Upon the sale of any automobile or motor cycle its registration shall expire and the vendor shall immediately return the certificate of registration and number plates to said secretary of state, with notice of the sale and of the name, place of residence and address of the vendee.

SECT. 5. Except as hereinafter provided, no person shall on or after the first day of May in the year nineteen hundred and five, operate an automobile or motor cycle upon any highway laid out under the authority of statute or road dedicated to the public use for a highway, unless the provisions of sections two and four of this act have been complied with, nor unless the registered number or mark is at all times so displayed at two points upon the vehicle as to be unobstructedly visible, respectively from in front of, and behind said vehicle. Number plates furnished by the secretary of state shall be the only approved form of display of the distinguishing number or mark and the same shall be of uniform style, bearing the number legibly inscribed upon them in figures not less than four inches in height followed by the letters "N. H." Motor cycles shall be required to carry but one number plate which must be constantly displayed in the most conspicuous position practicable. No person shall operate an automobile for hire unless specially licensed so to do, and no person shall employ for hire as chauffeur or operator of an automobile, any person not specially licensed as aforesaid, and the secretary of state may make regulations requiring a display of the chauffeur's or operator's number or mark. The provisions of this section shall not prevent the operating of automobiles by unlicensed persons if riding with or accompanied by a licensed chauffeur or operator.

VERMONT.

SECTION 1. All automobiles and motor vehicles shall be registered by the owner or person in control thereof in accordance with the provisions of this act. Application for such registration may be made, by mail or otherwise, to the secretary of state or any agent thereof designated for this purpose, upon blanks prepared under his authority. The application shall contain in addition to such other particulars as may be required by said secretary, a statement of the name, place of residence

and address of the applicant, with a brief description of the automobile, or motor vehicle, including the name of the maker, and the number, if any, affixed by the maker, the character of the motor power, and the amount of such motor power stated in figures of horse power; and with such application shall be deposited a registration fee of two dollars. The said secretary of state or his duly authorized agent shall then register, in a book to be kept for the purpose, the automobile or motor vehicle described in the application, giving to such automobile or motor vehicle a distinguishing number or other mark, and shall thereupon issue to the applicant a certificate of registration. Said certificate shall contain the name, place of residence and address of the applicant and the registered number or mark, shall prescribe the manner in which said registered number or mark shall be inscribed or displayed upon the automobile or motor vehicle, and shall be in such form and contain such further provisions as the secretary of state may determine. A proper record of all applications and of all certificates issued shall be kept by the secretary of state in his office, and shall be open to the inspection of any person during reasonable business hours. The certificate of registration shall always be carried in some easily accessible place in the automobile or motor vehicle described therein. Upon the sale of any automobile or motor vehicle its registration shall expire, and the vendor shall immediately return the certificate of registration to the secretary of state, with notice of sale, and of the name, place of residence and address of the vendee.

SECTION 7. The secretary of state shall furnish to each person registering a motor vehicle, except motor cycles, two enameled iron plates, which shall not be less than eleven inches in length and six inches in width. Such plates shall have a white surface with black margins of one-fourth of an inch and the letters "VT." Such letters shall be two inches in height

with one-half inch strokes. Such plates shall also bear the number given to such motor vehicles, which number shall be in black Arabic figures not less than four inches in height, with a stroke of three-fourths of an inch in width and such figures shall be placed at least one inch apart and be placed before the letters "VT." One of such plates shall be attached to the front of the motor vehicle in a secure manner so as to be plainly visible. The other of such plates shall be fastened to the rear of the motor vehicle in a similar manner. Such plates shall not be so arranged that they can be turned down or covered up, and shall always be kept legible. From sunset to sunrise the rear identification plate shall be illuminated from the outside, providing that the light which illuminates it is situated so that the visibility of the plate is not impaired by the arrangement. From sunset to sunrise, motor cycles shall be equipped with one lamp, which shall be kept lighted while the cycle is being operated.

SECTION 4. The registration fee provided under section 6 of No. 86 of the acts of 1904, shall be three dollars for each motor vehicle of twenty horse power or less and five dollars for each motor vehicle of more than twenty horse power. The fee for a license for operating a motor vehicle shall be two dollars annually, to be paid in the manner prescribed by No. 86 of the acts of 1904.

MASSACHUSETTS.

AN ACT TO PROVIDE FOR REGISTERING AUTOMOBILES AND
MOTOR CYCLES, AND FOR LICENSING OPERATORS THEREOF.

Be it enacted, etc., as follows:

SECTION 1. All automobiles and motor cycles shall be registered by the owner or person in control thereof in accordance with the provisions of this act. Application for such registra-

tion may be made, by mail or otherwise, to the Massachusetts highway commission or any agent thereof designated for this purpose, upon blanks prepared under its authority. The application shall, in addition to such other particulars as may be required by said commission, contain a statement of the name, place of residence and address of the applicant, with a brief description of the automobile or motor cycle, including the name of the maker, the number, if any, affixed by the maker, the character of the motor power, and the amount of such motor power stated in figures of horse power; and with such application shall be deposited a registration fee of two dollars. The said commission or its duly authorized agent shall then register, in a book to be kept for the purpose, the automobile or motor cycle described in the application, giving to such automobile or motor cycle a distinguishing number or other mark, and shall thereupon issue to the applicant a certificate of registration. Said certificate shall contain the name, place of residence and address of the applicant and the registered number or mark, shall prescribe the manner in which said registered number or mark shall be inscribed or displayed upon the automobile or motor cycle, and shall be in such form and contain such further provisions as the commission may determine. A proper record of all applications and of all certificates issued shall be kept by the commission at its main office, and shall be open to the inspection of any person during reasonable business hours. The certificate of registration shall always be carried in some easily accessible place in the automobile or motor cycle described therein. Upon the transfer of ownership of any automobile or motor cycle, its registration shall expire and the person in whose name such vehicle is registered shall immediately return the certificate of registration to the Massachusetts highway commission with a written notice containing the date of such transfer of ownership and the name, place of residence and address of the new owner. The Massa-

chusetts highway commission, at its discretion, may assign to any person who so surrenders his registration certificate and who desires to register another automobile or motor cycle the distinguishing number or mark described in the surrendered certificate. No number or number plate other than those prescribed by the Massachusetts highway commission in its certificates of registration shall be displayed on any automobile or motor cycle operated in this Commonwealth: *provided, however,* that any automobile or motor cycle owned by a non-resident of this state who has complied with the laws relative to motor vehicles and the operation thereof of the state in which he resides may be operated by such owner on the roads and highways of this state for a period not exceeding seven days without the license, certificate of registration and number plates furnished by the Massachusetts highway commission. Every such vehicle shall have displayed upon it the distinguishing number or mark of the state in which the owner thereof resides and none other until the vehicle is registered in accordance with the provisions of this section.

SECTION 3. Except as otherwise provided herein, no automobile or motor cycle shall, after the first day of September in the year nineteen hundred and three, be operated upon any public highway or private way laid out under authority of statute unless registered as above provided, and the registered number or mark of every automobile and motor cycle operated as aforesaid shall at all times plainly be displayed thereon in Arabic numerals not less than four inches long, and conforming in this and other details to the requirements prescribed by the highway commission in its certificate of registration.

RULES OF THE MASSACHUSETTS HIGHWAY COMMISSION.

Of Automobiles.

RULE 2. On every registered automobile the register number, which is shown on two number plates furnished by the Com-

mission, shall be displayed at the front and back of said vehicle, in conspicuous places, so as to be always plainly visible to a person standing erect within twenty feet in front of or behind any part of said vehicle. The number plates shall be so attached as to conform as nearly as is practicable to the following specifications:—

Both plates shall be parallel to the axles of the vehicle. The lower edge of each plate shall be parallel to the bottom of the body of the vehicle, and each plate shall be vertical: *provided, however,* that no strap, rope or any other thing shall be placed or located so as to cover, hide or obscure the register number or any part thereof. The owner and person in control of any automobile shall use reasonable effort to keep the register number plates clean so that the numbers may be easily read.

Every automobile shall be provided with two lamps. If an automobile is on any highway, or private way laid out under authority of law, during the period from one hour after sunset to one hour before sunrise, the lamps shall be on the automobile and lighted. The lamps shall show white lights visible at least two hundred feet in the direction toward which the vehicle is proceeding. The register number shall be displayed on the sides or fronts of said lamps so as to be plainly visible when the lamps are lighted. The figures shall be in Arabic numerals not less than one inch in height.

Of Motor Cycles.

RULE 3. On every registered motor cycle the register number shall be displayed as follows:—

There shall be painted in white on the back of the tank or battery box attached to the rear fork or the mud guard the following: "Mass. Auto. Reg.," in letters one-half inch high; the letter "Z," two inches high, and the register number in

Arabic numerals conforming to law. If, however, there is not sufficient space on the back of the tank or battery box, the inscription shall be placed on both sides thereof. The register number shall be always plainly visible; and the owner and person in control of said vehicle shall use reasonable effort to keep the number or numbers clean so that they may be easily read. The numbers shall be repainted as often as may be necessary.

Every motor cycle shall be provided with one lamp. If a motor cycle is on any highway, or private way laid out under authority of law, during the period from one hour after sunset to one hour before sunrise, the lamp shall be on the front of the vehicle and lighted. The lamp shall show a white light visible at least two hundred feet in the direction toward which the vehicle is proceeding. The register number shall be displayed on the front of the lamp, in such a manner as to be plainly visible when the lamp is lighted. The figures are to be Arabic numerals not less than one inch in height.

RULE 6. Every person who shall for any reason abandon the use of any distinguishing number or mark given by the Commission to any automobile or motor cycle owned or controlled by him shall obliterate the figures on the number plates furnished to him for such vehicle, to the end that said numbers may not be used improperly by another person.

RHODE ISLAND.

SECTION 1. All automobiles, motor cars, and motor cycles shall be registered by the owner or person in control thereof in accordance with the provisions of this act. Application for such registration may be made, by mail or otherwise, to the secretary of state, upon blanks prepared under his authority. The application shall contain a statement of the name, place of residence, and address of the applicant, with a brief description

of the automobile, motor car, or motor cycle, including the name of the maker, the number, if any, affixed by the maker, the character of the motor power and the amount of such motor power stated in figures of horse power; and with such application shall be deposited a registration fee of two dollars. Said secretary of state shall then register, in a book to be kept for the purpose, the automobile, motor car, or motor cycle described in the application, giving to such automobile, motor car, or motor cycle a distinguishing number or other mark, and shall thereupon issue to the applicant a certificate of registration. Said certificate shall contain the name, place of residence, and address of the applicant, and the registered number or mark; shall prescribe the manner in which said registered number or mark shall be inscribed or displayed upon the automobile, motor car, or motor cycle. A proper record of all applications and of all certificates issued shall be kept by the said secretary of state at his office, and shall be kept open to the inspection of any person during reasonable business hours. The certificate of registration shall always be carried in some easily accessible place in the automobile, motor car, or motor cycle described therein. **Upon the sale of any automobile, motor car, or motor cycle its registration shall expire, and the vendor shall immediately return the certificate of registration to said secretary of state, with notice of the sale, and of the name, place of residence, and address of the vendee.**

SEC. 3. Except as otherwise provided herein, no automobile, motor car, or motor cycle shall, after the first day of June, 1904, be operated upon any public highway or private way unless registered as above provided, and the registered number or mark of every automobile, motor car, and motor cycle operated as aforesaid shall at all times plainly be displayed thereon in Arabic numerals not less than three inches long, and conforming in this and other details to the require-

ments prescribed by said secretary of the state in his certificate of registration.

CONNECTICUT.

STATEMENT AND CERTIFICATE.

SEC. 2. Every owner of one or more motor vehicles shall file in the office of the secretary of the state on a blank furnished by said secretary a statement of his name, residence, and post-office address, and a brief description of each motor vehicle owned or controlled by him, including the name of the maker, the number, if any, affixed by the maker, the character of the motor power, and the amount of such motor power stated in figures of horse power as advertised by the maker thereof, and such other information as shall be required by said secretary. The said secretary shall then register such motor vehicle, assigning to it a distinguishing number or mark, and shall thereupon issue to the owner thereof a certificate of registration which shall contain the name, place of residence, and post-office address of the owner, and the number or mark assigned to such motor vehicle, and such certificate shall at all times be carried upon such motor vehicle and shall be subject to examination upon demand by any proper officer. The certificates provided for in this section and in section three shall continue in force until one year from the date of issue, and upon the renewal of any such certificate said secretary shall re-assign the distinguishing number or mark contained therein.

SECRETARY TO KEEP RECORD OF STATEMENTS FILED AND CERTIFICATES ISSUED.—EXPIRATION OF CERTIFICATE OF REGISTRATION, NUMBER MAY BE RE-ASSIGNED.

SEC. 6. The secretary of the state shall keep a record of all statements filed with him and of all certificates issued by him, which records shall be open to public inspection; and he shall

furnish, from time to time, at cost price, to any person having a motor vehicle registered under the provisions of this act, as many plates or markers as may be required by such person for display upon such motor vehicle. Upon the transfer of ownership of any motor vehicle its certificate of registration shall expire, and said secretary, at his discretion, may re-assign the distinguishing mark or number described in such certificate. In the event that any certificate or license issued by said secretary under the provisions of this act shall be lost or destroyed, he shall issue to the person whose certificate or license has been so lost or destroyed a duplicate thereof. In the event that said secretary is unable to immediately furnish any plate or marker provided for by this act to any person entitled thereto, he may issue a certificate to such person stating that such marker has been ordered and giving the number thereof, and such person may thereafter use a temporary plate or marker, similar in form to the plate or marker provided for by this act, until said plate or marker has been so furnished.

MARKERS TO BE DISPLAYED ON FRONT AND REAR OF MOTOR VEHICLES.

SEC. 4. Every motor vehicle, except motor bicycles, shall at all times while being used or operated upon the public highways of this state, have displayed in a conspicuous place and manner a plate or marker, entirely unobscured, and securely fastened, upon both the front and the rear of such motor vehicle, the plate or marker on the rear thereof to be fastened so as not to swing. Said plates or markers shall be obtained from the secretary of the state as hereinafter provided, and shall bear the initial letter of this state, and the number or mark assigned to such motor vehicle, the letter and figures thereon to be not less than four inches high and each stroke thereof to be not less than one-half inch wide.

SEC. 5. Every motor bicycle shall, at all times while being used or operated upon the public highways of this state, have displayed thereon the initial letter of this state and the number or mark assigned to such motor bicycle, such letter and figures to be at least one inch high and either painted on such motor bicycle or displayed on a plate or marker securely fastened thereto; and no motor bicycle shall be operated with its muffler open.

RE-ASSIGNING OF PRESENT REGISTRATION NUMBER.

SEC. 22. Every owner of one or more motor vehicles who, at the time this act goes into effect, shall have complied with the provisions of chapter 230 of the public acts of 1905, shall, upon the registration, prior to September 1, 1907, of such vehicle or vehicles as provided for in section two of this act, have assigned to such motor vehicle, or to one of such vehicles, the same registration number heretofore issued to such person under the provisions of said chapter 230, and may use upon such vehicle the plates or markers heretofore used, bearing such registration number.

DISPLAY OF MARKERS.

SEC. 15. No motor vehicle, while in use on the public highways of this state, shall have displayed upon either the front or the rear of such vehicle, more than two registration plates or markers, nor shall any person display, or permit to be displayed, upon his motor vehicle the registration number belonging to another vehicle or person, or a fictitious number, plate or marker.

FEEES.

SEC. 8. The following fees shall be paid to the secretary of the state for the certificates and licenses issued by him in accordance with the provisions of this act: Three dollars for

each certificate of registration of a motor vehicle, other than a motor bicycle, having a rating of less than twenty horse power, five dollars for each motor vehicle having a rating of twenty horse power and less than thirty horse power, and ten dollars for each such vehicle having a rating of thirty horse power or more, and if such motor vehicle has two ratings of horse power the registration fee shall be based on the higher rating; fifty cents for each certificate of registration of a motor bicycle, or duplicate thereof; ten dollars for each dealer's certificate; one hundred dollars for each manufacturer's certificate; two dollars for each license to operate a motor vehicle other than a motor bicycle; fifty cents for each license, or duplicate thereof, to operate a motor bicycle; one dollar for each duplicate certificate or license, except for motor bicycles.

NEW YORK.

§ 2. Subdivision 1. **Filing statement.**—Every person hereafter acquiring a motor vehicle shall, for every vehicle owned by him, file in the office of the secretary of state a statement of his name and address, with a brief description of the vehicle to be registered, including the name of the maker, factory number, style of vehicle and motor power, on a blank to be prepared and furnished by such secretary for that purpose; the filing fee shall be two dollars.

Subdivision 2. **Registration and record.**—The secretary of state shall thereupon file such statement in his office, register such motor vehicle in a book or index to be kept for that purpose, and assign it a distinctive number.

Subdivision 3. **Registration Seal.**—The secretary of state shall forthwith on such registration, and without other fee, issue and deliver to the owner of such motor vehicle a seal of aluminum or other suitable metal, which shall be circular in form, approximately two inches in diameter, and have stamped

thereon the words "Registered motor vehicle, No. —, New York motor vehicle law," with the registration number inserted therein; which seal shall thereafter at all times be conspicuously displayed on the motor vehicle, to which such number has been assigned.

Subdivision 4. Owners previously registered.—If the vehicle has been previously registered, the certificate* issued thereon shall be returned to the secretary of state and in lieu thereof such secretary shall issue to said owner a registration seal containing the number of such previous registration, upon payment of a fee of one dollar. Upon the sale of a motor vehicle, the vendor, except a manufacturer or dealer, shall within ten days, return to the secretary of state the registration seal affixed to such vehicle.

Subdivision 5. Display of registration number.—Every motor vehicle shall also at all times have the number assigned to it by the secretary of state displayed on the back of such vehicle in such manner as to be plainly visible, the numbers to be in Arabic numerals, black on white ground, each not less than three inches in height, and each stroke to be of a width not less than half an inch, and also as a part of such number the initial letters of the state in black on white ground, such letters to be not less than one inch in height.

Subdivision 7. Fictitious seal or number.—No motor vehicle shall be used or operated upon the public highways after thirty days after this act takes effect which shall display thereon a

* The word "certificate" is not synonymous with the word "seal." When the law first went into effect paper certificates were issued to those who registered as owners of motor vehicles or chauffeurs. The law, as amended May 3, 1904, provided that metal seals should be provided, and the paper certificates be exchanged for seals, on the payment of a fee of one dollar. This explanation is given because of the fact that so many persons are under the impression that by returning an old seal they can procure a new registration for a fee of one dollar.

registration seal or number belonging to any other vehicle or a fictitious registration seal or number.

Subdivision 8. **Unregistered vehicle not to be operated.**—No motor vehicle shall be used or operated upon the public highways after thirty days after this act takes effect, unless the owner shall have complied in all respects with this section except that any person purchasing a motor vehicle from a manufacturer, dealer or other person after this act goes into effect shall be allowed to operate such motor vehicle upon the public highways for a period of five days after the purchase and delivery thereof, provided that during such period such motor vehicle shall bear the registration number and seal of the previous owner under which it was operated or might have been operated by him.

NEW JERSEY.

PART III.

DEPARTMENT OF MOTOR VEHICLE REGISTRATION AND REGULATION.

8. The Secretary of State shall forthwith organize in connection with the Department of State the department of motor vehicle registration and regulation. He shall provide suitable quarters for the same and shall furnish all necessary supplies and equipment for the proper enforcement of the provisions of this act. He shall approve all bills for disbursement of money under any of the provisions of this act, which shall be paid by the State Treasurer, upon the warrant of the Comptroller out of any appropriation regularly made therefor.

9. The Assistant Secretary of State shall be ex-officio commissioner of motor vehicles, and shall have personal charge and supervision of the enforcement of the provisions of this act. The Secretary of State shall appoint a chief inspector of motor

vehicles, who shall be chief clerk of the department, and who shall have practical knowledge of the mechanical arrangement and capabilities of all kinds of motor vehicles, and be capable to pass upon the efficiency of motor vehicles and the competency of motor vehicle drivers. The Secretary of State shall also appoint as many inspectors, not exceeding seven, as may be necessary in detecting violations of this act, in obtaining evidence of violations and otherwise assisting in the enforcement of the act. He shall also provide the clerical assistance necessary to carry into effect the provisions of this act. He shall fix the compensation of all inspectors, clerical assistants and others employed under this act; the salary of inspectors, however, shall not exceed three dollars per day. The compensation of the commissioner of motor vehicles shall be fifteen hundred dollars per annum, in addition to any compensation he may receive by reason of any statute fixing the compensation of assistant Secretary of State, and that of the chief inspector shall be fifteen hundred dollars per annum.

10. The commissioner of motor vehicles shall be authorized, and full power and authority are hereby given to him, to designate the chief of police and the lawful deputy of said chief of police of any municipality in this State, or any other proper person, to be the agent of the said commissioner of motor vehicles, for the registering of motor vehicles and issuing registration certificates, and for the examining of applicants for licenses to drive motor vehicles, and the granting of licenses to said applicants, subject to the requirements of this act and to such rules and regulations as shall be imposed by the commissioner; and any chief of police and deputy who may be so designated are hereby authorized and required to act according and until the said authority so to act is revoked by the said commissioner. The fee allowed such agent for registration certificates so issued by him, and for every license so granted by him, shall be fixed by the inspector of motor vehicles, the same to be retained

from the registration fee or the license fee paid to him; *provided, however,* that every registration and registration certificate and every license to drive motor vehicles may be revoked by the said commissioner of motor vehicles for a violation of any of the provisions of this act, or on other reasonable grounds, after due notice in writing of such proposed revocation and the ground thereof, and if a driver of motor vehicles shall have had his license revoked, a new license granted to him within one year thereafter shall be void and of no effect unless it shall be granted by the said commissioner of motor vehicles in person; and if the registration or registration certificate of any motor vehicle shall have been revoked, a new registration made, or new registration certificate issued within one year thereafter shall be void and of no effect unless the new registration shall be made and the new certificate issued under the personal direction of the commissioner of motor vehicles.

11. The commissioner of motor vehicles shall be authorized, and full power and authority are hereby given to him, to license, at his discretion and upon payment of the lawful fee, any proper person of the age of sixteen years or over to be a motor-vehicle driver, said commissioner or his agent having first examined said person and being satisfied of his ability as an operator, which examination shall include a test of the knowledge on the part of the said person of such portions of the mechanism of motor vehicles as is necessary, in order to insure the safe operation of a vehicle of the kind or kinds indicated by the applicant, and the said applicant having demonstrated his ability to operate a vehicle of the class designated; and the said commissioner of motor vehicles may, in his discretion, refuse to grant a license to drive motor vehicles, to any person who shall, in the estimation of said commissioner, be an improper person to be granted such a license; and the said commissioner shall have power to grant a registration certificate to the owner of

any motor vehicle, application for registration having properly been made and the fee therefor paid, and the vehicle being of a type that complies with the requirements of this act. But it shall be lawful for the said commissioner of motor vehicles to refuse registration to any vehicle that, in his estimation, is not a proper vehicle to be used upon public roads and highways of this State.

12. The commissioner of motor vehicles shall have such powers and duties as are in this act given and imposed, and shall collect such data with respect to the proper restrictions to be laid upon motor vehicles, and the use thereof upon the public roads, turnpikes and thoroughfares, as shall seem to be for the public good, and under the direction of the Secretary of State shall report to each Legislature the operations of his office for the year ending on the next preceding thirty-first day of December. It shall be his duty to attend to the enforcement of the provisions of this act.

13. The commissioner of motor vehicles shall keep a record of all his official acts, and shall preserve copies of all decisions, rules, and orders made by him, and shall adopt an official seal. Copies of any act, rule, order or decision made by him, and of any paper or papers filed in his office, may be authenticated under said seal, and when so authenticated shall be evidence equally with and in like manner as the originals, and said commissioner shall be empowered to communicate with the police departments and peace officers in the State for the purpose of and with the object of the proper enforcement of this act.

14. Motor vehicle inspectors may be appointed, as provided in section nine of this act, and shall be presented with a badge indicative of their office, and when wearing such badge on the left breast of the outermost garment shall have power to stop any motor vehicle and examine the same to see that it complies with the requirements of this act, whether in matter of equip-

ment, identification or otherwise; to require the production of the license of the driver; to arrest, without warrant, for violations of this act committed in their presence, and generally to act as special officers for the enforcement of the provisions of this act and for the detection and arrest of those who violate or infringe upon the provisions hereof.

PART IV.

THE OPERATION OF MOTOR VEHICLES.

15. No person shall drive a motor vehicle, the owner of which vehicle shall not have complied with the provisions of this act concerning the proper registration and identification of the same; nor shall any person drive a motor vehicle which shall display on the front or back thereof a fictitious number, or a number other than that designated for such motor vehicle in the New Jersey registration certificate of such motor vehicle.

16. (1) Every resident of this State who is the owner of an automobile, and every non-resident owner whose automobile shall be driven in this State, shall annually file in the office of the commissioner of motor vehicles, or with the lawful agent of said commissioner, a statement in writing containing the name and address of such owner, together with a brief description of the character of such automobile, including the name of the maker and the manufacturer's number of the automobile, if number there be, and the rated horse-power of the automobile, and shall pay annually to the commissioner of motor vehicles, or his lawful agent, a registration fee of three dollars for each motor vehicle having a rating of less than thirty horse-power, and five dollars for each motor vehicle having a rating of thirty horse-power or more; and if an automobile has two ratings of horse-power, the registration fee shall be based upon the highest rating. The commissioner of motor vehicles shall issue for each automobile so registered a certificate properly num-

bered, stating that such automobile is registered in accordance with this section, and shall cause the name of such owner, with his address, the number of his certificate, and the description of such automobile or automobiles, to be entered in alphabetical order of the owners' names in a book to be kept for that purpose; *provided, however*, that the commissioner of motor vehicles may refuse registration in the case of any automobile that shall not comply with the requirements of this act, or that shall seem to him unsuitable for use on the public roads and highways of this State. Each owner having a residence outside of the State shall file with the Secretary of State a duly executed instrument, constituting the Secretary of State and his successors in office the true and lawful attorney upon whom all original process in any action or legal proceeding for damages, caused by the operation of his registered motor vehicle within this State, against such owner may be served, and therein shall agree that any original process against such owner shall be of the same force and effect as if served on such owner within this State; the service of such process shall be made by leaving a copy of the same in the office of the Secretary of State with a service fee of two dollars to be taxed on the plaintiff's costs of suit. Said commissioner of motor vehicles shall forthwith notify such owner of such service by letter directed to him at the post-office address stated in his application. Upon any and every transfer of a registered automobile by the owner thereof, in whose name the same is registered, the said registration and certificate thereof shall forthwith be and become void; but the same may be validated by the endorsement of the commissioner of motor vehicles, the purchaser having made written application therefor and paid a transfer fee of one dollar. Every registration shall expire and the certificate thereof become void at the expiration of one year from the date thereof, subject to renewal by the commissioner of motor vehicles upon

the filing of the proper statement and the payment of the registration fee by the owner of the automobile.

(2) Every resident who is the owner of a motor cycle, and every non-resident whose motor cycle shall be driven in this State, shall pay an annual registration or license fee of one dollar for such motor cycle, which shall include the right of such person to drive such motor cycle within this State without an examination of his ability to run such motor cycle, unless such an examination be required by the commissioner of motor vehicles; and such owner shall be given a registration certificate, in which shall be designated the proper registration number, and such certificate shall be valid for a term of one year from the date thereof, unless revoked by the commissioner of motor vehicles, or as otherwise provided by this act.

PART V.

IDENTIFICATION MARKS OF MOTOR VEHICLES.

21. The owner of each and every automobile which shall be driven upon the public streets, public roads, turnpikes, parks, public parkways, public driveways or public highways in this State shall have the number of the registration certificate, issued as in this act provided, upon both the front and back of every such automobile, stationary, in a conspicuous place, the bottom of which shall be at least fifteen inches and not more than thirty-six inches above the level of the ground, kept clear and distinct and clean of grease, dust or other blurring matter, so as to be plainly visible at all times during daylight; such number to be separate Arabic numerals and not less than four inches in height, the strokes to be in width not less than one-half an inch; and there shall not be placed upon the front or rear of said vehicle any other numbers; and when the number of the registration certificate shall include a letter or letters,

such letter or letters are to be not less than four inches in height, and the strokes to be not less than one-half of an inch in width.

PENNSYLVANIA.

No provisions.

LICENSE OF MOTOR VEHICLE OPERATORS.

MAINE.

SEC. 19. Licenses for operating automobiles and motor vehicles shall be issued by the secretary of state. Application shall be made upon blanks prepared by the secretary of state for this purpose, and the licenses issued shall be in such form and shall contain such provisions as said secretary of state may determine. To such licensee shall be assigned some distinguishing number or mark, and a proper record of all applications for license and of all licenses issued shall be kept by the secretary of state at his office, and shall be open to the inspection of any person during reasonable business hours. Each license shall state the time, place of residence of the licensee and the distinguishing number or mark assigned to him. The fee for each license to operate shall be two dollars. All fees shall be deposited at the time of making the application. The secretary of state may at any time suspend or revoke any license for any violation of this act or regulation made thereunder. Before a license to operate is granted, the applicant shall present such evidence as to his qualifications as may be required by the secretary of state.

NEW HAMPSHIRE.

SECT. 4. No person shall operate an automobile or motor cycle until he shall have first obtained a license for that purpose. Applications for licenses shall be made upon blanks prepared by the secretary of state, and the licenses issued shall be in such form and contain such provisions as said secretary of state may

determine. To each licensee shall be assigned a distinguishing number or mark, and a proper record of all applications for licenses and of all licenses issued shall be kept by the secretary of state at his office and shall be open to the inspection of any person during reasonable business hours. Each license shall state the name, place of residence and address of the licensee, and the distinguishing number or mark assigned to him. Such licenses shall be granted for one year only, and the fee therefor shall be one dollar. All fees shall be deposited at the time of making the application. Special licenses for operating automobiles for hire may be issued by the secretary of state for an annual fee of five dollars each, but no license shall be issued under the provisions of this section until the secretary of state shall have first satisfied himself that the applicant is a competent and proper person to receive the same. Every licensee when operating a machine shall keep his license with him and exhibit it upon the request of any officer of the law.

VERMONT.

SECTION 4. License for operating automobiles and motor vehicles shall be issued by the secretary of state or duly authorized agents thereof. Application shall be made upon blanks prepared by the secretary of state for this purpose, and the licenses issued shall be in such form and shall contain such provisions as said secretary of state may determine. To such licensee shall be assigned some distinguishing number or mark, and a proper record of all applications for license and of all licenses issued shall be kept by the secretary of state at his office, and shall be open to the inspection of any person during reasonable business hours. Each license shall state the name, place of residence and address of the licensee and the distinguishing number or mark assigned to him. Special licenses for operating automobiles or motor vehicles for hire shall be issued by the secretary of state, but no such license shall be

issued until the secretary of state or his authorized agent shall have satisfied himself that the applicant is a proper person to receive it. Such licenses shall be granted for one year only. The fee for each license to operate shall be two dollars. All fees shall be deposited at the time of making the application. The secretary of state may at any time suspend or revoke any license for any violation of this act or regulation made thereunder. Before a license to operate is granted, the applicant shall present such evidence as to his qualifications as may be required by the secretary of state or agent thereof.

MASSACHUSETTS.

SECTION 4. Licenses for operating automobiles and motor cycles shall be issued by the Massachusetts highway commission or duly authorized agents thereof. Application shall be made upon blanks prepared by the commission for this purpose, and the licenses issued shall be in such form and shall contain such provisions as said commission may determine. To each licensee shall be assigned some distinguishing number or mark, and a proper record of all applications for license and of all licenses issued shall be kept by the commission at its main office, and shall be open to the inspection of any person during reasonable business hours. Each license shall state the name, place of residence and address of the licensee and the distinguishing number or mark assigned to him. Special licenses for operating automobiles or motor cycles for hire shall be issued by the commission, but no such license shall be issued until the commission or its authorized agent shall have satisfied itself or himself that the applicant is a proper person to receive it. Such licenses shall be granted for one year only. The fee for each original license to operate shall be two dollars, and the fee for the renewal of each license to operate for hire shall be fifty cents. All fees shall be deposited at the time of making the application. The commission may at any time suspend or

revoke any license for any misconduct of the licensee. Before a license to operate is granted, the applicant shall pass such examination as to his qualifications as may be required by the state highway commission. The provisions of this section shall not prevent the operation of automobiles by unlicensed persons if riding with or accompanied by a licensed chauffeur or operator. The operator's license shall always be carried by the licensee when he is operating an automobile or motor cycle.

SECTION 5. Except as hereinafter provided, no person shall, on or after the first day of September in the year nineteen hundred and three, operate an automobile or motor cycle upon any public highway or private way laid out under authority of statute unless licensed so to do under the provisions of this act. No person shall operate an automobile or motor cycle for hire, unless specially licensed by the commission so to do. No person shall employ for hire as chauffeur or operator of an automobile or motor cycle any person not specially licensed as aforesaid, and every chauffeur or operator for hire shall, while so acting, display the distinguishing number or mark assigned to him, in such manner as may be prescribed by the commission.

RHODE ISLAND.

No provisions.

CONNECTICUT.

OPERATOR'S LICENSE.

SEC. 7. No person shall operate a motor vehicle upon the public highways of this state until he shall have first obtained a license for that purpose, but nothing herein contained shall prevent the operating of a motor vehicle by an unlicensed person, other than a person whose application has been refused or whose license has been suspended or revoked, if accompanied by a licensed operator, which licensed operator shall also be

personally liable for any violation of the provisions of section eleven, twelve, or thirteen of this act. Licenses for operating motor vehicles shall be issued by the secretary of the state, but no license shall be issued to any person under the age of eighteen years. Applications for licenses shall be made upon blanks furnished by said secretary, and said application blanks and said licenses shall be in such form and contain such provisions, not inconsistent with this act, as said secretary may determine. A number shall be assigned to each licensee, and a proper record of all applications for licenses and of all licenses issued shall be kept by said secretary at his office, and shall be open to public inspection. Each license shall state the name, place of residence, and post-office address of the licensee and the number assigned to him. Said licenses shall continue in force until one year from the date of issue unless suspended or revoked for cause, and shall at all times be carried by the licensee when he is operating a motor vehicle upon the highways of this state, and shall be subject to examination upon demand by any proper officer.

NEW YORK.

§ 5. Subdivision 1. **Filing chauffeur's statement.**—Every person hereafter desiring to operate a motor vehicle as a chauffeur shall file in the office of the secretary of state, on a blank to be supplied by such secretary, a statement which shall include his name and address and the trade name and motive power of the motor vehicle or vehicles he is able to operate; and shall pay a registration fee of two dollars.

Subdivision 2. **Chauffeur's registration and record.**—The secretary of state shall thereupon file such statement in his office, register such chauffeur in a book or index to be kept for that purpose, and assign him a number.

Subdivision 3. **Chauffeur's badge.**—The secretary of state shall forthwith, upon such registration and without other fee, issue and deliver to such chauffeur a badge of aluminum or other suitable metal, which shall be oval in form, and the greater diameter of which shall not be more than two inches, and such badge shall have stamped thereon the words: "Registered chauffeur, No. —, New York motor vehicle law," with the registration number inserted therein; which badge shall thereafter be worn by such chauffeur pinned upon his clothing in a conspicuous place at all times while he is operating a motor vehicle upon the public highways. If the operator or chauffeur has previously been registered in the office of the secretary of state, the certificate heretofore issued to him, shall be returned to such secretary, who shall issue to said operator or chauffeur, in lieu thereof, a chauffeur's badge upon the payment of a fee of one dollar.

Subdivision 4. **Fictitious badge.**—No chauffeur, having registered as hereinabove provided, shall voluntarily permit any other person to wear his badge, nor shall any person while operating a motor vehicle wear any badge belonging to another person, or a fictitious badge.

Subdivision 5. **Unregistered chauffeur cannot operate.**—No person shall operate a motor vehicle as a chauffeur upon the public highways after thirty days after this act takes effect, unless such person shall have complied in all respects with the requirements of this section.

NEW JERSEY.

17. No person shall hereafter drive an automobile upon any public street, public road or turnpike, public park or parkway or public driveway or public highway in this State unless licensed to do so in accordance with the provisions of this act. No person under the age of sixteen years shall be licensed to

drive automobiles, nor shall any person be licensed to drive automobiles until said person shall have passed a satisfactory examination as to his ability as an operator, which examination shall include a test of the knowledge on the part of said person of such portions of the mechanism of automobiles as is necessary in order to insure the safe operation of a vehicle of the kind or kinds indicated by the applicant. Licenses and fees therefor shall be rated according to the horse-power of automobiles and shall be granted for the period of one year; and the license, for one year from the date thereof, shall entitle the licensee to drive any registered automobile of the class for which it is granted, or of a class of a smaller horse-power. Automobiles of a horse-power not exceeding one horse-power shall be rated class 1, and in like manner the class of every automobile shall be determined by the number of horse-power of the vehicle, and the annual fee for a license to drive any automobile of a rating of less than thirty horse-power, shall be one dollar, and to drive any automobile having a rating of thirty horse-power or more shall be two dollars, and if an automobile shall have two ratings of horse-power, the license fee shall be based upon the higher rating. When an automobile driver, upon passing a satisfactory examination, shall have been once granted a license hereunder, no further examination shall be required for a renewal of the said license, unless the commissioner of automobiles shall deem it necessary; *provided, however,* it shall be lawful for the commissioner of motor vehicles at his discretion to issue to any person a written permit, under the hand and seal of said commissioner, allowing the said person, for the purpose of fitting himself to become a motor vehicle driver, to operate a motor vehicle for a specified period of not more than three weeks, while in the company and under the supervision of a licensed motor vehicle driver; and such permit, under the hand and seal of the commissioner of motor vehicles shall be sufficient license for the said person to operate a motor

vehicle in this State during the period specified, while in the company of and under the control of a licensed motor vehicle driver of this State, and *provided further*, that the said person, as well as such licensed motor vehicle driver, shall be held accountable for all violations of this act committed by the said person while in the presence of such licensed motor vehicle driver.

18. Each license to drive an automobile shall specify the maximum horse-power of the automobile allowed to be driven thereunder, and shall have endorsed thereon in the proper handwriting of the licensee the name of said licensee. And said licensee when thereupon requested by any motor vehicle inspector or magistrate, while in the performance of the duties of his office under this act, shall exhibit said license to said officer and write his name in the presence of said officer, to the end that he may thereby determine the identity of said licensee.

PENNSYLVANIA.

SECTION 1. Be it enacted, &c., That no motor-vehicle, whether propelled by steam, gas or electricity, shall be operated or driven upon any public street or public highway in any city, borough, county or township in this Commonwealth until the operator thereof shall have procured a license from the State Highway Department of this Commonwealth, as hereinafter provided.

SECTION 2. Every applicant for a license shall set forth, in writing, verified by oath or affirmation, the name and residence of the applicant. No license shall be issued to any person who is under eighteen years of age.

SECTION 3. It shall be the duty of the State Highway Department to enter every such application in a book to be kept for that purpose, and, if all the requirements of section two of

this act have been complied with, to issue a license to the applicant, and to furnish therewith two tags, containing the license number, not less than five inches in height, and the number of the year; for such license the applicant shall pay the sum of three dollars, which sum shall be appropriated to the use of the said State Highway Department.

SECTION 4. Every such license issued shall contain the name of the licensee, the date of license, and the number of the license under which the said vehicle is licensed, together with the number of the book and page in which the same is entered. The license shall not be effective until the license number is posted in a conspicuous place, both in back and front of the said vehicle. Not more than one State license number shall be carried upon the front and back of the said vehicle while operated or used on any of the public streets or public highways, as aforesaid; and a license number obtained in any other place or State shall be removed from said vehicle while the vehicle is being used within this Commonwealth.

SECTION 7. Every person so licensed shall carry with him, when using or operating such motor-vehicle upon the public streets or the public highways aforesaid, his license, and when so required by any constable or police officer of this Commonwealth shall produce the license for inspection. No license issued shall be valid for a longer period than one year. It may be issued on the first day of January, or at any time thereafter, but shall expire on the thirty-first day of December next ensuing.

**REGULATIONS IN REGARD TO THE OPERATION
OF MOTOR VEHICLES AND THE USE OF
HIGHWAYS BY THE SAME.**

MAINE.

SEC. 7. No automobile or motor vehicles shall be driven or operated upon any highway, townway, public street, avenue, driveway, park or parkway, at a greater rate of speed than fifteen miles an hour, or upon any highway, townway, public street, avenue, driveway, park or parkway, within the compact or built-up portions of any city, town or village, the limits of which shall be fixed by the municipal officers thereof, at a greater rate of speed than eight miles an hour, except where such city or town may by ordinance or by-law permit a greater rate of speed.

SEC. 8. No person driving or in charge of an automobile or motor vehicle on any highway, townway, public street, avenue, driveway, park or parkway, shall drive the same at any speed greater than is reasonable and proper, having regard to the traffic and use of the way by others, or so as to endanger the life or limb of any person; and racing any such vehicle on any such ways or parks is hereby forbidden.

SEC. 9. Every person driving or operating an automobile or motor vehicle shall at request and signal by putting up the hand, or by other visible signal, from a person riding or driving a horse or horses or other domestic animals, cause such vehicle to come to a stop as soon as possible and to remain stationary

so long as may be necessary to allow such animal or animals to pass.

SEC. 11. Municipal officers of any city or town may designate places on any streets or ways therein, where, in their judgment; by reason of cliffs, embankments or other exceptional natural conditions, the meeting of automobiles or motor vehicles and horses would be attended with unusual danger. Such designation shall be made by causing the words "automobiles—go slow" to be conspicuously displayed on sign-boards at the right hand side of each approach to the place to be designated, and not more than one hundred and fifty feet distant therefrom; and an automobile or motor vehicle, before meeting any horse between such limits, shall be brought to a standstill, and shall not proceed, unless by request of the rider or driver of the horse, until such horse shall have passed; and no such vehicle shall pass any place so designated at a greater speed than four miles an hour.

NEW HAMPSHIRE.

SECT. 8. No automobile or motor cycle shall be operated upon any public highway outside the business district or the compactly built sections of a city or town at a speed greater than twenty miles an hour, or within the business districts or compactly built sections of a city or town at a speed greater than eight miles an hour. A point upon a road shall be considered to be within the compactly built section of a city or town if the buildings abutting upon the road for one-quarter of a mile immediately adjacent to the point in question average one hundred feet apart or less. Upon traversing a crossing of intersecting ways, in going around a corner or curve which cuts off a free view of the road to be traversed, or in traversing a highway bordering a steep descent or passing over a bridge, every person operating such a vehicle shall run it at a rate of

speed less than that heretofore specified and at no time and in no place, greater than is reasonable and proper, having regard to traffic, the use of the way, and the safety of the public. In traversing a crossing of intersecting ways or in going around a corner or sharp curve in a road, the operator shall sound his horn or bell.

SECT. 9. Every person having control or charge of an automobile or motor cycle, shall, whenever upon any public street or way and approaching any vehicle drawn by a horse or horses or approaching any horse upon which any person is riding, operate, manage and control such automobile or motor cycle in such a manner as to exercise every reasonable precaution to prevent the frightening of such horse or horses and to insure the safety and protection of any person riding or driving the same. And, if such horse or horses appear to be frightened, the person in control of such automobile or motor cycle shall reduce its speed, and if requested by the raising of a hand or other signal, by the rider or driver of such horse or horses, shall not proceed further towards such animal and in cases of extreme fright shall upon request reduce the motive power to a full stop.

SECT. 12. Nothing in this act shall be construed to prevent the selectmen of any town, or the joint boards of the selectmen of two or more adjoining towns, from issuing a special permit to the manager or person in charge of an automobile meet or gathering, for trials of speed or endurance upon a particular highway or over a specified route. But such permit shall be limited to days specified therein. Every family residing on such highway or route shall be notified in writing, and the public shall be notified by publication in the local newspapers issued the week next prior to such meeting, that such permit has been granted. All expenses incurred under this section shall be paid by the applicant and no such permit shall be a protection from the general provisions of this act except upon

a strict compliance herewith, and shall in no way annul or modify any of the provisions of section nine of this act.

VERMONT.

SECTION 1. No motor vehicle shall be run on a public way or private way laid out under authority of statute in a careless or negligent manner. If a person runs a motor vehicle at a rate of speed exceeding twenty-five miles an hour outside a city or incorporated village, or at a rate of speed exceeding ten miles an hour within a city, incorporated village or the thickly settled part of a town, it shall be *prima facie* evidence that the motor vehicle was run carelessly or negligently. Nothing herein contained shall be so construed as to affect the rights of the proper officials of a city, incorporated village, or the selectmen of a town, and said officials shall have authority to make special regulations as to the speed of such motor vehicles upon narrow or dangerous roads or ways. Such special regulations, however, shall be subject to an appeal to the state highway commissioner, whose decision in the case shall be final. No such special regulations shall be effective unless notice of the same is posted conspicuously in such road or way a reasonable distance from a point where such narrow or dangerous place exists.

MASSACHUSETTS.

ACTS OF 1905, CHAPTER 366.

[As amended by Acts of 1906, Chapter 412, Section 9.]

AN ACT RELATIVE TO THE SPEED AT WHICH AUTOMOBILES AND MOTOR CYCLES MAY BE OPERATED ON PUBLIC WAYS.

Be it enacted, etc., as follows:

SECTION 1. The city council of a city or the board of aldermen of a city having no common council, and the selectmen of a

town, may make special regulations as to the speed of automobiles and motor cycles and as to the use of such vehicles on particular roads or ways, including their complete exclusion therefrom. If they determine that on any particular way a speed greater than the speeds specified in section eight of chapter four hundred and seventy-three of the acts of nineteen hundred and three may be permitted with safety, they may make such special regulations as may appear to them to be necessary: *provided, however*, that no such special regulation increasing or lessening the speed at which automobiles and motor cycles may be run on the public highways, or excluding them therefrom, shall be effective unless such regulation shall have been published in one or more newspapers, if there be any, published in such city or town, otherwise in one or more newspapers published in the county in which the city or town is situated. If, within sixty days after the publication of such notice, not less than fifty residents of Massachusetts, at least ten of whom shall be taxpayers of the city or town, file a written protest with the Massachusetts highway commission, such special regulation shall not be valid until approved by said board after public notice and a hearing given by said board in the city or town. Such special regulations shall be posted conspicuously by or under the direction of the Massachusetts highway commission on sign boards at such points as the board may deem necessary. The cost of such sign boards and the expenses in connection with their erection and maintenance shall be paid out of the appropriation for expenses in connection with the registration of automobiles and motor cycles and the licensing of operators thereof. No ordinance, by-law or regulation now in force in any city or town which regulates the speed at which automobiles or motor cycles shall be run upon its public ways shall hereafter have any force or effect. Nothing herein contained shall be so construed as to affect the rights of boards of park commissioners, as established by law.

SECTION 2. Section fourteen of chapter four hundred and seventy-three of the acts of the year nineteen hundred and three is hereby repealed. *Approved May 4, 1905.*

SECTION 7. Every person having control or charge of an automobile or motor cycle shall, whenever upon any public street or way and approaching any vehicle drawn by a horse or horses, or approaching any horse upon which any person is riding, operate, manage and control such automobile or motor cycle in such manner as to exercise every reasonable precaution to prevent the frightening of such horse or horses and to insure the safety and protection of any person riding or driving the same. And if such horse or horses appear to be frightened, the person in control of such automobile or motor cycle shall reduce its speed, and if requested by signal or otherwise by the rider or driver of such horse or horses, shall not proceed farther towards such animal unless such movement be necessary to avoid accident or injury, or until such animal appears to be under the control of its rider or driver, and in case of extreme fright shall reduce the motive power to a full stop.

SECTION 8. Every person operating an automobile or motor cycle on any public or private way laid out under the authority of law shall run it at a rate of speed at no time greater than is reasonable and proper, having regard to traffic and the use of the way and the safety of the public. If the rate of speed of an automobile or motor cycle operated on any such way outside the thickly settled or business part of a city or town exceeds twenty miles an hour for the distance of one quarter of a mile such rate of speed shall be *prima facie* evidence that the person operating such automobile or motor cycle is running it at a rate of speed greater than is reasonable and proper having regard to traffic and the use of the way and the safety of the public. If the rate of speed of an automobile or motor cycle operated on any such way inside the thickly settled or business part of a

city or town exceeds twelve miles an hour for the distance of one eighth of a mile such rate of speed shall be *prima facie* evidence that the person operating such automobile or motor cycle is running it at a rate of speed greater than is reasonable and proper, having regard to traffic and the use of the way and the safety of the public. If the rate of speed of an automobile or motor cycle operated on any such way upon approaching a crossing of intersecting ways, or in traversing a crossing or intersection of ways, or in going around a corner or a curve in the highway where the operator's view of the road traffic is obstructed, exceeds eight miles an hour such rate of speed shall be *prima facie* evidence that the person operating such automobile or motor cycle is running it at a rate of speed greater than is reasonable and proper, having regard to traffic and the use of the way and the safety of the public.

[The phrase "thickly settled or business part of a city or town," . . . shall be deemed to mean the territory of a city or town contiguous to any such way which is built up with structures devoted to business, or the territory of a city or town contiguous to any such way where the dwelling houses are situated at such distances as will average less than two hundred feet between such dwelling houses for a distance of a quarter of a mile or over.—Acts of 1906, chapter 412, section 2.]

RHODE ISLAND.

SEC. 4. Every person having control or charge of an automobile, motor car, or motor cycle shall, whenever upon any public street or way and approaching any vehicle drawn by a horse or horses, or approaching any horse upon which any person is riding, operate, manage, and control such automobile, motor car, or motor cycle in such manner as to exercise every reasonable precaution to prevent frightening of such horse or horses and to insure the safety and protection of any person

riding or driving the same. And if such horse or horses appear to be frightened, the person in control of such automobile, motor car, or motor cycle shall reduce its speed, and shall not proceed farther towards such animal unless such movement be necessary to avoid accident or injury, or until such animal appears to be under the control of its rider or driver, and in case of extreme fright shall reduce the motive power to a full stop.

SEC. 9. Town councils of the several towns may exclude automobiles, motor cars, and motor cycles from certain roads in their respective towns, and shall designate such roads by public signs: *Provided*, that such roads excluded shall not include state roads or main highways leading from town to town.

CONNECTICUT.

SPEED OF MOTOR VEHICLES REGULATED.

SEC. 11. No person shall operate a motor vehicle on the public highways of this state recklessly or at a rate of speed greater than is reasonable and proper, having regard to the width, traffic, and use of the highway, or so as to endanger property or the life or limb of any person. If the rate of speed of a motor vehicle operated on the public highways of this state exceeds twenty-five miles an hour for the distance of one-eighth of a mile, such rate of speed shall be *prima facie* evidence that the person operating such motor vehicle is operating the same at a rate of speed greater than is reasonable and proper, and in violation of the provisions of this section.

SPEED TO BE REDUCED OR VEHICLE TO BE STOPPED, WHEN.

SEC. 12. Upon approaching any person walking in the traveled portion of any public highway, or a horse or any other draft animal being led, ridden, or driven therein, or a crossing

of intersecting public highways, or a bridge, or a sharp turn, or a curve, or a steep descent, and also in passing such person or such horse or other draft animal, and in traversing such crossing, bridge, turn, curve, or descent, the person operating a motor vehicle shall have the same under control and shall reduce its speed. If such horse or other draft animal being so led, ridden, or driven shall appear to be frightened, or if the person in charge thereof shall signal so to do, the person operating such motor vehicle shall bring the same and the motor or other power propelling the same immediately to a stop and, if traveling in the opposite direction, shall remain stationary so long as may be reasonable to allow such horse or animal to pass, or, if traveling in the same direction, shall use reasonable caution in thereafter passing such horse or other animal. Upon approaching a bridge, sharp turn, curve, or a steep descent, the person operating a motor vehicle shall give a timely signal with his bell, horn, or other device for signaling.

CITY, TOWN, OR BOROUGH NOT TO MAKE ORDINANCE RESPECTING SPEED OF MOTOR VEHICLE.

SEC. 14. No city, town, or borough shall have power to make any ordinance, by-law, or resolution respecting the speed of motor vehicles, and no ordinance, by-law, or resolution heretofore or hereafter made by any city, town, or borough in respect to motor vehicles shall have any force or effect; *provided, however,* that powers given to any town, city, or borough to regulate shows, processions, assemblages, or parades in streets and public places, and to regulate the use of public parks, and all ordinances, by-laws, and regulations which may have been or which may be enacted in pursuance of said powers shall remain in full force and effect.

CERTAIN PERSONS FORBIDDEN TO OPERATE MOTOR VEHICLES.

SEC. 13. No person shall operate a motor vehicle on the

public highways of this state, when intoxicated, or in a race, or on a bet or wager.

NEW YORK.

§ 3. Subdivision 1. **Speed permitted.**—No person shall operate a motor vehicle on a public highway at a rate of speed greater than is reasonable and proper, having regard to the traffic and use of the highway, or so as to endanger the life or limb of any person, or the safety of any property; or in any event on any public highway where the territory contiguous thereto is closely built up, at a greater rate than one mile in six minutes, or elsewhere in a city or village at a greater rate than one mile in four minutes, or elsewhere outside of a city or village at a greater rate than one mile in three minutes; subject, however, to the other provisions of this act.

Subdivision 2. **Speed at crossings, et cetera.**—Upon approaching a bridge, dam, sharp curve, or steep descent, and also in traversing such bridge, dam, curve or descent, a person operating a motor vehicle shall have it under control and operate it at a rate of speed not exceeding one mile in fifteen minutes, and upon approaching a crossing of intersecting highways at a speed not greater than is reasonable and proper, having regard to the traffic then on such highway and the safety of the public.

Subdivision 3. **Meeting horses, et cetera.**—Upon approaching a person walking in the roadway of a public highway, or a horse or horses, or other draft animals, being ridden, led or driven thereon, a person operating a motor vehicle shall give reasonable warning of its approach, and use every reasonable precaution to insure the safety of such person or animal, and, in the case of horses or other draft animals, to prevent frightening the same.

Subdivision 4. **Stopping on signal.**—A person operating a

motor vehicle or motor cycle or motor bicycle shall, at request or on signal by putting up the hand, from a person riding, leading or driving a restive horse or horses or other draft animals, bring such motor vehicle, cycle or bicycle immediately to a stop, and, if traveling in the opposite direction, remain stationary so long as may be reasonable to allow such horse or animal to pass, and, if traveling in the same direction, use reasonable caution in thereafter passing such horse or animal; provided that, in case such horse or animal appears badly frightened or the person operating such motor vehicle is requested so to do, such person shall cause the motor of such vehicle, cycle or bicycle to cease running so long as shall be reasonably necessary to prevent accident and insure the safety of others.

Subdivision 6. **Speed tests and races.**—Local authorities may, notwithstanding the other provisions of this section, set aside for a given time a specified public highway for speed tests or races, to be conducted under proper restrictions for the safety of the public.

§ 4. Subdivision 1. **Rules of the road.**—Whenever a person operating a motor vehicle shall meet on a public highway any other person riding or driving a horse or horses or other draft animals, or any other vehicle, the person so operating such motor vehicle shall seasonably turn the same to the right of the center of such highway so as to pass without interference. Any such person so operating a motor vehicle shall, on overtaking any such horse, draft animal or other vehicle, pass on the left side thereof and the rider or driver of such horse, draft animal or other vehicle shall, as soon as practicable, turn to the right so as to allow free passage on the left. Any such person so operating a motor vehicle shall at the intersection of public highways keep to the right of the intersection of the centers of such highways when turning to the right and pass to the right

of such intersection when turning to the left. Nothing in this subdivision shall, however, be construed as limiting the meaning or effect of the provisions of section three of this act.

Subdivision 3. **Local ordinances prohibited.**—Subject to the provisions of this act, local authorities shall have no power to pass, enforce or maintain any ordinance, rule or regulation requiring of any owner or operator of a motor vehicle any license or permit to use the public highways, or excluding or prohibiting any motor vehicle whose owner has complied with section two of this act from the free use of such highways, except such driveway, speedway or road as has been or may be expressly set apart by law for the exclusive use of horses and light carriages, or except as herein provided, in any way affecting the registration or numbering of motor vehicles or prescribing a slower rate of speed than herein specified at which such vehicles may be operated, or the use of the public highways, contrary to or inconsistent with the provisions of this act; and all such ordinances, rules or regulations now in force are hereby declared to be of no validity or effect; *provided, however*, that the local authorities of cities and incorporated villages may limit by ordinance, rule or regulation hereafter adopted the speed of motor vehicles on the public highways, on condition that such ordinance, rule or regulation shall also fix the same speed limitation for all other vehicles, such speed limitation not to be in any case less than one mile in six minutes in incorporated villages, and on further condition that such city or village shall also have placed conspicuously on each main public highway where the city or village line crosses the same and on every main highway where the rate of speed changes, signs of sufficient size to be easily readable by a person using the highway, bearing the words “Slow down to — miles” (the rate being inserted) and also an arrow pointing in the direction where the speed is to be reduced or changed, and also on further condition that

such ordinance, rule or regulation shall fix the penalties for violation thereof similar to and no greater than those fixed by such local authorities for violations of speed limitation by any other vehicles than motor vehicles, which penalties shall during the existence of the ordinance, rule or regulation supersede those specified in section six of this act, and *provided, further*, that nothing in this act contained shall be construed as limiting the power of local authorities to make, enforce and maintain, further ordinances, rules or regulations, affecting motor vehicles which are offered to the public for hire.

Subdivision 4. **Parks, parkways and cemeteries excepted.**—Local authorities may, notwithstanding the provisions of this act, make, enforce and maintain such reasonable ordinances, rules or regulations concerning the speed at which motor vehicles may be operated in any parks or parkways within a city, but, in that event, must, by signs at each entrance of such park and along such parkway, conspicuously indicate the rate of speed permitted or required, and may exclude motor vehicles from any cemetery or grounds used for the burial of the dead.

NEW JERSEY.

PART VII.

PROVISIONS CONCERNING SAFETY OF TRAFFIC.

23. The following rates of speed may be maintained, but shall not be exceeded, upon any public street, public road or turnpike, public park or parkway, or public driveway, or public highway, in this State by anyone driving a motor vehicle.

(1) A speed of one mile in seven minutes upon the sharp curves of a street or highway or when turning a corner, and a speed of one mile in four minutes at the junction or intersection of a prominent cross-road where such a street, road or highway

passes through the open country. The term "open country" meaning where houses are an average more than one hundred feet apart.

(2) A speed of one mile in five minutes where such street or highway passes through the built-up portion of a city, town, township, borough or village where the houses are an average less than one hundred feet apart.

(3) A speed of one mile in four minutes within two hundred feet of any horse or other beast of draught or burden upon the same street or highway; *provided, however*, that such speed not exceeding twenty miles per hour, shall be lawful in the open country as may be necessary in order to pass a vehicle traveling in the same direction, but the speed shall be diminished forthwith if necessary to comply with the provisions of this act.

(4) Elsewhere and except as otherwise provided in subdivisions one, two and three of this section a speed of one mile in three minutes; *provided, however*, that nothing in this section contained shall permit any person to drive a motor vehicle at any speed greater than is reasonable, having regard to the traffic and use of highways, or so as to endanger the life or limb or to injure the property of any person; and it is *further provided*, that nothing in this section contained shall affect the right of any person injured, either in his person or property, by the negligent operation of a motor vehicle to sue and recover damages as heretofore; and *provided further*, that the foregoing provisions concerning the speed of motor vehicles shall not apply to any speedway built and maintained for the exclusive use of motor vehicles, if the said speedway at no point crosses any public street, avenue, road, turnpike, driveway or other public thoroughfare or any railroad or railway at grade, the said speedway having been constructed with the permission of the commissioners or the board of freeholders, as the case may be, of the county or counties in which said speedway shall

be located; and *provided further*, that every person driving a motor vehicle shall, at request or upon signal by putting up the hand or otherwise from a person riding or driving a horse or horses in the opposite direction, cause the motor vehicle to stop and remain stationary so long as may be necessary to allow said horse or horses to pass.

24. If a physician shall have his motor vehicle stopped for exceeding the speed limit while he is in the act of responding to an emergency call, the registration number of the vehicle and the driver's license number may be inspected and noted, and the physician shall then be allowed to proceed in the vehicle to his destination, and subsequently such proceedings may be taken as would have been proper had the person violating the provisions as to speed not been a physician.

25. Motor vehicles belonging to the military establishment, while in use for official purposes in time of riot, insurrection or invasion, are exempt from the provisions of this act pertaining to speed.

PART VI.

USE OF ROADS AND HIGHWAYS.

22. (1) Drivers of motor vehicles, whether of burthen or of pleasure, using any of the turnpikes or public roads in this State, when met by another motor vehicle, or by a carriage, sleigh, or sled, shall keep to the right, and when overtaken by another motor vehicle, carriage, sleigh, or sled they shall likewise keep to the right, so as in both cases to permit such motor vehicle, carriage, sleigh or sled, either met or overtaken, to pass uninterrupted.

(2) No owner or purchaser or driver of a motor vehicle who shall have complied with the requirements and provisions of this act shall be required to obtain any other license or permit

to use or operate the same, nor shall such owner or purchaser or driver be excluded or prohibited from or limited in the free use thereof, nor limited as to speed upon any public street, avenue, road, turnpike, driveway, parkway or other public place, at any time, when the same is or may hereafter be opened to the use of persons having or using other carriages, nor be required to comply with other provisions or conditions as to the use of said motor vehicle, except as in this act provided; *provided further*, that nothing in this section contained shall be construed to apply to or include any speedway created and maintained in pursuance of an act of the Legislature of the State of New Jersey entitled "An act to provide for the construction and maintenance of speedways in the counties of this State," approved March nineteenth, one thousand nine hundred and two; nor to any parks or parkways created and maintained in accordance with an act of the Legislature of the State of New Jersey entitled "An act to establish public parks in the counties of this State and to provide for the acquirement, improvement and regulation of the same," approved March twentieth, one thousand, nine hundred and one. No city, town, township, borough or other municipality shall have power to make any ordinance, by-law or resolution limiting or restricting the use or speed of motor vehicles, and no ordinance, by-law or resolution heretofore or hereafter made by any city, town, township, borough or other municipal or local authority by whatever name known or designated in respect to or limiting the use or speed of motor vehicles shall have any force, effect or validity.

(3) No person shall drive a motor vehicle upon any public street, public highway, public road, public parkway, turnpike or public driveway in this State in a race or on a bet or wager.

(4) Every driver of a motor vehicle after knowingly causing an accident by collision or otherwise knowingly injuring any person, horse, or vehicle shall forthwith bring his motor vehicle

to a full stop, return to the scene of accident and give to any proper person demanding the same his name, the number of his driver's license and the registration number of the motor vehicle, and the names and residences of each and every male occupant of said motor vehicle.

19. No intoxicated person shall drive a motor vehicle.

20. No person shall drive a motor vehicle without the consent of the owner.

38. The Commissioner of Public Roads shall be authorized, and full power and authority are hereby given to him to have erected at such points throughout the State as to him shall seem necessary, cautionary warnings of dangerous crossings, steep declivities or other irregularities or perils of the roadway, at a cost, however, not to exceed, in the aggregate, three thousand dollars.

PENNSYLVANIA.

SECTION 5. No person or persons shall be allowed to use, operate or drive any motor-vehicle, as aforesaid, upon any of the public streets or public highways of the cities, boroughs, counties or townships of this Commonwealth at a speed greater than a mile in six minutes, within the corporate limits of any of the cities and boroughs thereof; outside of the corporate limits of any city or borough, as aforesaid, the lawful rate of speed shall not exceed one mile in three minutes: *Provided*, That in townships of the first class the commissioners thereof may, by ordinance, fix a speed rate of not less than one mile in six minutes, in such sections of said townships as they may deem such rate necessary for public safety: *Provided, however*, In the sections where such speed limit is fixed, the commissioners shall cause signs to be placed, at distances of not over one-half mile apart, which signs shall be readable from the highways,

and shall set forth the speed limit and the penalty for the violation thereof: *Provided further*, That this section shall not permit any person or persons to drive an automobile at a greater speed than is reasonable, regarding traffic, danger, or injury to property or person, at any time or at any place.

REGULATIONS IN REGARD TO NON-RESIDENT OWNERS OF MOTOR VEHICLES.

MAINE.

SEC. 21. Automobiles or motor vehicles owned by non-residents of this state and driven by a person licensed in this or in some other state may be operated on the roads and highways of this state unless prohibited by special law or town ordinance duly authorized by the legislature, subject, however, to the provisions of sections seven, eight, nine, ten, eleven, and twelve, and provided that such person shall show in front and at the back of his automobile and at the back of his motor cycle the registration number granted him in such other state, and the name of the other state in Arabic letters at least one inch high. The provisions of this and the preceding sections shall not prevent the operating of automobiles by unlicensed persons if riding with or accompanied by a licensed operator.

NEW HAMPSHIRE.

SECT. 6. Automobiles or motor cycles owned by non-residents of this state and registered in some other state, may be operated upon the roads and highways of this state, subject, however, to the speed limitations contained in this act. Any non-resident person holding an operator's or chauffeur's license from another state may operate an automobile or motor cycle in this state subject to a revocation or suspension of such right by the secretary of state for cause as hereinafter provided.

VERMONT.

SECTION 6. A resident of another state or country who has complied with the laws of his state or country relating to the registration or licensing of motor vehicles shall not be required to pay a registration or license fee while operating a motor vehicle in this state, provided that such other state or country grants like privileges to residents of this state. If such non-resident is convicted of a violation of a provision of this act relating to the manner of running or operating a motor vehicle, he shall thereafter be subject to the provisions of this act relating to registration of motor vehicles and of the operators thereof.

MASSACHUSETTS.

Provisions regarding non-residents found in general provisions regarding registration of motor vehicles.

RHODE ISLAND.

No provisions.

CONNECTICUT.

**USE OF HIGHWAYS OF THIS STATE BY NON-RESIDENT OWNERS
OF MOTOR VEHICLES.**

SEC. 10. Any non-resident of this state who shall have complied with the laws of the state or territory of the United States in which he resides, requiring the registration of owners of motor vehicles, or of motor vehicles, or of both, and the display of identification numbers on such vehicles, and who shall cause the identification numbers of such state or territory, in accordance with the laws thereof, and none other, together with the initial letter or letters of such state or territory, to be displayed on his motor vehicle while used or operated upon the public

highways of this state, may use such highways for a period not to exceed ten successive days at any one time, without complying with the provisions of the foregoing sections of this act; *Provided, however,* that, if any non-resident be convicted of violating any provision of section eleven, twelve, or thirteen of this act, he shall thereafter be subject to and required to comply with all the provisions of this act relating to the registration of motor vehicles and the licensing of operators thereof.

NEW YORK.

Subdivision 9. **Exemption of nonresident owners.**—The provisions of this section shall not apply to motor vehicles owned by non-residents of this state, provided the owners thereof have complied with any law requiring the registration of owners of motor vehicles in force in the state, territory or federal district of their residence, and the registration number showing the initial of such state, territory or federal district shall be displayed on such vehicle substantially as in this section provided.

NEW JERSEY.

The same provisions are made for resident and non-resident owners of motor vehicles.*

PENNSYLVANIA.

No provisions.

*See page 26.

REGISTRATION OF DEALERS IN AND MANUFACTURERS OF MOTOR VEHICLES.

MAINE.

SEC. 18. Every manufacturer of or dealer in automobiles or motor vehicles, may instead of registering each automobile or motor vehicle owned or controlled by him, make application upon a blank provided by said secretary of state for a general distinguishing number or mark, and said secretary may, if satisfied of the facts stated in said application, grant said application, and issue to the applicant a certificate of registration containing the name, place of residence and address of the applicant, and the general distinguishing number or mark assigned to him, and made in such form as said secretary of state may determine; and all automobiles and motor vehicles owned and controlled by such manufacturer or dealer, shall, until sold or let for hire or loaned for a period of more than five successive days, be regarded as registered under such general distinguishing number or mark. The fee for every such license shall be ten dollars.

NEW HAMPSHIRE.

SECT. 3. Every manufacturer of or dealer in automobiles or motor cycles, may, instead of registering each such vehicle owned or controlled by him, make application upon a blank provided by the secretary of state, for a general distinguishing number or mark, and the secretary of state shall, if the facts stated in said application are true, grant said application and issue to the

applicant a certificate of registration containing the name, place of residence and address of the applicant and the general number or mark assigned to him and made in such form and containing such further provisions as said secretary of state may determine, and all automobiles or motor cycles owned or controlled by such manufacturer or dealer shall, until sold or let for hire, or loaned for a period of more than five successive days, be regarded as registered under such general distinguishing mark or number. The fee for every such license shall be ten dollars, and approved number plates or tags shall be furnished to the applicant by said secretary of state for the sum of one dollar per pair.

VERMONT.

SECTION 2. A manufacturer of or dealer in automobiles or motor vehicles may, instead of registering each automobile or motor vehicle owned or controlled by him, make application for a general distinguishing number or mark for such automobiles or motor vehicles, upon blank to be provided by the secretary of state for that purpose. The secretary of state may, if he is satisfied of the truth of the facts stated in such application, grant such application and issue to the applicant a certificate of registration, containing the name, place of residence and address of such applicant, and the general distinguishing number or mark or marks assigned to him; and such further provisions as the secretary of state may determine. All automobiles or motor vehicles owned or controlled by said manufacturer or dealer shall, unless sold, let for hire or loaned for a period of more than five consecutive days, be regarded as registered under such distinguishing number or mark. The fee for such a certificate shall be twenty-five dollars.

MASSACHUSETTS.

SECTION 2. Every manufacturer of or dealer in automobiles or motor cycles may, instead of registering each automobile or

motor cycle owned or controlled by him, make application upon a blank provided by said commission for a general distinguishing number or mark, and said commission may, if satisfied of the facts stated in said application, grant said application, and issue to the applicant a certificate of registration containing the name; place of residence and address of the applicant, and the general distinguishing number or mark assigned to him, and made in such form and containing such further provisions as said commission may determine; and all automobiles and motor cycles owned or controlled by such manufacturer or dealer shall, until sold or let for hire or loaned for a period of more than five successive days, be regarded as registered under such general distinguishing number or mark. The fee for every such certificate of registration shall be ten dollars.

RHODE ISLAND.

SEC. 2. Every manufacturer of or dealer in automobiles, motor cars, or motor cycles may, instead of registering each automobile, motor car, or motor cycle owned or controlled by him, make application, upon a blank provided by said secretary of state, for a general distinguishing number or mark, and said secretary of state shall, if the facts stated in said application are true, grant said application and issue to the applicant a certificate of registration containing the name, place of residence, and address of the applicant, and the general distinguishing number or mark assigned to him, and made in such form and containing such further provisions as said secretary of state may determine; and all automobiles, motor cars, and motor cycles owned or controlled by such manufacturer or dealer shall, until sold or let for hire or loaned for a period of more than five successive days, be regarded as registered under such general distinguishing number or mark. The fee for every such license shall be ten dollars.

CONNECTICUT.**REGISTRATION BY MANUFACTURERS AND DEALERS.**

SEC 3. Every manufacturer of or dealer in motor vehicles may, instead of registering each motor vehicle owned or controlled by him, make application to said secretary for a general distinguishing number or mark, and said secretary may, if satisfied as to the facts stated in said application, issue to the applicant a certificate of registration containing the name, place of residence, and post-office address of the applicant, and the general distinguishing number or mark assigned to him; and all motor vehicles owned or controlled by such manufacturer or dealer shall, until sold, or let for hire, be regarded as registered under, and have assigned to them, such general distinguishing number or mark. Manufacturers or dealers shall not be required to carry such certificates upon the vehicles registered under the provisions of this section, but every person operating a motor vehicle registered under the provisions of this section shall display on such vehicle, in such manner as the secretary may prescribe, the operator's license number assigned to such person.

NEW YORK.

Subdivision 6. **Registration by manufacturers or dealers.**—A manufacturer of or dealer in motor vehicles shall register one vehicle of each style or type manufactured or dealt in by him, and be entitled to as many duplicate registration seals for each type or style so manufactured or dealt in as he may desire on payment of an additional fee of fifty cents for each duplicate seal. If a registration seal and the corresponding number shall thereafter be affixed to and displayed on every vehicle of such type or style as in this section provided, while such vehicle is being operated on the public highways, it shall be deemed a sufficient compliance with subdivisions one, three, five and

eight of this section, until such vehicle shall be sold or let for hire. Nothing in this subdivision shall be construed to apply to a motor vehicle employed by a manufacturer or dealer for private use or for hire.

NEW JERSEY.

(3) Every manufacturer of or dealer in automobiles, instead of registering each automobile owned or controlled by him, may make application, as hereinbefore provided in this section, for a registration number, and the written statement, in addition to the matters hereinbefore contained, shall state that he is a manufacturer or dealer, as the case may be, and that he desires to use a single number for all automobiles owned or controlled by him; and thereupon the commissioner of motor vehicles, if satisfied of the facts stated in said application, shall issue a certificate, as hereinbefore set forth, assigning the same a number, as hereinbefore set forth, which certificate shall contain the statement that the same is issued to the applicant as a manufacturer or dealer, as the case may be, and that one certificate shall cover and be valid for all automobiles owned or controlled by such manufacturer or dealer until sold or let for hire, or loaned for a period of not more than five successive days. All such automobiles shall be regarded as registered under such general number; *Provided*, and if, in addition to the registration number displayed on the front and back of the car, as hereinafter provided, there shall be added the letter "M," of equal size and prominence; *and provided, further*, that not more than five automobiles owned or controlled by the same manufacturer of or dealer in automobiles, shall be in operation at the same time under the same number. The fee for every such manufacturer's or dealer's certificate shall be twenty dollars.

PENNSYLVANIA.

No special provisions.

PROCEDURE.

MAINE.

No special provisions.

NEW HAMPSHIRE.

SECT. 13. If any person sustains an injury to himself or team on any public highway by reason of the presence of any automobile or motor cycle thereon, the fact of such injury shall be *prima facie* evidence sufficient to sustain an action of case to recover for such injury, unless the vehicle causing such injury is under the control of or accompanied by a person holding a chauffeur's or operator's license. This section shall not apply to any automobile or motor cycle left in any highway from necessity, or otherwise left in a reasonable manner, by a licensed chauffeur or operator.

VERMONT.

No special provisions.

MASSACHUSETTS.

SECTION 1. In the administration of the law providing for registering automobiles and motor cycles and for licensing operators thereof, any member of the Massachusetts highway commission, or its secretary, may administer oaths and take testimony; and any person who wilfully swears or affirms falsely in regard to any matter or thing respecting which such oath or affirmation is required by said commission shall be deemed guilty of perjury.

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SECTION 6. A full record shall be kept by every court or trial justice in this Commonwealth of every case in which a person is charged with a violation of any of the provisions of said chapter four hundred and seventy-three or of any other act relative to automobiles or motor cycles, and a certified copy of such record shall be sent forthwith by the court or trial justice to the Massachusetts highway commission. Said courts and trial justices shall furnish to the Massachusetts highway commission the details of any particularly flagrant cases which may be heard before them, and they may make such recommendations to said commission as to the suspension or revocation of the license or certificate of registration of the persons defendant in such cases as they may deem necessary. Said commission shall keep such records in its main office, and they shall be open to the inspection of any person during reasonable business hours.

RHODE ISLAND.

No special provisions.

CONNECTICUT.

JURISDICTION OF JUSTICE OF THE PEACE.

SEC. 18. In all complaints for the violation of any provision of this act, the justice of the peace before whom the same shall be tried shall have jurisdiction and power to render judgment therein, and issue process of execution and mittimus thereon, where such fine or penalty imposed shall not exceed two hundred dollars, or imprisonment for thirty days, or both; but the defendant shall have the right of appeal as in other cases. The justice of the peace or court before whom a final conviction shall be had under the provisions of section eleven, twelve, or thirteen of this act shall indorse upon the license of the person convicted the date and particulars of such conviction.

BAIL.

SEC. 21. Any person arrested for violating any of the provisions of this act may tender as bail a motor vehicle of which he is the owner, and if such vehicle is of sufficient value it shall be accepted as security for his appearance, in lieu of any other bail.

NEW YORK.

Subdivision 3. **Release from custody, bail, et cetera.**—In case the owner of a motor vehicle shall be taken into custody because of a violation of any provision of this act, he shall be forthwith taken before an accessible captain or a sergeant or acting sergeant of police in any city or village, or any justice of the peace or magistrate, and be entitled to an immediate hearing; and if such hearing cannot then be had be released from custody on giving a bond or undertaking executed by a fidelity or surety company organized under the laws of this state and having a deposit of at least two hundred thousand dollars with the superintendent of insurance of this state, said bond or undertaking to be in an amount not exceeding the maximum fine for the offense with which the owner is charged and to be conditioned for the owner's appearance in answer for such violation at such time and place as shall then be indicated; or on giving his personal undertaking to appear in answer for such violation, at such time and place as shall then be indicated, secured by the deposit of a sum equal to the maximum fine for the offense with which he is charged, or in lieu thereof, by leaving the motor vehicle, being operated by such person with such officer; or in case such officer is not accessible, be forthwith released from custody on giving his name and address to the officer making such arrest, and depositing with such officer a sum equal to the maximum fine for the offense for which such arrest is made, or in lieu thereof, by leaving the motor vehicle, being operated by such person, with such officer, provided, that in such case

the officer making such arrest shall give a receipt in writing for such sum or vehicle and notify such person to appear before the most accessible magistrate, naming him, on that or the following day, specifying the place and hour. In case security shall be deposited, as in this subdivision provided, it shall be returned to the person depositing, forthwith on such person giving a bond or undertaking of a fidelity or surety company, as in this section provided, or on such person being admitted to bail as provided in section five hundred and fifty-four of the code of criminal procedure, and the return of any receipt or other voucher given at the time of such deposit. In case such undertaking of a fidelity or surety company be not given, or such personal undertaking with security or such deposit shall not be made by an owner so taken into custody, the provisions of section five hundred and fifty-four of the code of criminal procedure, shall apply.

Thus amended by chapter 128 of the Laws of 1906.

Subdivision 5. **No effect on right to damages.**—Nothing in this act shall be construed to curtail or abridge the right of any person to prosecute a civil action for damages by reason of injuries to person or property resulting from the negligent use of the highways by a motor vehicle or its owner or his employee or agent.

NEW JERSEY.

PART VIII.

PROCEEDINGS.

26. (1) A complaint having been made in writing and duly verified, that any person has violated any of the provisions of this act, any magistrate of the county, or recorder or police magistrate of any municipality, in which the offense is committed may, within thirty days after the commission of said

offense, issue either a summons or a warrant directed to any constable, police officer, the inspector of motor vehicles or the commissioner of motor vehicles of this State, for the appearance or arrest of the person so charged; and the magistrate shall state what section or provision of this act has been violated by the defendant, and the time, place and nature of said violation, and upon the return of said summons or warrant the said magistrate shall proceed, in a summary way, to hear and determine the guilt or innocence of such person, and upon conviction, may impose upon the person so convicted the penalty, by this act prescribed, together with the costs of prosecution for such offense.

(2) Such magistrate, upon receiving complaint in writing, duly verified, of the violation of any provision of this act by any corporation, is hereby authorized and required to issue a summons directed to any constable, police officer, the inspector of motor vehicles, of the commissioner of motor vehicles, of this State, requiring such corporation to be and appear before said magistrate on a day therein named, to answer to said complaint, which said summons shall be served on the president, vice president, secretary, superintendent or manager of such corporation, or the agent upon whom other process against it may be served, at least five days before the time of appearance mentioned therein, and thereafter proceedings shall be the same as against individuals, except where a different procedure is provided by this act.

27. Any hearing to be held pursuant to this act shall, on the request of the defendant, be adjourned for a period not exceeding thirty days from the return day named in any summons, or from the return of any warrant, or from the date of any arrest without warrant, as the case may be, but in such case it shall be the duty of the magistrate to detain the defendant in safe custody, unless he shall make a cash deposit or enter

into a bond to the State of New Jersey, with at least one sufficient surety (unless said defendant shall himself qualify and justify, in real estate security situate in this State, in twice the amount fixed by said magistrate for bond with a surety), to or in an amount not exceeding five hundred dollars, conditioned for his appearance on the day to which the hearing may be adjourned, and thence from day to day, until the case is disposed of; and such bond, if forfeited, may be prosecuted by the commissioner of motor vehicles in any court of competent jurisdiction; and such cash deposit, if forfeited, shall be paid to said commissioner of motor vehicles by said magistrate with whom the same shall have been deposited, to be by said commissioner disposed of as are other moneys coming to his hands under the provisions of section thirty-seven of this act; *provided, however,* that in lieu of said bond or cash deposit the person under arrest may leave with the magistrate the motor vehicle owned or driven by the said person.

28. The defendant in any proceeding instituted under this act may appeal from the judgment or sentence of the magistrate to the Court of Common Pleas of the county in which such proceeding shall have taken place; *provided,* the said defendant shall, within ten days after the date of said judgment, deliver to the magistrate a bond to the State of New Jersey, with at least one sufficient surety, or make a cash deposit with him of such amount as the magistrate shall direct, not exceeding the amount of five hundred dollars (unless said defendant can himself qualify and justify in real estate security in this State in twice said amount), conditioned to stand to and abide by such further order or judgment as may thereafter be made against the said party; and *provided further,* that if the said magistrate shall have imposed a sentence of imprisonment, the defendant, if he does not duly appeal, shall be imprisoned forthwith upon the imposing of said sentence; but that an appeal, properly taken in accordance with the provisions of this act, shall be a

stay of and upon the enforcement of a sentence of imprisonment, whether the execution of such sentence shall have been entered upon or not, as well as of such other judgment as may be pronounced; and *provided further*, that in lieu of the appeal bond in this section specified, and of the cash deposit therein provided for, the defendant may leave with the magistrate the motor vehicle owned or operated by the said defendant; and *provided further*, that if said defendant shall, after the rendition of said judgment or sentence, announce to said magistrate his intention to appeal therefrom, and either give the bond, make the deposit or leave the motor vehicle as herein provided, he shall have ten days from the date of the rendition of said judgment or sentence within which to complete his appeal, during which said ten days the execution of whatever sentence or judgment shall have been rendered, whether of imprisonment or fine, shall be stayed, and in case said defendant shall fail to complete his appeal within said ten days, the like proceedings may be had as would be by the provisions of this act follow an appeal taken and a judgment of affirmance thereupon.

29. Whenever an appeal shall be taken as aforesaid it shall be the duty of the magistrate to send all papers and all money, if any, deposited according to the provisions of this act, and all money paid for costs of prosecution, together with a transcript of the proceedings in the case, to the next Court of Common Pleas of the said county, which court shall, de novo, and in a summary, way try and determine all such appeals, and in case the judgment or sentence of the magistrate shall be reversed on such appeal, the said Common Pleas Court shall order the return of all money deposited as aforesaid, and all costs of prosecution paid by said defendant to said defendant.

30. Proceedings under this act may be instituted on any day of the week, and the institution of such proceedings on

Sunday shall be no bar to the successful prosecution of the same; and any process served on Sunday shall be as valid as if served on any other day of the week.

31. All proceedings for the violation of the provisions of this act shall be entitled and shall run in the name of the State of New Jersey, with the commissioner of motor vehicles or a motor vehicle inspector, or a police officer, or a constable or such other person as shall by complaint institute the proceedings as prosecutor; and any magistrate may, at his discretion, refuse to issue a warrant on the complaint of any person other than the commissioner of motor vehicles or a motor vehicle inspector, until a sufficient bond to secure costs shall have been executed and delivered to the said magistrate.

32. (1) Any constable, or police officer, or motor vehicle inspector or the commissioner of motor vehicles is hereby authorized to arrest without warrant any person violating in the presence of such constable, or police officer or motor vehicle inspector or the commissioner of motor vehicles any of the provisions of this act, and to bring the defendant before any magistrate of the county where such offense is committed. The person so offending shall be detained in the office of the magistrate until the officer making such arrest shall make oath or affirmation, which he shall do forthwith, declaring that the person under arrest has violated one or more of the provisions of this act, and specifying the provision or provisions violated, whereupon said magistrate shall issue a warrant returnable forthwith, and the said magistrate shall proceed summarily to hear or postpone the case as provided in sections twenty-six and twenty-seven of this act.

(2) Any person arrested for a violation of any of the provisions of this act shall, upon demanding of the magistrate hearing the complaint against said person, produce his license

for inspection, and if said person shall fail to produce his license, or to give a satisfactory excuse of its non-production, he shall, in addition to any other penalties imposed by said magistrate, be subject to a fine of not more than twenty-five dollars.

33. A summons or warrant issued by any magistrate in accordance with the provisions of this act shall be valid throughout the State, and any officer who has power to serve the said summons, or to serve said warrant and make arrests thereon in the county where the same shall have been issued, shall have like power to serve said summons and to serve said warrant and make arrest thereon in any of the several counties of the State. If any person shall be arrested for a violation committed in the county other than that in which the arrest shall take place, the person so arrested may demand to be taken before a magistrate of the county in which the arrest may have been made for the purpose of making a cash deposit or of entering into a recognizance with sufficient surety; whereupon the officer serving the said warrant shall take the person so apprehended before a magistrate of the county in which the arrest shall have been made, who shall thereupon fix a day for the matter to be heard before the magistrate issuing the said warrant, and shall take from the person apprehended a cash deposit or recognizance to the State of New Jersey with sufficient surety or sureties for the appearance of the said person at the time and place designated in accordance with the provisions of section twenty-seven of this act; the cash deposit or recognizance so taken shall be returned to the magistrate issuing the warrant, to be retained and disposed of by him as by this act provided.

34. The same fees shall be allowed the magistrate and officers making an arrest or serving a summons in proceedings under this act as are allowed for like services in the small cause court and shall be paid by the defendant if the defendant be found guilty of the charge laid against him, but if, on appeal,

said judgment be reversed, said costs shall be repaid to said defendant as hereinbefore provided. If the defendant be found not guilty of the charge or charges laid against him, then the costs must be paid by the prosecutor, except that when in such instances the commissioner of motor vehicles or the inspector of motor vehicles, shall have been prosecutor, then the costs laid upon the prosecutor shall be paid by the commissioner of motor vehicles from the moneys remaining in his hands from the payment of registration fees, license fees or otherwise. In case of the reversal of any judgment on appeal the costs of the magistrate and on appeal shall be borne and paid by the unsuccessful party.

39. When any motor vehicle shall have been deposited under this act in lieu of bond, the said motor vehicle shall be held the property of the State of New Jersey, subject to the same conditions as would govern the bond under like circumstances, and may be redeemed by the person depositing the same upon delivery of the requisite bond or upon paying such fine and submitting to such penalty as may be imposed; and unless the motor vehicle so deposited in lieu of bond shall be redeemed within ten days next following the date of the final determination of the matter, it shall be lawful for the commissioner of motor vehicles to sell the same at public auction and apply the net proceeds of said sale (the expenses of the matter having been deducted), as set forth in section thirty-seven hereof.

PENNSYLVANIA.

SECTION 8. The constables and police officers of the cities, boroughs and townships of this Commonwealth may arrest, upon view and without warrant, any person or persons violating any of the provisions of this act: *Provided*, That in the event of an arrest for violation of any of the provisions of this act, if the defendant is unable to give sufficient bail for a hear-

ing or for his appearance at court, the magistrate before whom he is first taken shall, in lieu of such bail, hold in custody the motor-vehicle found in possession of the defendant; and the court, after the trial of the defendant, if no sufficient bail according to law has been given in the meantime, shall make such order as to the disposition of such motor-vehicle as to it shall seem just and proper.

SECTION 9. All civil actions for damages arising from the use and operation of any motor-vehicle, as aforesaid, may be brought in the city or county in which the alleged damages were sustained, and service of process may be made by the sheriff in person, or by his deputy, in any part of this Commonwealth, in like manner as process may now be served in the proper county.

PENALTIES.

MAINE.

Sec. 22. Whoever violates any provision of the five* preceding sections shall be punished by fine not exceeding fifty dollars or by imprisonment not exceeding ten days.

Section 17 relates to registration of motor vehicles and display of marker.

Section 18 relates to manufacturers of and dealers in motor vehicles.

Section 19 relates to licenses for motor vehicle operators.

Sec. 12. Whoever violates any provision of the five preceding sections shall be punished by fine not exceeding fifty dollars, or by imprisonment not exceeding ten days.

Sections 7, 8, and 9 regulate the operation of motor vehicles.

Section 10 provides for lights and bells, etc.

Section 11 defines the powers of municipal officers in regulating the operation of motor vehicles.

NEW HAMPSHIRE.

SECT. 10. Any person convicted of violating any provisions of this act shall be punished for the first offense by a fine of not exceeding ten dollars and costs. Any person convicted of a second or subsequent offense shall be punished by a fine of not

* See page 56 and page 6 for Sections 20 and 21.

exceeding fifty dollars and the revocation of his license or privilege. Any person convicted of operating an automobile or motor cycle, after a revocation or suspension of his license or privilege, shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding thirty days, or by both such fine and imprisonment. A court convicting any person of violating any of the provisions of this act shall at once notify the secretary of state of such conviction, with the number, or mark of the machine and license, and shall transmit other information obtained at the hearing. This shall be recorded by the secretary of state, and if at any time it shall appear that any person has been convicted of a first offense in more than one court in this state the fact of the second conviction shall be deemed a second offense and his license, or, if a non-resident, his privilege, shall be revoked. Upon such revocation his license shall be returned to the secretary of state. The secretary of state shall not again grant a new license, to any person, or renew the privilege of a non-resident, after revocation under the provisions of this section, except for good reasons shown and not before the expiration of three months from the date of such revocation.

VERMONT.

SECTION 2. A person who violates a provision of the preceding section shall be fined not more than fifty dollars or be imprisoned not more than ten days, or both for the first offense, with costs of prosecution, and for each subsequent offense said person shall be fined not more than two hundred dollars nor less than twenty-five dollars, or be imprisoned not more than six months, or both, with costs of prosecution. Justice of the peace, municipal and city courts, shall have concurrent jurisdiction with the county courts of offenses arising under the provisions of this act and of No. 86 of the acts of 1904.

Section 1 relates to the operation of motor vehicles on the highways.

SECTION 9. The secretary of state may, at any time, suspend or revoke a license for a violation of a provision of this act or any amendment thereto or any regulations made thereunder, and said secretary or his duly authorized agent, may, after due hearing, suspend or revoke the certificate or license issued under this act for any cause which he deems sufficient. A person violating a provision of this act for which no penalty is herein otherwise provided shall be fined not more than one hundred dollars. A person operating or causing or permitting a person to operate an automobile or motor vehicle after revocation or suspension of a certificate for such vehicle under this act shall be imprisoned ten days or fined not more than two hundred dollars nor less than fifty dollars, or both. A court convicting a person of violating a provision of this act shall forthwith notify the secretary of state of such conviction, with the number or mark of the automobile or motor vehicle of such convicted person, and all other information obtained. Such information shall be recorded by the secretary of state in his office; and if, at any time, it appears that a person has been convicted of a first offense in more than one court in this state, each conviction subsequent to the date of the first one shall be deemed a subsequent offense and such person shall be subject to further prosecution therefor. A person who violates a provision of this act may be arrested without a warrant, and the officer making the arrest shall take such person before a justice, municipal or city court, there to be held until a proper warrant can be issued.

MASSACHUSETTS.

SECTION 9. The Massachusetts highway commission may, after due hearing, suspend or revoke a certificate issued under section one of this act, or the license or certificate issued to any

person under sections two and four of this act, for any cause which it may deem sufficient; and any person convicted of violating any provision of this act may be punished by a fine not exceeding twenty-five dollars for a first offence, and not exceeding fifty dollars for a second offence, and not exceeding one hundred dollars for subsequent offences committed during each calendar year; and the penalties imposed for violations of any provision of this act for any calendar year shall be imposed without regard to violations thereof committed in any previous calendar year. Any person convicted of operating an automobile or motor cycle in this Commonwealth after his license to operate has been suspended or revoked, and any person convicted of operating or causing or permitting any other person to operate an automobile or motor cycle after the certificate of registration for such vehicle has been suspended or revoked, and any person who attaches or causes to be attached to a motor vehicle a number plate assigned by the Massachusetts highway commission to another vehicle, or who obscures or causes to be obscured the figures on any number plate attached to any motor vehicle with intent to conceal the identity of such motor vehicle, shall be punished by a fine not exceeding one hundred dollars or by imprisonment for a term of ten days, or by both such fine and imprisonment. A complaint against a person for the violation of section one of this act may be placed on file at the discretion of the court or trial justice if the violation appears to have been unintentional, or if there are extenuating circumstances. Upon a third or subsequent conviction in the same calendar year of a violation of said section the commission shall forthwith revoke the license of the person so convicted. If it appears by the records of said commission that the person so convicted is the owner of an automobile or motor cycle, or has the exclusive control of any automobiles or motor cycles as a manufacturer or dealer, said commission shall thereupon revoke the certificate of registra-

tion of all automobiles or motor cycles so exclusively owned or controlled; and no new license or certificate shall be issued to such person for at least thirty days after the date of such conviction, nor thereafter except in the discretion of said commission.

AN ACT TO AUTHORIZE THE MASSACHUSETTS HIGHWAY COMMISSION TO MAKE RULES AND REGULATIONS CONCERNING THE USE AND OPERATION OF AUTOMOBILES AND MOTOR CYCLES.

SECTION 3. Any person convicted of operating an automobile or motor cycle in violation of any rule or regulation made under authority of this act may be punished by a fine not exceeding twenty-five dollars for a first offence, not exceeding fifty dollars for a second offence and not exceeding one hundred dollars for subsequent offences.

SECTION 4. Whoever operates an automobile or motor cycle on any public way or private way laid out under authority of law recklessly or while under the influence of intoxicating liquor, or so as to endanger the lives or safety of the public, shall be punished by a fine not exceeding one hundred dollars or by imprisonment for a term not exceeding six months. A conviction of a violation of this section shall forthwith be reported by the court or trial justice to the commission which shall immediately revoke the license of the person so convicted. If it appears by the records of said commission that the person so convicted is the owner of an automobile or motor cycle, or has exclusive control of any automobiles or motor cycles as a manufacturer or dealer, said commission shall thereupon revoke the certificate of registration of all automobiles or motor cycles so exclusively owned or controlled. No new license or certificate shall be issued by said commission to such person until after sixty days from the date of such conviction, nor thereafter except in the discretion of said commission.

SECTION 6. Any person who, while operating or in charge of a motor vehicle, shall refuse when requested by a police officer to give his name and address, or the name and address of the owner of such motor vehicle, or who shall give a false name or address, or who shall refuse or neglect to stop when signalled to stop by any police officer who is in uniform or who displays his badge conspicuously on the outside of his outer coat or garment, or who refuses on demand of such officer to produce his license to operate such vehicle or his certificate of registration, or to permit such officer to take the license or certificate in hand for the purpose of examination, shall be punished by a fine of not less than twenty-five nor more than one hundred dollars.

SECTION 7. Any person owning or controlling a motor vehicle, who, when requested by a police officer, shall refuse or neglect to give any information within his power to give which may lead to the identification or apprehension of the person who was driving such motor vehicle on the occasion inquired about, shall be punished by a fine of not less than twenty-five nor more than one hundred dollars: *provided*, that no evidence obtained under the provisions of this section shall be used in any criminal proceeding against the person furnishing the same.

RHODE ISLAND.

SEC. 10. Any person convicted of violating any of the provisions of this act shall be punished by a fine not exceeding twenty dollars, or by imprisonment not exceeding three months.

CONNECTICUT.

PENALTIES.

SEC. 19. Any person violating any provision of section eleven, twelve, or thirteen* of this act shall be fined not more

* See pages 45 and 46 for Sections 11, 12, and 13.

than two hundred dollars, or imprisoned not more than thirty days, or both, for a first offense, and shall be fined not more than five hundred dollars, or imprisoned not more than sixty days, or both, for any subsequent offense. Any person violating any other provision of this act shall be fined not more than one hundred dollars, or imprisoned not more than thirty days, or both.

REVOCATION OF OPERATOR'S LICENSE.—RECORD OF CONVICTIONS.

SEC. 9. The secretary of the state, or the deputy secretary, may, after due hearing, upon not less than three days' notice in writing, suspend or revoke the license issued to any person under section seven* of this act, for any cause which he may deem sufficient; but every applicant for a license whose application shall be refused by said secretary, and every licensee whose license shall be revoked by said secretary or deputy secretary, may appeal to the superior court from such decision, refusal, or revocation. The provisions of section 2658 of the general statutes concerning appeals from decisions of county commissioners shall, in so far as the same are applicable, govern the appeals herein provided for. A full record shall be kept by every court or justice of the peace in this state of every case in which a person is convicted of a violation of any of the provisions of section eleven, twelve, or thirteen of this act, and a certified abstract of such record, the expense of which abstract shall be taxable as costs in such case, shall, within ten days after the date of such conviction, be transmitted by such court or justice of the peace to the secretary of the state. Said courts and justices of the peace shall furnish to said secretary the details of all flagrant cases which may be heard before them, and they may make such recommendations to said secretary as to the suspension or revocation of the licenses of the parties defendant in such cases as they may deem proper. Said secretary

* See page 32.

shall keep such records in his office, and they shall be open to public inspection. Whenever any person licensed to operate a motor vehicle upon the public highways of the state shall have been convicted of any violation of section eleven, twelve, or thirteen of this act, said secretary, or the deputy secretary, may revoke the license of such person, and, upon a third conviction within the same calendar year, said person shall, in addition to the penalties for such offense, incur a forfeiture of his license, and the said secretary, or the deputy secretary, shall thereupon revoke and require a return of the same. No person shall, for the period of three months from the date of the revocation of his license, be capable of receiving a new license, nor thereafter except in the discretion of said secretary.

NEW YORK.

§ 6. Subdivision 1. **Penalties for excessive speed, et cetera.**—The violation of any of the provisions of subdivision five of section two,* or of subdivision seven of section two, or of section three, or of section five of this act, or of any ordinance, rule or regulation adopted by local authorities in pursuance of subdivision four of section four of this act, shall be deemed a misdemeanor, punishable by a fine not exceeding one hundred dollars for the first offense, and punishable by a fine of not less than fifty dollars nor more than one hundred dollars, or imprisonment not exceeding thirty days, or both, for a second offense, and punishable by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars and imprisonment not exceeding thirty days for a third or subsequent offense.

Subdivision 2. **Penalties for other violations.**—The violation of any other provision of this act shall be punished by a fine not exceeding twenty-five dollars for the first offense, a fine not less than twenty-five dollars nor more than fifty dollars for

* See pages 20, 33, 47, and 48.

a second offense, and a fine not less than fifty dollars nor more than one hundred dollars, or imprisonment not exceeding ten days, or both, for a third or subsequent offense.

NEW JERSEY.

PART IX.

PUNISHMENTS AND PENALTIES.

35. Any person who shall be convicted of violating the provisions of sections fifteen and twenty-one of this act shall be subject to a fine not exceeding one hundred dollars; in default of the payment of such fine there shall be imposed an imprisonment in the county jail for a period not exceeding ten days; *provided*, that any offender who shall be convicted of a second offense of the same violation may be fined in double the amount herein prescribed for the first offense, and may in default of the payment thereof, be punished by imprisonment in the county jail for a period not exceeding twenty days; *provided, further*, that the penalties above prescribed shall not apply to the display of a fictitious number.

Any person convicted of displaying a fictitious number as prohibited by section fifteen, or of violating the provisions of section seventeen, nineteen or twenty of this act, shall be subject to a fine not exceeding five hundred dollars, or to imprisonment in the county jail for a period not exceeding sixty days.

Any person who shall be convicted of a violation of subdivision four of section twenty-two of this act, shall be subject to a fine not exceeding two hundred and fifty dollars, or to imprisonment in the county jail for a period not exceeding thirty days.

Any person who shall be convicted of a violation of section sixteen of this act shall be subject to a fine not exceeding one hundred dollars.

Any person who shall be convicted of a violation of subdivision three of section twenty-two, or of section twenty-three of this act, shall for the first offense be subject to a fine not exceeding one hundred dollars; in default of the payment of such fine there shall be imposed an imprisonment in the county jail for a period not exceeding ten days; *provided*, that any offender who shall be convicted of a second or any subsequent offense of the same violation may be fined in double the amount herein prescribed for the first offense, or imprisoned in the county jail for a period not exceeding twenty days, and in addition to such penalties the license of said offender shall be revoked; *provided, further*, that nothing herein contained shall prevent a revocation of license for the first offense, or for the violation of any other provision of this act.

Any person who shall be convicted of violating any of the following-named provisions of this act shall be subject to the penalties herein specified:

Of sections three, four or eighteen, a fine not exceeding ten dollars.

Of section six a fine not exceeding fifty dollars.

Of subdivision one of section twenty-two a fine not exceeding twenty-five dollars.*

36. It shall be lawful for a magistrate before whom any hearing under this act shall be had, to revoke the license of any person to drive motor vehicles when such person shall have been guilty of such willful violation of the provisions of this act as shall in the discretion of the said magistrate justify such revocation, but an appeal of the matter to the Court of Common Pleas shall act as a stay upon said revocation, and the Court of Common Pleas upon the appeal of the said matter shall have the power to void the said revocation; and the commissioner of motor vehicles shall at all times have the power to validate a license that has been revoked, or to grant a new license to any

* See pages 25, 27, 34, 50, and 52.

person whose license to drive motor vehicles shall have been revoked.

It shall be lawful for the justice of the Supreme Court holding the circuit in each of the counties of this State, upon application made to him by a verified petition for that purpose by any person against whom a judgment or sentence for the violation of any of the provisions of this act shall have been rendered who may desire to have the legality of his conviction reviewed or the reasonableness of the sentence or penalty imposed, to order the said complaint, process, proceedings, evidence and record of conviction to be forthwith brought before him, that the legality of such proceedings and sentence, or judgment, or the reasonableness of the sentence or penalty may be summarily reviewed and determined: and if such proceedings and sentence or judgment shall thereupon be found to be illegal, or the sentence or penalty be unreasonable, forthwith to set aside the same and to order the remission or reduction of any fine and costs that may have been imposed or the discharge of any offender from custody.

PENNSYLVANIA.

SECTION 10. Any person violating any of the provisions of this act shall be subject to a fine or penalty of not less than ten dollars nor more than twenty-five dollars, to be collected by summary conviction before any magistrate or justice of the peace, as like fines and penalties are now by law collectible; or, in case of non-payment of the fine within forty-eight hours, to undergo an imprisonment in the county jail for a period not exceeding ten days. Any person or persons who, having been previously convicted before a magistrate or justice of the peace of this Commonwealth of any violation of the provisions of this act, upon commission of the second or a subsequent offense shall be deemed guilty of a misdemeanor, and, upon conviction

thereof, shall be sentenced to pay a fine not less than twenty-five dollars nor more than one hundred dollars; or, in case of non-payment of such fine, to undergo an imprisonment in the county jail for a period not exceeding thirty days. Upon conviction of a second violation of the provisions of this act, certified to the State Highway Commissioner, the license issued to such person, so convicted, shall immediately be revoked by the State Highway Commissioner, and shall not be reissued for the space of six months after such revocation.

DISPOSITION OF FEES.

MAINE.

No special provisions.

NEW HAMPSHIRE.

SECT. 11. It shall be the duty of the secretary of state to perform all acts as provided herein. The fees received under the provisions of this act shall be paid quarterly by the secretary of state into the treasury of the state, and such expenses as may be necessary in carrying out the provisions of this act shall be paid out of the treasury of the state.

VERMONT.

SECTION 9. The secretary of state shall quarterly pay to the state treasurer all fees received by him under the provisions of this act and of No. 86 of the acts of 1904. Such fees and all fines recovered for violations of the provisions of this act and of No. 86 of the acts of 1904 shall be kept in a separate account by the state treasurer, and the auditor of accounts is hereby authorized to draw orders payable out of such fees and fines for expenses incurred by the secretary of state under the provisions of this act and of No. 86 of the acts of 1904, and any unexpended balance of such fees and fines in the hands of the state treasurer shall be added to the state highway fund.

MASSACHUSETTS.

SECTION 12. The fees received under the provisions of this act shall be paid monthly by the secretary of the highway commission into the treasury of the Commonwealth; and such

expenses as may be necessary in carrying out the provisions of this act shall be paid out of the treasury of the Commonwealth.

RHODE ISLAND.

SEC. 8. All money collected for registration and license fees and fines under the provisions of this act shall go to the support of public roads in this state under the direction of the state board of public roads. And no fees shall be allowed or retained by said secretary of state out of any money received by him under this act.

CONNECTICUT.

DISPOSITION OF FEES AND OTHER RECEIPTS.

SEC. 20. All registration and license fees, and all fines and penalties, and one-half of all forfeited bonds imposed or received under the provisions of this act, other than such fines and forfeited bonds as are embraced within the provisions of chapter 141 of the public acts of 1903, shall belong to the state and shall be accounted for and remitted to the treasurer of the state to be used, in addition to all sums of money specially appropriated for highway purposes, for the maintenance and repair of improved highways under the direction of the highway commissioner.

NEW YORK.

No special provisions.

NEW JERSEY.

PART X.

MISCELLANEOUS.

37. Moneys received in accordance with the provisions of this act, whether from fines, penalties, registration fees, license fees or otherwise, shall be accounted for and forwarded to the

commissioner of motor vehicles, and by him paid over to the Treasurer of the State of New Jersey to be appropriated annually to the Commissioner of Public Roads, to be used as a fund for the repair of the improved roads throughout the State, and to be by the said commissioner apportioned once each year among the several counties of this State according to the mileage of improved roads in each county, the share apportioned each county to be used for the repair of improved roads in that county under the direction of the Commissioner of Public Roads or his authorized representatives, and to be paid in the same manner as State funds are paid for the improvement of public roads under the act entitled "An act to provide for the permanent improvement of public roads in this State."

PENNSYLVANIA.

No provision.

EQUIPMENT.

MAINE.

SEC. 10. Every such automobile or motor vehicle shall have attached thereto a suitable bell or other appliance for giving notice of its approach, which, when rung or otherwise operated, may be heard at a distance of three hundred feet; and shall also carry a lighted lamp between one hour after sunset and one hour before sunrise.

NEW HAMPSHIRE.

SECT. 7. Every automobile or motor cycle operated within the state shall be provided with an adequate brake, with an efficient muffler or silencing device which shall constantly be maintained in use whenever the vehicle is operated within business districts or the compactly built section of cities or towns. Every automobile or motor cycle shall further be provided with a suitable bell, horn or other means of signalling and shall during the period from one hour after sunset until one hour before sunrise, display lighted lamps upon the faces of which shall be displayed the distinguishing number of the machine in legible figures of not less than one inch in height.

VERMONT.

SECTION 10. Every automobile or motor vehicle operated in this state shall be provided with an adequate brake, with a muffler, and with a suitable bell, horn or other means of signalling, and shall, in going around a corner or curve in a highway or on approaching intersection of streets signal with bell

or horn and during the period from one hour after sunset to one hour before sunrise, display lights, with the registered number or mark thereon, of such size as may be prescribed by the secretary of state.

SECTION 11. Every automobile or motor vehicle shall be provided with a lock, key or other device to prevent said vehicle from being set in motion by its own motive power, and no person shall allow any such vehicle operated by him to stand or remain unattended in any street, avenue, road, alley, highway, park, parkway or other public place without first locking or making fast the vehicle as herein provided.

MASSACHUSETTS.

SECTION 10. Every automobile or motor cycle operated in this Commonwealth shall be provided with an adequate brake, with a muffler, and with a suitable bell, horn or other means of signalling, and shall, during the period from one hour after sunset to one hour before sunrise, display lights, with the registered number or mark thereon, of such size as may be prescribed by the highway commission.

SECTION 11. Every automobile or motor cycle shall be provided with a lock, key or other device to prevent said vehicle from being set in motion, and no person shall allow any such vehicle operated by him to stand or remain unattended in any street, avenue, road, alley, highway, park, parkway or other public place without first locking or making fast the vehicle as above provided.

RHODE ISLAND.

SEC. 5. Every automobile, motor car, or motor cycle operated in this state shall be provided with an adequate brake, with a muffler, and with a suitable bell, horn, or other means

of signalling, and shall, during the period from one hour after sunset and one hour before sunrise, display such lights as shall be approved by said secretary of state. Automobiles, motor cars, or motor cycles owned by non-residents of this state and driven by a person residing and registered in some other state may be operated on the roads and highways of this state.

SEC. 6. Every automobile, motor car, or motor cycle shall be provided with a lock, key, or other device to prevent said vehicle from being set in motion, and no person shall allow any such vehicle operated by him to stand or remain unattended in any street, avenue, road, alley, highway, park, parkway, or other public place, without first locking or making fast the vehicle as above provided.

CONNECTICUT.

BRAKES, BELL, LIGHTS.

SEC. 16. Every motor vehicle, while in use on the public highways of this state, shall be provided with adequate brakes, and with a suitable bell, horn, or other device for signaling, and shall, during the period from one hour after sunset to one hour before sunrise, display one or more white lights on the forward part of such vehicle, so placed as to be seen from the front and of sufficient illuminating power to be visible at a distance of two hundred feet, and shall also display, on the rear of such vehicle, a lamp so placed that it shall show a red light from the rear and a white light at the side, and so arranged as to illuminate the rear number or marker.

NEW YORK.

Subdivision 2. **Brakes, lamps, horn, et cetera.**—Every motor vehicle while in use on a public highway shall be provided with good and efficient brakes, and also with a suitable bell, horn or other signal and be so constructed as to exhibit, during the

period from one hour after sunset to one hour before sunrise, two lamps showing white lights visible within a reasonable distance in the direction toward which such vehicle is proceeding, showing the registered number of the vehicle in separate Arabic numerals, not less than one inch in height and each stroke to be not less than one-quarter of an inch in width, and also a red light visible in the reverse direction.

NEW JERSEY.

PART II.

THE CONSTRUCTION AND EQUIPMENT OF MOTOR VEHICLES.

3. Every motor vehicle must be equipped with a plainly audible signal trumpet.

4. (1) Every automobile shall carry, during the period from one hour after sunset to one hour before sunrise, and whenever fog renders it impossible to see a long distance, at least two lighted lamps, showing white lights, visible at least two hundred and fifty feet in the direction towards which said automobile is proceeding, and shall also exhibit one red light visible in the reverse direction. Upon the fronts of the two aforesaid lamps, showing white lights shall be displayed, in such manner as to be plainly visible when such lamps are lighted, the number of the registration certificate issued as in this act provided, the same to be in Arabic numerals not less than one inch in height.

(2) Every motor cycle shall carry, during the period from one hour after sunset to one hour before sunrise, and whenever fog renders it impossible to see a long distance, at least one lighted lamp, showing a white light visible at least two hundred feet in the direction toward which the motor cycle is proceeding.

5. Automobiles of more than ten horse-power shall be pro-

vided with at least two brakes, powerful in action and separated from each other, of which one brake must act directly on the drive wheels or on the parts of the mechanism which are firmly connected with the wheels. Each of the two brakes must suffice alone to stop the automobile within a proper time. One of the two brakes must be so arranged as to be operated with the foot; *provided, however*, that on automobiles not exceeding ten horse-power one brake will be sufficient.

Motor cycles shall be provided with at least one brake, which may be operated by hand.

6. No motor vehicle tire shall be fitted with a chain when used upon gravel, macadam or other made roads, except upon natural dirt, asphalt, cobble, Belgium block or vitrified brick pavements; *provided, however*, that tires may be fitted with a chain when used upon roads covered with a coating of at least one inch of snow or ice.

7. Every motor vehicle must have devices to prevent excessive noise, annoying smoke and the escape of gas and steam, as well as the falling out of embers or residue from the fuel.

PENNSYLVANIA.

SECTION 6. Any person using or operating a motor-vehicle upon the public streets or public highways, as aforesaid, shall have displayed in a conspicuous place on the front and back of said vehicle, the tags furnished by the State Highway Department, accompanying his license for that year: and one hour after sunset he shall have the number in the back of the machine sufficiently lighted, so as to be plainly distinguishable. Every such motor-vehicle shall carry, during the period from one hour after sunset to one hour before sunrise, at least one fixed lighted lamp, showing a white light, visible at least one hundred feet in the direction towards which the vehicle is proceeding,

and shall also exhibit one red light, visible in the reverse direction. Every motor-vehicle shall also be provided with good and sufficient brake or brakes, and shall also be provided with bell, horns or other signal device. Every operator or user thereof shall sound the gong or other alarm when approaching a street-crossing or road-crossing; and shall have no more right of way, or preference as to the use of such street or road, than the driver of a vehicle about to be passed, but shall stop the motor-vehicle, when signaled to do so by the driver of any horse or other animal, until the animal or animals have passed or have been passed by said motor-vehicle.

DEFINITIONS.

MAINE.

None.

NEW HAMPSHIRE.

SECTION 1. The terms automobile and motor cycle as used in this act shall include all vehicles propelled by other than muscular power, except railroad and railway cars and motor vehicles running only upon rails or tracks, and road rollers.

VERMONT.

SECTION 13. The terms "automobile" and "motor vehicle" as used in this act shall include all vehicles propelled by power other than muscular power, excepting railroad and railway cars and motor vehicles running only upon rails or tracks, and steam road rollers.

MASSACHUSETTS.

SECTION 13. The terms "automobile" and "motor cycle" as used in this act shall include all vehicles propelled by power other than muscular power, excepting railroad and railway cars and motor vehicles running only upon rails or tracks, and steam road rollers.

RHODE ISLAND.

SEC. 7. The terms "automobile," "motor car," and "motor cycle" as used in this act shall include all vehicles propelled

by power other than muscular power, excepting railroads and railway cars and motor vehicles running only upon rails or tracks, and steam road rollers.

CONNECTICUT.

TERM "MOTOR VEHICLE" DEFINED.

SECTION 1. Whenever the term "motor vehicle" is used in this act, except when otherwise expressly provided, it shall include all vehicles propelled by any power other than muscular, except road-rollers, street sprinklers, fire engines and apparatus, police patrol wagons, ambulances, and such vehicles as run only upon rails or tracks.

NEW YORK.

Subdivision 2. **Definitions.**—The words and phrases used in this act shall, for the purposes of this act, unless the same be contrary to or inconsistent with the context, be construed as follows: (1) "motor vehicle" shall include all vehicles propelled by any power other than muscular power, excepting such motor vehicles as run only upon rails or tracks, provided that nothing herein contained shall, except as provided by subdivision four of section three of this act, apply to motor cycles, motor bicycles, traction engines or road rollers; (2) "public highways" shall include any highway, county road, state road, public street, avenue, alley, park, parkway, driveway or public place in any city, village or town; (3) "closely built up" shall mean, (a) the territory of a city, village or town contiguous to a public highway which is at that point built up with structures devoted to business, (b) the territory of a city, village or town contiguous to a public highway not devoted to business, where for not less than one-quarter of a mile the dwelling houses on such highway average less than one hundred feet apart, and also (c) the territory outside of a city or village contiguous to a

public highway within a distance of one-half mile from any post-office, provided that for a distance of at least one-quarter of a mile within such limits the dwelling houses on such highway average less than one hundred feet apart, and provided further that the local authorities having charge of such highway shall have placed conspicuously thereon signs of sufficient size to be easily readable by a person using the highway, bearing the words "Slow down to ten miles," and also an arrow pointing in the direction where the speed is to be reduced; (4) "local authorities" shall include all officers of counties, boroughs, cities, villages or towns, as well as all boards, committees and other public officials of such counties, boroughs, cities, villages or towns; (5) "chauffeur" shall mean any person operating a motor vehicle as mechanic, employee or for hire.

NEW JERSEY.

DEFINITIONS.

1. As used in this act:

(1) The term "motor vehicle" includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks.

(2) The term "motor cycle" includes only motor vehicles having pedals and saddle with driver sitting astride.

(3) The term "automobile" includes all motor vehicles excepting motor cycles.

(4) The word "magistrate" shall be deemed and understood to mean and include all justices of the peace, judges of the city criminal courts, police justices, recorders, mayors and all other officers having the power of a committing magistrate.

2. Automobile fire engines and such self-propelling vehicles as are used neither for the conveyance of persons for hire, pleasure or business, nor for the transportation of freight, such as steam road rollers and traction engines, are excepted from the provisions of this act.

PENNSYLVANIA.

No special provisions.

MISCELLANEOUS.

MASSACHUSETTS.

ACTS OF 1906, CHAPTER 353.

AN ACT TO AUTHORIZE THE MASSACHUSETTS HIGHWAY COMMISSION TO MAKE RULES AND REGULATIONS CONCERNING THE USE AND OPERATION OF AUTOMOBILES AND MOTOR CYCLES.

It is enacted, etc., as follows:

SECTION 1. The Massachusetts highway commission may from time to time prepare rules and regulations governing the use and operation of automobiles and motor cycles. Such rules and regulations shall be in addition to any rules and regulations already written in the certificates and licenses issued by said commission under authority of chapter four hundred and seventy-three of the acts of the year nineteen hundred and three and of acts in amendment thereof. Said commission may from time to time alter, rescind, or add to any rules and regulations previously made by it.

SECTION 2. The rules and regulations specified in section one, and any changes therein, shall take effect when approved by the governor and council, and published in at least one newspaper printed and published in each county of the Commonwealth, and such publication shall be sufficient notice to all persons. The sworn certificate of any member of said commission or of its secretary that said rules and regulations have

been published as herein provided shall be prima facie evidence thereof. A copy of such rules and regulations attested by any member of the commission or by its secretary shall be prima facie evidence that they have been made by the commission and approved by the governor and council as provided by law.

SECTION 4. This act shall not be construed as giving the Massachusetts highway commission power to regulate the speeds at which motor vehicles may be operated on the public ways, or to affect the statutory authority of the metropolitan park commission or of the park commission of any city or town to make rules and regulations governing the use of automobiles and motor cycles on lands, roadways and parkways under its care and control.

NEW YORK.

Subdivision 5. **Giving name and address.**—In case of accident to a person or property on the public highway, due to the operation thereon of a motor vehicle, the person operating such vehicle, shall stop, and, upon request of a person injured, or any person present, give such person his name and address, and, if not the owner, the name and address of such owner.

NEW JERSEY.

40. In case for any reason any section or any provision of this act shall be questioned in any court, and shall be held to be unconstitutional or invalid, the same shall not be held to affect any other section or provision of this act.

PENNSYLVANIA.

SECTION 11. All fines and penalties collected under the provisions of this act shall be paid to the city, borough or township treasurer, wherein the offense is committed, and the same shall be expended by said city, borough or township for the benefit of the public roads.

SECTION 12. This act shall not apply to any race-course or private road, nor to any passenger railway or steam railroad confined to tracks, nor to steam or other street-rollers, nor to any of the motor-vehicles which any manufacturer or vendor of automobiles may have in stock for sale, and not for hire or for his private use.

OPINION.

RENDERED BY THE DEPUTY ATTORNEY GENERAL RELATIVE TO
THE AUTOMOBILE LAW.

OFFICE OF THE ATTORNEY GENERAL,
HARRISBURG, PA., NOV. 9, 1905.

HON. JOSEPH W. HUNTER, *State Highway Commissioner*:

SIR:—I am in receipt of your letter of recent date, asking for an official interpretation of the Act of 19th of April, 1905 (P. L. 217), entitled:

“An act relating to automobiles, or motor-vehicles; regulating the speed limit upon the streets and public highways of the Commonwealth; providing for the licensing of the operators thereof by the State Highway Department, and fixing the amount of said license; regulating the service of process and of proceedings of actions in damages arising therefrom; and prescribing the penalties for the violations of the provisions of the same.”

Among other questions you ask whether this Act is supplementary to or repeals the Act of 1903 (P. L. 268), entitled:

“An act relating to automobiles, or motor-vehicles; providing for the registration thereof; regulating the speed limit upon the public highways within this Commonwealth; providing for the licensing of the operators thereof, and fixing the amount of the license; regulating the service of process and of proceedings

in actions of damages arising therefrom; and prescribing the penalties for the violation of the provisions of the same.”

In order to arrive at a correct understanding of the meaning, purpose and scope of the Act of 1905, it is necessary to carefully study both the above mentioned Acts and the conditions which existed at the time of their passage, and which were intended to be remedied or relieved.

The popular use of automobiles or motor-vehicles is of recent origin and growth, and until the passage of the Act of 1903 there was no special law applying to them, affecting or controlling their operation, but the Legislature in that year, recognizing the possibilities of danger to the traveling public because of the reckless and unskillful manipulation of these machines, placed upon the statute books this Act, which, at the time, was considered broad and comprehensive enough to correct any existing abuses, and to provide ample protection for the public. As indicated by its title, it provided for the registration of motor-vehicles and the licensing of the owners or operators thereof, for the purpose of ascertaining the identity of the machine and fixing the responsibility of the person liable for any damage which might be done by it in the course of its operation. It further provided for regulation of speed and the conduct of the operators toward the traveling public, and the penalties to be imposed for any violation of its terms.

In the two years which elapsed between the Legislature of 1903 and that of 1905 controversies arose regarding the operation of the Act, and the Court of Erie County, in an opinion handed down by Judge Walling, declared that the Sixth Section, requiring the owners of automobiles to take out a license, was inoperative because at variance with the language of the title. This left the registration of the machine as the only means of identifying the owner or the person in whose charge it might happen to be at the time of an accident. It was also found that in several minor particulars the law failed to meet

the requirements demanded by the greatly increased number of these machines upon the streets and highways of the Commonwealth.

For these reasons, the same Member of the Legislature, who introduced the Act of 1903, presented the Act of 1905, and from all the information I am able to obtain, as well as the similarity of the titles and the context of both Acts, I am satisfied that the latter was intended to supersede and repeal the former, and to constitute the entire law of the State upon the subject to which it relates.

It provides, as did the former Act, a general method of regulation and supervision by seeking to identify and control, not the machine, but the operator, who is required to secure, from your Department, a license, paying the fee therefor, before he may legally operate a motor-vehicle of any kind upon the streets and highways of the Commonwealth. At the time of the issuing of a license to the applicant, your Department is required to furnish the licensee with two tags, bearing a number, not less than five inches in height, which tags are to be placed upon the front and rear of the machine, and no other license number or tags may be legally exposed on said machine while the same is operated in Pennsylvania.

Section 5 fixes the maximum rate of speed at which motor-vehicles may be operated within the corporate limits of any of the cities or boroughs of the State, at not greater than a mile in six minutes, and outside the corporate limits of these municipalities the lawful rate of speed shall not exceed one mile in three minutes, with the proviso that, in townships of the first class, the Commissioners, under certain conditions, may fix by ordinance a speed rate of not less than one mile in six minutes in the sections of the township where they consider such rate necessary for public safety; and it is provided further that, notwithstanding the maximum speed above stated, no person shall drive an automobile at a greater speed than is

reasonable under the circumstances obtaining at any time or at any place.

Section 6 provides that each motor-vehicle shall carry, "during the period from one hour after sunset to one hour before sunrise at least one fixed lighted lamp" in front, and one red light behind, and shall also be equipped with a good and sufficient brake and a proper signal device. This section further regulates the operation of motor-vehicles and the attitude and conduct of those in charge thereof toward the traveling public.

Section 7 provides that any person operating a motor-vehicle in this State must carry the license issued by your Department, and be able to show the same upon the request of any officer.

Section 8 contains specific directions to constables and police officers of the Commonwealth as to their duties in carrying out the provisions of the Act.

Section 10 provides that any person violating the Act shall be subject to a fine or penalty of not less than ten dollars nor more than twenty-five dollars for an original offense, and a fine of not less than twenty-five dollars nor more than one hundred dollars for the commission of a second offense. It also provides that the second conviction shall be followed by the revocation of the license held by the person so offending.

Section 12 was apparently transferred bodily from the former Act to the one under discussion, without consideration on the part of those having the bill in charge as to what its effect would be. It is inconsistent with the remainder of the Act, and, so far as the exemption from its provisions of "any motor-vehicle which any manufacturer or vendor of automobiles may have in stock, and not for hire or for his private use" is concerned, it is inoperative and futile, for the reason that none of the provisions referred to apply to motor-vehicles or automobiles at all, but only to the persons engaged in operating them.

After a careful consideration of the whole matter I am of

the opinion and advise you that the Act of 1905 was intended to and does supersede and repeal the former Act, and constitutes the law of the State upon this subject.

That all tags, bearing license numbers, with the exception of the two furnished by your Department, must be removed from motor-vehicles while the same are being operated within the limits of this Commonwealth.

No city, borough or other municipality may legally fix a maximum speed limit within its boundaries less than the speed limits provided for in Section 5 of the Act.

No motor-vehicle, whether automobile or bicycle driven by a motor, may be lawfully driven, ridden or operated upon the streets and highways of the State after the first day of January, 1906, unless the operator thereof shall have first obtained from your Department a license for that purpose, and shall have further complied with all of the regulations and requirements imposed by this Act.

Very respectfully,

FREDERICK W. FLEITZ,

Deputy Attorney General.

22

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