

STATE OF IOWA

1923

MOTOR VEHICLE LAW

Chapter 275, Acts of the Thirty-Eighth General Assembly, as Amended by the Thirty-Ninth and Fortieth General Assemblies, Relating to the Registration and Regulation of Motor Vehicles.

Issued by
**MOTOR VEHICLE DEPARTMENT
OF IOWA**

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Secretary of State

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Chapter 275, Thirty-eighth General Assembly as Amended by the Thirty-ninth and Fortieth General Assemblies.

An act to repeal Chapter Two-B (2-B) of Title VIII of the Supplement to the Code, 1913, relating to the licensing and regulation of motor vehicles and to enact a substitute therefore and prescribing penalties for the violation thereof.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. That Chapter two-b (2-b) of title VIII of the supplement to the code, 1913, be and is hereby repealed and the following enacted in lieu thereof.

Sec. 2. In all laws of this state regulating motor vehicles, the term "motor vehicle," except where otherwise expressly provided, shall include all vehicles propelled by any power other than muscular power, except traction engines, road rollers, fire wagons and engines, police patrols, city or town ambulances, city and government vehicles clearly marked as such, and such vehicles as are run only upon tracks or rails. The term "local authorities" shall include all officers of counties, cities or towns, as well as all boards, committees, or other public officials of such counties, cities or towns. "Motor-cycle" shall include all motor vehicles designed to travel on not more than three wheels in contact with the ground, and of not exceeding ten horsepower, and of not exceeding the weight of five hundred pounds unladen. A trailer shall be deemed to be any vehicle, which is at any time drawn upon the public highway by a motor vehicle excepting any implements of husbandry temporarily drawn, propelled or moved upon such highway. "Highway" shall include any public highway, county road, state highway or state road, public street, avenue, alley, park, parkway, driveway, square or place, bridge, viaduct, trestle, or any other territory or structure, whether public or private designed, intended or used by or for the general public for the passage of vehicles, in any county, or incorporated city or town within the state of Iowa; "local authorities" shall include all boards of supervisors, trustees or councils, commissions, committees, and other public officials of counties, incorporated cities or towns; * "Chauffeur" shall mean any person who operates an automobile in the transportation of persons or freight and who receives any compensation for such service in wages, commission or otherwise, paid directly or indirectly, or who as owner or employee operates an automobile carrying passengers or freight for hire including drivers of hearses, ambulances, consoli-

*See also Senate File No. 543

lated school busses, passenger cars, trucks, light delivery and similar conveyances; provided, however, that this definition shall not include manufacturers' agents, proprietors of garages and dealers, salesmen, mechanics, or demonstrators of automobiles in the ordinary course of their business; "nonresidents" shall mean residents of states or countries other than the state of Iowa and of countries other than the United States whose sojourn in this state, or whose occupation or their regular place of abode or business in this state, if any, covers a total period of less than three months in the calendar year; "owner" shall include any person, firm, association, or corporation, having the lawful ownership, use or control, or the right to the use or control, of a motor vehicle, under a lease or otherwise, for a period of ten or more successive days. The term "where a vehicle is kept" shall refer to the county of residence of the owner or to the county where the vehicle is mainly kept if it be different from that of the residence of the owner. The words "license fee" shall have the same meaning as "registration fee" and when a motor vehicle is "licensed" it is also "registered" and vice versa. A dealer shall include "dealers and manufacturers"; "manufacturer" or "dealer" shall signify a person, firm, association, or corporation regularly in the business of having in his, its or their possession motor vehicles for sale or trade and for use and operation pursuant thereto, and shall be considered owners of motor vehicles manufactured or dealt in by them for the purposes of this act, prior to sale and delivery thereof, and of all motor vehicles in their possession and operated or driven by them or by their agents or employees; provided, however, that anything to the contrary herein notwithstanding, the determination of the department shall be final and conclusive upon the question whether or not an applicant for registration shall be a manufacturer or dealer within the meaning and intent of this act; a "used car dealer" shall, for the purpose of this act, include a person, firm, association, or corporation, regularly engaged in the business of having in his, its, or their possession, second-hand motor vehicles for sale or trade and operation pursuant thereto, and shall be considered owners of motor vehicles dealt in by them, for the purpose of this act, prior to sale and delivery thereof, and all motor vehicles in their possession and operated or driven by them, or by their agents and employees, provided, however, that anything to the contrary herein notwithstanding, the determination of the department shall be final and conclusive upon the question as to whether or not an applicant for registration shall be a "used car dealer" within the meaning of this act; "garage" shall mean every place of business where motor vehicles are received for housing, storage or repair, for compensation; "intersecting high-

way" shall mean any highway which joins another at any angle, whether or not it crosses the other; "person" shall include any corporation, association, copartnership, company, firm, or other aggregation of individuals and where the term "person" is used in connection with the registration of a motor vehicle, it shall include any corporation, association, copartnership, company, firm, or other aggregation of individuals which owns or controls such motor vehicle as actual owner, or for the purpose of sale or for renting, whether as agent, salesman, or otherwise; "department" as used in this act shall mean the secretary of state; "specially constructed" motor vehicle shall mean a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type of a generally recognized manufacturer of motor vehicles; provided, that in case of dispute the determination of the department as to the character of construction of any such motor vehicle shall be conclusive; "reconstructed motor vehicle" shall mean a motor vehicle which shall have been assembled or constructed largely by means of essential parts, new or used, derived from other motor vehicles or makes of motor vehicles of various names, models or types, or which, if originally otherwise, constructed, shall have been materially altered by the removal of essential parts, or by addition or substitution of essential parts new or used, derived from motor vehicles or makes of motor vehicles, provided, that for the purpose of this act the term "essential parts" shall include, not only integral parts but also body parts such as fenders, hood, cowl, and other parts, the removal, alteration or substitution of which will tend to conceal the identity or substantially alter the appearance of the motor vehicle; and provided, further, that in case of dispute the determination of the department as to the character of such assembly, reconstruction or alteration shall be conclusive; "imported motor vehicle" shall mean any motor vehicle which shall be brought into this state from another country or state otherwise than in the ordinary course of business by or through a manufacturer, dealer, or used car dealer, and which has not been registered in this state.

Sec. 3. Every motor vehicle kept in this state and whose owner is a resident of this state, and every motor vehicle kept in this state, except temporarily by a non-resident owner and every motor vehicle kept and used in this state a majority of the time, and every motor vehicle used in this state and not properly licensed under the laws of another state shall not be operated by its own power upon any public highway without being licensed and without carrying license number plates and proper license certificate and without having had its license fee duly paid, all as required by law. Any such motor vehicle once licensed in the state

and by removal not longer subject to license in this state, shall upon being returned to this state and subject to license be again originally licensed. Every motor vehicle originally licensed as provided by law shall, so long as it is subject to license, within the state, pay a license fee in advance as herein further provided.

Sec. 4. Every owner of motor vehicle which shall be operated or driven upon the public highways shall, except as herein otherwise expressly provided, have filed in the office of the county treasurer of the county in which he resides a verified application for registration or re-registration on a blank to be furnished by the department for that purpose, containing such information as the department may require for the efficient administration of this act.

Sec. 5. Upon receipt of the application and license fee for a motor vehicle, as provided in this act, the county treasurer shall file such application in his office and register such motor vehicle with the name, post-office address and business address of the owner, together with the facts stated in such application, in a book or index to be kept for the purpose, under the distinctive number assigned to such motor vehicle by the county treasurer, which book or index shall be open to public inspection during reasonable business hours, and he shall give to the owner a receipt for the fee paid, and shall forthwith assign to such motor vehicle a distinctive number, and, without expense to the applicant, shall issue and deliver, or forward by mail or express to the owner, a certificate of registration and container for same in such form as the department may prescribe, and duplicate number plates bearing a number corresponding to the number assigned to such motor vehicle. Upon receipt of the application and license fee for a trailer, as provided in this act, the county treasurer shall issue a receipt for the fee paid and shall at once forward the duplicate receipt to the department. The county treasurer shall register and assign to the trailer distinctive number and shall forward to the owner a certificate of registration and a single number plate bearing the number corresponding to the number assigned to the trailer. In the event of the loss, mutilation or destruction of any number plate, the owner of the registered motor vehicle, or manufacturer, or dealer, as the case may be, may obtain from the department a duplicate thereof upon filing in the office of the department an affidavit showing such facts and the payment of a fee of fifty cents (\$.50) for each plate. Duplicate certificates of registration may be issued by the county treasurer in like cases, without the payment of any fee therefor.

Each county treasurer shall be allowed to retain twenty-five cents (25c) for each motor vehicle license issued by him out of money collected in each

year for the registration of such motor vehicles, the same to be deducted, and reported to the department, when the county treasurer transfers the money collected under the provisions of this chapter.

The money thus retained by the county treasurer shall be credited to the county fund of each county for the payment of salaries, postage, and other office expenses incurred in the collection of the fees provided for in this chapter.*

Sec. 6. The executive council shall purchase all number plates, containers and other supplies required by this act after receiving competitive bids under open specifications. The bidder shall be required to furnish samples of such supplies and in awarding the contract the council may consider the quality and suitability of the samples submitted as well as the price quoted. A record of all bids submitted shall be kept and the samples submitted shall be preserved until the next subsequent letting. The successful bidder shall be required to execute to the state a good and sufficient bond in such amount as the executive council shall require, conditioned upon the plates furnished being in accordance with the samples and specifications, and providing for liquidated damages for failure to deliver plates at the time specified in the contract. In lieu of purchasing under competitive bids the council shall have authority to arrange with the board of control to furnish such supplies as may be made at the state institutions.

Sec. 7. On or before the first day of December of each year, the department shall deliver, or cause to be delivered to the county treasurer of each county, approximately as many duplicate number plates and certificate containers as there are motor vehicles registered in such county during the preceding year. The plates so delivered to each county treasurer to be in numerical sequence. Thereafter, during the year, the department, upon requisition of the county treasurer, shall deliver additional number plates and certificate containers. The department shall keep an accurate record of all number plates issued to each county, and shall also keep a record showing the assignment thereof by the county treasurer to motor vehicles. Such number plates shall be of metal, at least six (6) inches wide and not less than fifteen (15) inches in length, on which there shall be the initials "Ia" and numerals indicating the year for which it is used; and shall be of a distinctively different color each year, and there shall be at all times a marked contrast between the colors of the number plates and that of the numerals or letters thereon; said colors to be designated by the department. The distinctive number assigned to the vehicle shall be set forth in numerals four (4) inches long, each stroke of which shall be at least five-eighths ($\frac{5}{8}$)

of an inch in width. In the case of a motor vehicle registered by a manufacturer or dealer, there shall be on such plate, in addition to the foregoing, the letter "D" and, in case of a motor vehicle registered by a used car dealer, the letters "U. D.", each stroke of each such letter to be at least four (4) inches long and five eighths ($\frac{5}{8}$) of an inch in width. The number plates for use of a motor bicycle or a motorcycle shall be one-half ($\frac{1}{2}$) the size above stated. All number plates issued shall be and remain the property of the state of Iowa.

Sec. 8. Registration shall be renewed annually as provided in Sec. ten (10), to take effect on the first day of January of each year; provided, that the county treasurer shall withhold the registration of any motor vehicle the owner of which shall have failed to register the same under the provisions of this act, for any previous period or periods for which it appears that registration should have been made, until the fee for such previous period or periods shall be paid. All certificates of registration issued under provisions of this act shall expire on the last day of the calendar year for which they were issued.

Sec. 9. When a motor vehicle is permanently dismantled and can no longer be used on the public highway or when same is sold outside the state, the owner thereof shall detach the license plates and certificate of registration and surrender them to the county treasurer, who shall cancel the registration of record and report such cancellation forthwith to the department upon blanks provided for that purpose. Such license plates shall be destroyed by the county treasurer who shall so advise the department. A failure to comply with the provisions of this act shall constitute a misdemeanor and upon conviction shall be punishable by a fine of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) or by imprisonment not exceeding ten days.

Sec. 10. An annual license fee shall be paid for each motor vehicle operated upon the public highways of this state unless said vehicle is specially exempted under the provisions of this act. Said license fee shall be paid to the county treasurer at the same time the application is made for the registration or re-registration of said motor vehicle and the county treasurer shall not issue a registration certificate for any motor vehicle until the proper license fee has been paid.

Provided that where there is no delinquency, and the registration is made during April, May or June, the fee shall be three-fourths the annual license fee herein required; and where made during July, August or September, the fee shall be one-half such annual fee, and where made during October or November the fee shall be one-fourth of such annual license fee; no fee being required for the

*Two preceding paragraphs effective July 4, 1921.

month of December for a new car in good faith delivered during that month.

Such reduction in the license fee shall not be allowed until the applicant first file with the County Treasurer an affidavit stating the date on which the motor vehicle first came into his possession or control, in connection with his purchase or prospective purchase thereof, and the name and address of the party from whom purchased.

Any person who shall wilfully make false statement in such affidavit shall be deemed guilty of perjury and punished accordingly.

The amount of said license fee shall be and is fixed at the following rates:

1. For all motor vehicles except motor trucks, motorcycles and motor bicycles, a fee equal to one per cent of the value as fixed by the executive council, plus forty cents for each one hundred pounds or fraction thereof of weight of vehicle as fixed by the executive council, provided that no motor vehicle regardless of age shall be licensed for a full year for less than ten dollars (\$10.00).

The executive council shall annually classify all such motor vehicles by value and by weight. The value shall be fixed at the next even one hundred (100) dollars above the retail list price F. O. B. the factory, and the weight shall be fixed at the next even one hundred (100) pounds above the manufacturer's shipping weight or the actual weight of the vehicle fully equipped.

2. After said motor vehicle has been registered five times, that part of the license fee which is based on the value of said vehicle shall be one-half the rate as fixed when new, except as provided in paragraph one (1) above, and the sworn statement of the registrant as to the number of times such motor vehicle has been registered shall be conclusive evidence of that fact.

3. For all motorcycles the annual license fee shall be five dollars (\$5.00). When said motorcycle has been registered five (5) times, the annual license fee shall be one-half the rate when new.

4. For all motor trucks, the fee shall be fixed in accordance with the following schedule:

a. Motor trucks equipped with all pneumatic tires:

For 1 ton or less capacity	\$15.00 per annum
" 1½ tons capacity	22.50 " "
" 2 " "	30.00 " "
" 2½ " "	45.00 " "
" 3 " "	65.00 " "
" 3½ " "	90.00 " "
" 4 " "	105.00 " "
" 4½ " "	120.00 " "
" 5 " "	135.00 " "
" 6 " "	165.00 " "

b. Motor trucks equipped with two or more solid rubber tires:

For 1 ton or less capacity	\$15.00 per annum
" 1½ tons capacity	22.50 " "
" 2 " "	30.00 " "
" 2½ " "	55.00 " "
" 3 " "	75.00 " "
" 3½ " "	100.00 " "
" 4 " "	115.00 " "
" 4½ " "	130.00 " "
" 5 " "	145.00 " "
" 6 " "	175.00 " "

Provided that all trucks having a load capacity above two tons and operated exclusively within the limits of cities and towns, the annual license fee shall be two-thirds the rates fixed above.

The license fee for each ton of load capacity above six tons shall be fifty dollars in addition to the six ton rate, provided that no license shall be issued for any motor truck having a greater load capacity than six tons without a specific permit from the municipal authorities for operation entirely within the limits of municipalities and without a specific permit from the state highway department and board of supervisors for operation without the limits of municipalities. Said permit may define and limit the streets and highways over which said heavy trucks may be licensed to operate.

c. Motor trucks equipped with iron, steel or or hard tires:

1 ton or less capacity.....	\$40.00
1½ ton capacity	50.00

No license issued for heavier load capacities.

5. Trailers weighing less than one thousand pounds (1000 lbs.), or with a loading capacity of less than one thousand pounds (1000 lbs.), shall not be subject to a license fee.

All other trailers shall be subject to a license fee to be fixed in accordance with the following schedule:

When equipped with pneumatic tires:

Trailers with capacity of ½ ton, but not exceeding 1 ton capacity.....	\$10.00
Trailers with capacity of 1 ton, but not exceeding 2 tons capacity.....	15.00
Trailers with capacity of 3 tons, but not exceeding 4 tons capacity.....	25.00
Trailers with capacity of 4 tons, but not exceeding 5 tons capacity.....	40.00
Trailers with capacity of 5 tons, but not exceeding 6 tons capacity.....	50.00
Trailers with capacity of 6 tons, but not exceeding 7 tons capacity.....	60.00

When equipped with two or more solid rubber tires:

Trailers with capacity of 1 ton, but not exceeding 2 tons capacity.....	\$ 5.00
Trailers with capacity of 2 tons, but not exceeding 3 tons capacity.....	15.00
Trailers with capacity of 3 tons, but not exceeding 4 tons capacity.....	35.00

Trailers with capacity of 4 tons, but not exceeding 5 tons capacity.....	50.00
Trailers with capacity of 5 tons, but not exceeding 6 tons capacity.....	60.00
Trailers with capacity of 6 tons, but not exceeding 7 tons capacity.....	70.00
When equipped with iron, steel or hard tires:	
Trailers with capacity of 1 ton, but not exceeding 2 tons capacity.....	\$15.00
Trailers with capacity of 2 tons, but not exceeding 3 tons capacity.....	30.00

All motor trucks, trailers, and motor vehicles used for other than the conveyance of passengers and the personal effects of said passengers shall have attached thereto a conspicuous metal plate giving the actual weight of the vehicle equipped and weight of loading capacity as specified by the manufacturer or maker and no license shall be issued until the vehicle is so equipped. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not less than five dollars (\$5.00) nor more than fifty (\$50.00) dollars for the first and second offenses. Upon a third conviction, the department shall have authority to cancel the certificate of registration and call in the number plates and a new license shall not be issued for any such motor vehicle for a period of one year.

6. If during the first half of the year for which a motor vehicle was registered and the required registration fee paid therefor, such car is destroyed by fire or accident, or stolen and not recovered by the owner before the expiration of the registration period for which such fee was paid, or sold and continuously used beyond the boundaries of the State of Iowa, said owner shall upon the first day of January following such theft or destruction by accident be paid a refund to the amount of one-half ($\frac{1}{2}$) the motor vehicle license fee paid for such year. The motor vehicle department is hereby authorized to make such payments according to the above provisions, when sufficient proof of such destruction by accident, theft, or sale for continuous use beyond the boundaries of the state, is properly certified, approved by the county treasurer, and filed with the motor vehicle department.

2. The provisions of this act shall apply to such losses as occur on or after Jan. 1, 1923.

[See Senate File 543 for exceptions under Sec. 11.]

Sec. 11. It shall be unlawful for any person known as a chauffeur, and employed for hire therefore, to operate or drive a motor vehicle upon the public highways, or streets of cities or towns of this state, unless licensed by the department as herein provided.

Any person desiring a chauffeur's license shall file with the department an application under oath

stating his name, residence, business address, if any, age, color, single or married, whether he has ever been convicted of a violation of the motor vehicle laws of this state or any other state, or has been convicted within one year of intoxication, and such other information as the department may require. Such license shall not be issued until the department is satisfied that the applicant is over eighteen (18) years of age and is a fit and proper person to receive such license. The fee for chauffeur's license shall be two dollars (\$2.00) payable annually and shall expire on the last day of the year for which it is issued.

To each person shall be assigned a distinguishing number and the department shall issue to the licensee a certificate containing the distinguishing number assigned to the licensee, his name, age, place of residence, business address, if any, and a brief description of the licensee for purpose of identification and such other information as the department shall deem necessary. Each person licensed as a chauffeur, shall endorse his usual signature on the license certificate and his license shall not be valid until the certificate is so endorsed.

The department shall also furnish, without extra charge therefor to each chauffeur licensed a suitable metal badge with the number assigned to him stamped thereon, such badge to have stamped thereon the words "Registered Chauffeur No., Iowa," and year of issue.

This badge shall thereafter be worn by such chauffeur, affixed to his clothing in a conspicuous place, at all times when he is operating a motor vehicle upon the public highway and the license certificate shall be carried at all times when he is operating a motor vehicle upon the public highway and shall be produced for inspection upon request of any peace officer. In case of the loss of such badge or certificate a duplicate will be issued by the department on the filing of an affidavit showing the fact of loss, and on payment of a fee of one dollar (\$1.00) to the department in case of a badge, and fifty cents (\$.50) in case of a certificate. Applications for the annual renewal of license by chauffeurs shall be accompanied by the fee required by this section. No chauffeur's license or badge shall be issued to any applicant under the age of eighteen (18) years; provided, that it shall be unlawful for any person to cause or knowingly to permit his or her child, ward or employee to operate a motor vehicle upon the public highway as a chauffeur without first having obtained such license as hereinbefore specified; and the application to the department of a minor to operate a motor vehicle, as chauffeur, shall not be granted by the department unless the parent or parents having custody of such applicant or the guardian of such applicant shall have joined in said applica-

tion by signing the same; and provided further, that any negligence of a minor, so licensed, in operating a motor vehicle upon the public highway, as chauffeur, shall be imputed to the person, persons, or corporation, who shall employ said chauffeur; which person, persons, or corporation shall be jointly and severally liable with such minor for any damage caused by such negligence.

Upon the receipt of an application, the department shall register the applicant in a book or on index cards which shall be kept in the same manner as the books or index cards for the registration of motor vehicles.

No person shall use a fictitious name in applying for such chauffeur's license, nor shall any chauffeur voluntarily permit any other person to possess or use his license certificate or badge; nor shall any person, while operating a motor vehicle, use or possess any license certificate or badge belonging to another person.

No person shall display or cause or permit to be displayed, or have in his possession, any canceled, revoked, altered or fictitious registration number plates, registration certificate, chauffeur's license certificate or chauffeur's badge, as the same are respectively provided for in this act.

The official head of the department may, after due hearing, upon not less than five (5) days' notice to be sent by registered letter to the address given by the person seeking a chauffeur's license, which shall constitute a sufficient service of notice, suspend or revoke the chauffeur's license issued to any person under this act, for any cause which he may deem sufficient, or he may, when a chauffeur has been convicted a third time of a violation of any of the provisions of this act, revoke or suspend the license of the chauffeur so convicted and no new license shall be issued to such person for at least one (1) year after the date of revocation of such license nor thereafter except in the discretion of the said officer. Any certificate of license issued to any chauffeur to operate motor vehicles upon an application or statement which is untrue as to any material fact, shall be void from the date of issue.

Any chauffeur whose license shall be revoked by the department, or shall be found to be void, shall forthwith return his license certificate and badge to the department. If any chauffeur or other person shall without the consent of the owner take or cause to be taken any automobile or motor vehicle and operate or drive or cause the same to be operated or driven, he shall be imprisoned in the penitentiary not to exceed one year or be imprisoned in the county jail not to exceed six months, or be fined not to exceed five hundred dollars (\$500.00).

Sec. 12. No person under fifteen (15) years of age shall operate or drive a motor vehicle by per-

mission from the owner of the car unless such person be accompanied by a person of mature years and in all cases where damage is done by any car driven by any person under fifteen (15) years of age and in all cases where damage is done by the car, driven by consent of the owner, by reason of negligence of the driver, the owner of the car shall be liable for such damage.

Sec. 13. Every manufacturer of a motor vehicle sold or offered for sale within this state, either by the manufacturer, distributor, dealer or any other person, shall, on or before the first day of September, 1921, and annually thereafter, file in the office of the department a sworn statement showing the various models manufactured by him, and the retail list price and weight of each model as of September 1st of that year. When the retail list price of the car is reduced below the price on file, the manufacturer shall immediately notify the department, which shall issue at once to county treasurers a supplementary list of classifications and on all subsequent registrations this list shall be the basis for fixing the registration fee. Provided further that the motor vehicle department shall have the power to fix the license fee on all makes and models of cars which are not now being furnished or upon which the statement from the factory cannot be obtained. No motor vehicle shall be registered in this state unless the manufacturer thereof has furnished to the department the sworn statement herein provided, giving the list price and weight of the model of the motor vehicle that is offered for registration, except that the county treasurer shall have authority to fix the value and weight of any rebuilt or foreign car or any car on which the list price and weight is not available, provided the department shall have authority to review the action of the county treasurer in such cases, establish the correct value and weight and revoke the findings of the county treasurer, if found incorrect.

Sec. 14. All motor vehicles owned by the government and used in the transaction of official business by the representatives of foreign powers or by officers, boards of departments of the government of the United States, and by the state of Iowa, counties, municipalities and other sub-divisions of government, 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, and small trailers, under one thousand (1,000) pounds capacity, equipped with rubber tires, used with pleasure motor vehicles and used for carrying personal baggage or effects, are hereby exempted from the payment of the fees in this act prescribed, but shall not be exempt from the penalties herein provided. The department shall furnish, on application, free of charge, distinguishing plates for motor vehicles thus exempted and keep a separate record thereof.

Sec. 15. The department shall prepare, prior to the second day of July, 1919, and annually thereafter, a statement showing all the different makes and models of motor vehicles previously registered in his department, and all the different makes and models of motor vehicles, statements of which have been filed in his office as provided in section thirteen (13) hereof, together with the retail list price and weight of the same, and the executive council shall, on or before the 15th day of July of each year, and at such other times as they may deem necessary, fix the value and weight of each of the different makes and models of motor vehicles so reported to them by the department, or which are sold or offered for sale within the state.

The statement prepared by the department shall also include the load capacities of the various makes and models of motor trucks and trailers and the proper license fee to be paid for the registration of each.

Sec. 16. All registration or other fees herein or heretofore provided for in this act shall be and continue a lien against the motor vehicle for which said fees are payable until such time as they are paid as provided by law, with any accrued penalties. The lien of the original registration fee shall attach, at the time the same is first payable, as provided by law, and the lien of all renewals of registration shall attach on January 1st of each year thereafter. The collection of same may be enforced against any motor vehicle or it may be collected by suit against the owner who shall remain personally liable therefor until such time as the transfer thereof shall be reported to the county treasurer or until such time as said vehicle ceases to be in use and all fees and penalties to such date shall be paid. On January 1st of each year, a penalty of one dollar (\$1.00) shall be added to all fees not paid by that date, and one dollar (\$1.00) shall be added to such fees on the first of each month thereafter that the same remains unpaid, until paid. Such delinquencies shall begin and penalty accrue the first of the month following the purchase of a new vehicle, and the first of the month following the date cars are brought into the state, except as herein otherwise provided.

In the first week of May, 1921, and of each year thereafter the county treasurer shall cause to be published in each of the official newspapers in his county, a list of all motor vehicles owned within his county upon which the license fee has not been paid for that year, except such motor vehicles held by used car dealers and listed by them with the county treasurer, as herein elsewhere provided. Such list shall show the factory number, make and model of the vehicle together with the name and post-office address of the owner thereof as shown by the records of his office and the

amount of the license fee and penalty due upon the vehicle. Immediately after the publication of the list as herein provided, it shall be the duty of the county treasurer to collect the license and penalty.

The county treasurer shall collect from each delinquent, two dollars (\$2.00) on each vehicle on which the fee is delinquent to cover cost of publication. The cost of publication provided for in this section shall be paid as other bills for the maintenance of the department, but shall first be certified by the county treasurer of the county in which the publication was made, and approved by the department.

The county treasurer shall each month during the year 1921 remit to the department one-half of one per cent of all fees and penalties collected for 1921 and as provided above each year thereafter, to be used as a working fund to cover refunds necessary to be made; any surplus remaining to be accounted for and delivered to the State Treasurer at the end of each fiscal year.

He shall collect the license fee and penalties on each motor vehicle registered by him and shall be responsible on his bond for such amount. He shall remit such amount to the treasurer of state as herein provided.

The county treasurer shall on the fifteenth (15th) day of each month report under oath to the department, on forms furnished by it, giving a full and complete statement of all fees and penalties so received by him during the preceding calendar month. The department shall immediately upon receiving same, report to the treasurer of state the amount so collected by such county treasurer. The treasurer of state shall keep proper books of account for the purposes specified herein and shall report to the department each remittance from the county treasurer when said remittance is received.

The treasurer of state shall maintain in the state treasury, of the money collected as in this chapter provided, a cash balance of not to exceed five hundred thousand dollars (\$500,000). When such cash balance becomes less than one hundred thousand dollars (\$100,000) he shall draw upon the treasurer of each county of the state in proportion to the amounts in their possession respectively a sum sufficient in the aggregate to restore said cash balance to a sum not exceeding said maximum. Such drafts shall be honored by the treasurer of each county upon presentation.

And the department shall check and audit such fees and penalties collected and shall effect a settlement with the county treasurer annually.

It shall be the duty of the county treasurer to deliver to the sheriff of the county, fifteen (15) days from the date of publication of the delinquent motor list, a certified list of the motor vehicles on

which the fees are delinquent, as shown by the record of his office, which list shall show name and address of owner, make of car, license number, factory and engine number, amount of fees and penalty due.

It shall be the duty of the sheriff of the county to forthwith proceed to the collection of the unpaid fees and penalties as certified to him by county treasurer by taking possession of the motor vehicle described in said certified list and proceed to advertise and sell same upon ten (10) days' notice for the purpose of collecting fees, penalties and costs. Said certified list shall for all purposes be a sufficient warrant therefor. The procedure of the sale of the motor vehicle for the collection of the license fees, penalties and costs shall be the same as that provided for the collection of the taxes on personal property by distress and sale as set forth in Section 1406 of the Code. Should a motor vehicle on which the fee is delinquent be removed from the county in which it was originally registered, either by transfer or removal by owner to another county, without having notified the county treasurer or department of such removal and the sheriff knowing to which county same was removed, may forward the warrant to the sheriff of the county where such motor vehicle is at that time, when he shall proceed to collect the same as though the vehicle had been originally registered in his county, and make return to the county treasurer of the county from which he received the warrant.

The sheriff shall be entitled to receive as costs, the sum of two dollars (\$2.00) for serving the writ or warrant of seizure and ten cents (\$.10) for each mile actually traveled by him in collecting the fee and penalties, and one dollar (\$1.00) per day for care of the motor vehicle while in his possession, which shall be collected from the owner of such delinquent motor vehicle, such costs and mileage, and costs of care while in his possession, shall be retained by him in full for his services.

When the fee and penalties have been collected the same shall forthwith be returned to the county treasurer, together with a report showing the name and address of the owner and description of car upon which such fee was collected. Thereupon the county treasurer shall issue to the owner number plates and a receipt showing payment of fees and penalties.

Sec. 17. It is hereby made the duty of the department to prepare and furnish the treasurer of each county all blank books, blank forms and all supplies required for the administration of this act, including applications for registration and transfer of vehicles, triplicate receipts, one of which shall be returned to the department on the day the license is issued, one delivered to the owner of the motor vehicle, and one retained by the

treasurer of the county, and including original remittance sheets to be used in remitting fees to the department, in such form as the department may prescribe. All receipts for fees paid, certificates of registration, notices of transfer, and other blanks required for the administration of this act shall contain the license number and manufacturers' number, factory number, name of owner, and such other matters as the department may deem necessary for the efficient administration of this act.

It shall be the duty of the department to install and maintain a numerical and county index using for such numerical index the duplicate registration receipt and compiling therefrom the county or alphabetical index, both of which shall contain the following information; viz., name and address of owner, license number, make, factory number, model, style, engine number, date of purchase, registration certificate number, number of cylinders, rated load carrying capacity, weight, list price or value of car fixed by the executive council, fees paid and date of payment.

The certificate of registration provided for herein shall contain on its face the name of the owner of the motor vehicle, his post office address, date of issue, fee paid, license number, make of car, style of car, model, engine number, factory number and signature of owner. The reverse side of the certificate of registration shall contain notice of sale and transfer of the motor vehicle by the owner to the purchaser with a description of the car as set out in the certificate of registration which shall have blank spaces for the signature of both the owner and purchaser.

Sec. 18. Upon the transfer of ownership of any registered motor vehicle, the owner shall immediately give notice to the county treasurer, upon the form on the reverse side of the certificate of registration, stating the date of such transfer, the name and post office address, with street number if in a city, of the person to whom transferred, the license number, and such other information as the department may require. The purchaser of the motor vehicle shall join in the notice of transfer to the county treasurer and shall at the same time make application for the transfer of the motor vehicle and for a new certificate of registration. Upon filing the application for the transfer, the applicant shall pay a fee of one dollar (\$1.00) for the transfer, thereupon the county treasurer, if satisfied of the genuineness and regularity of such transfer, shall register said motor vehicle in the name of the transferee and issue a new certificate of registration as provided in this act. Until said transferee has received said certificate of registration and has written his name upon the face thereof, for the purpose of this act, delivery and title to said motor vehicle shall be deemed not to have been made and passed. The county treasurer shall forthwith notify

the department of such transfer and upon receipt of such statement, the department shall file such statement in his office and note upon the registration book or index, such change of ownership.

The provisions provided for herein for the transfer of motor vehicles shall apply to the sale and transfer of all motor vehicles to manufacturers or dealers or used car dealers.

Sec. 19. The registration fees imposed by this act upon motor vehicles, other than those of manufacturers and dealers and used car dealers shall be in lieu of all taxes, general or local, to which motor vehicles may be subject.

Sec. 20. It shall be unlawful for any person, firm, association or corporation or agent, to buy any second hand or used automobile, or motor vehicle without requiring and receiving from the vendor thereof, a certificate of registration and transfer from the officer whose duty it is to register or license motor vehicles in the state in which said motor vehicle is registered or licensed, showing the factory number, license number, description, and ownership of said motor vehicle or to sell or offer for sale any second hand or used motor vehicle without furnishing to the vendee of said motor vehicle, a certificate of registration and transfer from the officer whose duty it is to register or license motor vehicles in the state in which said motor vehicle is registered or licensed, showing the factory number, description, license number and ownership of said motor vehicle.

It shall be unlawful for any person, firm, association or corporation or agent to deface, or alter any serial number, engine number or assembling number of a motor vehicle or registration number on certificate of registration or to wilfully deface any license plate or to have in his or its possession a motor vehicle, the serial number or engine number of which is defaced, altered or tampered with unless said person, firm, association or corporation has in his or its possession a certificate of registration and transfer from the officer whose duty it is to register or license motor vehicles in the state in which said motor vehicle is registered, showing good and sufficient reason why numbers are defaced, changed or tampered with; and also showing the original serial or engine number, and also showing the ownership of said motor vehicle.

Any person, firm, association or corporation found guilty, personally or by agent, of violating any of the provisions of this section shall be imprisoned in the penitentiary not more than five (5) years or be fined not more than one thousand dollars (\$1,000) or be imprisoned in the county jail not more than one (1) year.

Sec. 20-a. Used car dealers having on hand January 1st of any year for sale or trade, used motor vehicles upon which license in Iowa for the previous year has been paid, as hereinafter pro-

vided, may operate such motor vehicles as provided by section twenty-three of this act. Used car dealers licensed under the provision of this act must, on or before January 5th of each year, furnish the county treasurer with a list of all used motor vehicles held by them for sale or trade, and upon which the license fee for the current year is not paid, giving license number, initials of state issuing license plates, the year, together with the factory number, description and previous ownership at the time such motor vehicle was transferred to the used car dealer and all motor vehicles owned or controlled by licensed manufacturer, dealer or used car dealer acquired from other states must list same with the county treasurer as herein provided; such listing to be made within forty-eight (48) hours after said motor vehicle comes within the border of the state. Blanks or forms for such listing shall be prepared by the state department and placed in the hands of county treasurers not later than December 15th of any year.

Any person, firm or corporation found guilty, personally or by agent, of violating any of the provisions of this section, shall be guilty of a misdemeanor and punished accordingly.

Sec. 21. Upon the sale of a motor vehicle by a manufacturer or dealer, the vendee shall at once make application by mail or otherwise, for registration thereof, after which he may operate the same upon the public highway without its individual number plate thereon for a period of not more than fifteen (15) days, provided, that during such period the motor vehicle shall have attached thereto, in accordance with the provisions hereof, both on the front and rear of such vehicle, pasteboard cards bearing the words, "License Applied For," and the registration number of the dealer from whom the car was purchased together with the date of purchase plainly stamped or stenciled thereon. The letters and figures upon such cards shall not be less than one (1) inch in height except that the letters in the words "License Applied For," shall not be less than two (2) inches in height, provided, that no manufacturer or dealer shall issue or permit the use of such card until an application for a license has been made as herein provided, by the person to whom it is issued. The department shall, upon the application of any manufacturer or dealer furnish such cards free of charge with the words "License Applied For" printed thereon and sufficient blank space to permit the printing, stamping or stenciling thereon of the dealers' number and the date. Provided further, that a motor vehicle that is being brought into this state from another state either for use or for sale herein, or a motor vehicle manufactured or assembled within the state, or a motor vehicle brought into the state by a manufacturer or dealer and sold to another manufacturer or dealer may

be driven upon the public highway for a period of not to exceed ten (10) days provided it shall carry, both on the front and rear a pasteboard card bearing the words "Car in Transit," and the date of purchase. The words, letters and figures upon said [card] shall be of the same size and general character as those required in this section for the cards showing that application has been made for a license. Nothing in this section, however, shall be construed so as to interfere with the use of motor vehicles upon the highways of this state that are owned by persons living in another state, regulation of which is provided for elsewhere in this act.

Sec. 22. Every motor vehicle required to be licensed shall have conspicuously displayed the number plates furnished, one on the front end and one on the rear end of such vehicle, each securely fastened, so as to prevent the same from swinging and each so placed that the same shall not become habitually obscured by dust and mud. The number plates of a junked or dismembered vehicle shall not thereafter be used, and no number plate shall be detached from the vehicle for which it is issued and to which it belongs for the purpose of using the same upon any other vehicle, and any such plates shall not be used upon any vehicle, other than that for which it was issued. The certificate of registration issued by the county treasurer shall also be displayed in a proper holder that will protect the same of a kind approved by the executive council and placed in plain view in such place on or in the vehicle where the same can be easily seen by any peace officer or other person desiring to ascertain when the license fee was paid, and whether the car bears the proper certificate of registration. Such certificate container shall be attached to the vehicle in the front of the driver's compartment so that same may be seen by anyone passing on the right of the vehicle.

The executive council may at its discretion approve devices for holding and displaying the certificate of registration, and may require such devices to receive and hold such certificate so that when the certificate is removed from the holder the certificate will be destroyed or mutilated so it cannot be used on other vehicles. It shall be unlawful to change the license numbers assigned by the county treasurer to any motor vehicle, unless for some cause a new number may be assigned according to law or to change the colors or make any counterfeit of certificate of registration, or to use or display on any motor vehicle any other than the certificate of registration licensing such vehicle or to intentionally use or display any such certificate on which the names, numbers, or data stated are not true, or do not correspond to the vehicle licensed, such certificate of registration shall be of a distinctively different color each year and

shall have data thereon that shall identify only the car on which same is carried.

Any violation of this Section shall constitute a misdemeanor, and upon conviction shall be punishable by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), or by imprisonment not exceeding thirty (30) days.

Sec. 23. Every person, firm, association or corporation manufacturing or dealing in motor vehicles, including used motor vehicles, may instead of registering each motor vehicle, make an application for a general distinctive number for all the motor vehicles owned or controlled by such manufacturer, dealer or used car dealer. On the payment of a registration fee of twenty-five dollars (\$25.00), such application shall be registered in the office of the department. The department shall thereupon assign and issue to such manufacturer, dealer or used car dealer a general distinctive number, and without expense to the applicant, issue and promptly deliver to such manufacturer, dealer or used car dealer, a certificate of registration and two number plates with a number corresponding to the number of such certificate.

Such number plates shall be displayed by each motor vehicle of such manufacturer, dealer or used car dealer when the same is operated or driven on the public highways. Such manufacturer, dealer or used car dealer may obtain as many duplicates of such number plates as may be desired upon the payment to the department of three dollars (\$3.00) for each duplicate set, provided, that if a manufacturer, dealer or used car dealer has an established place of business in more than one city or town, such manufacturer, dealer or used car dealer shall secure a separate and distinct certificate of registration and number plates for each such place of business. Nothing in this Section shall be construed to apply to a motor vehicle operated by a manufacturer, dealer or used car dealer, for private use or for hire, which said motor vehicle shall be individually registered as provided in this act, it being expressly understood that motor vehicles owned by a manufacturer, dealer, or used car dealer, when such motor vehicles are equipped with "D" or "U. D." plates, as herein provided, may be operated in the conduct of the business of such manufacturer, dealer, or used car dealer. Provided further that no "D" or "U. D." plates shall be used upon motor vehicles for any purpose other than the transaction of business incident to the automotive industry of such licensed manufacturer, dealer, or used car dealer, nor shall said "D" or "U. D." plates be used upon so called service cars or service trucks of such licensed manufacturer, dealer, or used car dealer, nor upon the sales cars of a manufacturer of (or) wholesale dealer in accessories.

Sec. 23-a. In case of the use of "U. D." plates by used car dealers, such plates shall be displayed in the same manner as prescribed herein for dealers' plates, except that the "U. D." plate shall be of such length and so attached that that portion of the number plate of the last registration, showing the initials of the state where registered, and the year shall be visible, provided, however, that the "U. D." plates shall not be used upon a motor vehicle upon which the current year's license fee in this state has been paid. Any violation of this section shall constitute a misdemeanor, and, upon conviction, shall be punished accordingly.

Sec. 23-b. Where any manufacturer, dealer and used car dealer are one and the same person, firm or corporation, and apply for both "D" and "U. D." number plates, there shall be assigned to such person, firm or corporation the same number for both his "D" and "U. D." number plates.

Sec. 23-c. That any manufacturer, dealer, or used car dealer operating a motor vehicle upon the public highways of the state which has not been registered according to law or has not displayed thereon two number plates issued by the automobile department showing the payment of a license fee for the current year, or which has not displayed thereon, "car in transit" cards or "license applied for" cards where the same may lawfully be driven with such cards attached, shall be guilty of a misdemeanor and punished accordingly. Upon a second conviction such license may be revoked by the secretary of state, if, after hearing, the secretary of state determines that such manufacturer, dealer, or used car dealer has wilfully violated the law with reference to the operation of motor vehicles upon the public highway without proper number plates or identification cards attached.

Sec. 24. The provisions of the foregoing sections relative to registration and display of registration numbers shall not apply to a motor vehicle owned by a nonresident of this state, other than a foreign corporation, manufacturer or dealer doing business in this state, provided that the owner shall have complied with the provisions of the law of the foreign country, state, territory or federal district of his residence relative to registration of motor vehicles and the display of registration number thereon and shall conspicuously display his registration numbers as required thereby. The provisions of this section shall be operative as to a motor vehicle owned by a nonresident of this state to the extent that under the laws of the foreign country, state, territory or federal district of his residence like exemptions and privileges are granted to motor vehicles duly registered under the laws, and owned by the residents of this state.

Sec. 25. (a) Every motor vehicle, while in

use on the public highways of this state, shall be provided with adequate brakes. (b) Every motor vehicle shall be equipped with a suitable bell, horn, other signalling device producing an abrupt sound sufficiently loud to serve as an adequate warning of danger, but no persons operating any motor vehicle shall make or cause to be made any unnecessary noise with such bell, horn or signalling device, or use the same except for a warning of danger. Loud signalling devices shall not be used during the period of from one hour after sunset to one hour before sunrise, unless absolutely necessary to avoid accidents. An adequate signalling device shall in all cases be sounded on approaching curves, tops of hills, and the intersecting highways in the country where the operator's view is obscured. (c) All motor vehicles in use on the public highways excepting motorcycles, motor bicycles, and such motor vehicles as are properly equipped with one light in forward center of such motor vehicle, shall, during the period of from one-half hour after sunset to one-half hour before sunrise, display two or more white or tinted lights, other than red, on the forward part of said vehicle, so placed as to be seen from the front, and of sufficient illuminating power to be visible at a distance of five hundred (500) feet in the direction in which displayed, and to reveal any persons, vehicle or substantial object seventy-five (75) feet ahead of the lamps. Such motor vehicle when in use shall also display on the rear a lamp so constructed and placed as to show a red light from the rear and throw a white light directed upon the rear registration marker and render the numerals thereon visible for at least fifty (50) feet in the direction from which the vehicle is proceeding. Motorcycles, motor bicycles and motor vehicles equipped with one light as herein provided, shall display on the forward part one white or tinted light, as aforesaid, and a red light to the rear, so constructed and placed as to throw a white light directly upon the registration marker as prescribed in the case of any other motor vehicle, provided that the operator of any motor vehicle may proceed in a cautious and careful manner, in the event of a failure of one or more of his lights to operate, toward his destination, but he shall take the first reasonable opportunity to put his lights in order, otherwise be deemed guilty of violation of this provision. The provision as to the rear light shall also apply to vehicles which are trailed or towed by motor vehicles. It shall be unlawful to use on a vehicle of any kind operated on the public highways of this state, including motorcycles, any lighting device of over four (4) candle power, equipped with a reflector, unless the same shall be so designed, or arranged that the directly reflected and undiffused beam of such light when measured seventy-five (75) feet or more ahead

of the light shall not rise more than forty-two (42) inches from the level surface on which the vehicle stands under all conditions of load. If, in addition to headlights, any such vehicle is equipped with any auxiliary light, projecting lights, or devices other than the rear lamp, such auxiliary light or lights shall be subject to all the restrictions of this section, regarding direction of the beam. If a spotlight is used on a motor vehicle it shall be unlawful for any person to direct its rays toward the eyes of the driver or occupants of an approaching vehicle, or to the left of the center of the traveled way when meeting another vehicle. No person shall operate a motor vehicle on any highway of this state equipped with an electric bulb or other lighting device of a greater capacity than thirty-two (32) candle power, no matter how the same may be shaded, covered or obscured. Any person who shall turn all or any of his motor vehicle's lights off for the purpose of avoiding arrest or identification, shall be deemed guilty of a misdemeanor and, upon conviction, subject to a fine of one hundred dollars (\$100.00) or imprisonment for a period not to exceed thirty (30) days, or both fine and imprisonment. (d) It shall be unlawful for any operator of any motor car, taxicab, automobile, motor truck or motorcycle, while on the public highway, to use any cut-out fitting or other apparatus or device which will allow the exhaust gases from the engine of the motor vehicle to escape into the atmosphere without first passing through a silencer, expansion chamber or other contrivance suitable and sufficient for reducing as far as may be reasonably practicable, the noise which would otherwise be caused by the escape of said gases, provided further, that it shall be unlawful for any person to drive or permit to be driven on the streets of any city or town, any motor vehicle at any time with the muffler cut out or not in operation. Any violation of this section shall constitute a misdemeanor, and upon conviction, shall be punished by a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00) for the first and second offenses, provided further that for the third conviction the department shall revoke the license and certificate of registration of the person so convicted and no new license or certificate shall be granted to the person for a period of one (1) year.

It shall be the duty of the state highway commission to examine all headlight lenses submitted to it by manufacturers and dealers, and any such lenses so submitted which, when in operation with an electric bulb or other lighting device of a capacity not in excess of that provided by this act, casts a light which complies with the provisions of this act, shall be placed upon the approved list of the state department. The fee for each such examination shall be twenty-five dollars (\$25.00), and

the state highway commission is hereby authorized to collect and remit to the state treasurer said fee and credit to the amount of the Primary Road Fund. It shall also be the duty of the state department to furnish county treasurers with a list of such lenses as are upon the approved list of the department, and such lenses used on any motor vehicle operated in this state equipped with a lighting device of a candle power not exceeding the provisions of this act, together with the lenses so approved by the department, shall be conclusively presumed to be lawful.

It shall be the duty of the mayor of cities and towns, the police, sheriff, and all peace officers to enforce provisions of this act.

Sec. 26. Upon approaching any person walking in the traveled portion of any public highway or a horse or any animal being led, ridden or driven thereon, or a crossing or intersection of 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 animal, and in traversing such crossing, bridge, turn, curve or descent, the person operating a motor vehicle or motorcycle shall have the same under control and shall reduce the speed to a reasonable and proper rate.

Except where safety zones are provided, and the highway is of sufficient width to admit of safe passage, the driver or operator of every vehicle shall bring the same to a full stop not less than five (5) feet from the rear of any street car headed in the same direction which has stopped for the purpose of taking on and discharging passengers, and remain standing until such car has taken on or discharged its passengers. Any person violating any requirement of this section shall be deemed guilty of a misdemeanor and subject upon conviction to a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) for the first offense, and double said penalties for any subsequent offense. The provision of this section shall apply to the operator who causes his motor vehicle to be operated in violation of this section.

(a) The operator of a motor vehicle shall turn to the right when meeting another vehicle, and in cities and towns shall at all times travel on the right hand side of the center of the street.

(b) The operator of a motor vehicle, when overtaking and passing another vehicle, shall pass to the left when the surface of the ground will permit and shall not drive to the right until clear of such vehicle.

(c) The operator of a motor vehicle shall, before stopping, turning or changing the course of such vehicle, first see that there is sufficient space to make such movement in safety and shall give a visible or audible signal to the crossing officer,

if there be such, or to the drivers of vehicles following, of his intention to make such movement, by raising and extending the hand and indicating with it the direction in which he wishes to turn.

(d) The operator of a motor vehicle, in turning to the right from one street or highway into another, shall turn the corner as near the right hand as practicable, and, in turning to the left from one street or highway into another, shall pass to the right of and beyond the center before turning.

(e) The operator of a motor vehicle, in crossing from one side of the street, or highway, to the other side thereof, shall turn to the left, so as to head in the direction in which vehicles are moving.

(f) In cities and towns it shall be unlawful to stop a motor vehicle on the street unless the right side thereof is next to and parallel with the curb, and as near thereto as the condition of the street will permit; provided, however, that cities and towns shall have the power to designate by ordinance suitable areas within which automobiles may be parked or left standing (without being parallel to the curb), and to prescribe rules governing the use of such areas for such purpose; provided, that this rule shall not apply in cases of emergency, when the stop is made to avoid accident or to allow pedestrians or vehicles to cross in front of such motor vehicle, or when made in obedience to the signal of a police officer.

(g) In cities and towns it shall be unlawful for the operator of any motor vehicle to overtake and pass another vehicle at street intersections in the business districts.

(h) It shall be unlawful for the operator of a motor vehicle to permit the motor of same to operate in such a manner as to visibly emit an unduly great amount of steam, smoke or products of combustion from exhaust pipes or openings.

(i) Where two vehicles are approaching on any public street or highway so that their paths will intersect and there is danger of collision, the vehicle approaching the other from the right shall have the right of way.

(j) In cities or towns, it shall be unlawful for the operator of any motor vehicle to leave any such vehicle standing upon any street in the business district thereof within fifteen (15) feet of the corner or within fifteen (15) feet of any hydrant.

(k) In cities or towns no motor vehicle shall be left standing in front of or within fifteen (15) feet of either side of the entrance of any theatre, auditorium or other building where large assemblages of people are being held, except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.

(l) At theaters and public gatherings in cities and towns, or under unusual circumstances, motor vehicles shall stand or move as directed by the police.

(m) It shall be unlawful for the operator of any motor vehicle or person in charge thereof to leave unattended upon any street or highway a motor vehicle with the engine running.

(n) The driver of any vehicle driven or propelled upon the public highways shall, when overtaken by a faster moving vehicle proceeding in the same direction, upon a signal, either by the sounding of a bell, horn or other signalling device, given by the driver of the overtaking vehicle, cause his vehicle to be driven to the right of the center of the traveled way if he can do so with safety and remain to the right of the center of such traveled way until the overtaking vehicle shall have safely passed. Any driver of a vehicle that is overtaken by a faster moving vehicle who fails to heed the signal of the overtaking vehicle when it is given under such circumstances that he could, by the exercise of ordinary care and observation and precaution, hear such signal and who fails to yield that part of the traveled way as herein provided, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not to exceed twenty-five dollars (\$25.00) or by imprisonment not exceeding ten (10) days and if upon the trial of the case the person charged with the violation of this provision shall claim that he did not hear the signal of the overtaking vehicle, the burden of proof shall rest upon him to show that he did not hear such signal provided that it shall first be proven that the overtaking vehicle gave a signal by the use of a bell, horn or other signalling device.

(o) It shall be unlawful for the operator of any motor vehicle to leave it standing, while showing a red light, parallel to, and within twenty-five (25) feet of the tracks of any railroad in cities and towns.

Sec. 27. Every person operating a motor vehicle on the public highway of this state shall drive the same in a careful and prudent manner, and at a rate of speed that will not endanger the property of another, or the life or limb of any person, and shall in no event drive the same at a greater rate than as follows:

(a) Thirty (30) miles per hour if the weight of the vehicle and load is less than three (3) tons and the vehicle is equipped with pneumatic tires, and twenty-five (25) miles per hour if such vehicle is equipped with solid rubber tires.

(b) Twenty-five (25) miles per hour if the weight of the vehicle and load is more than three (3) tons and less than six (6) tons and the vehicle is equipped with pneumatic tires, and twenty (20) miles per hour if such vehicle is equipped with solid rubber tires.

(c) Sixteen (16) miles per hour if the weight of the vehicle and load is more than six (6) tons and the vehicle is equipped with pneumatic tires, and twelve (12) miles per hour if such vehicle is equipped with solid tires.

(d) Ten (10) miles per hour if the vehicle or any trailer is equipped with two (2) or more metal tires.

Provided that the local authorities of any city or town may establish a suburban district in which the maximum speed of any vehicle shall not exceed twenty (20) miles per hour, and a business district in which the maximum speed of any vehicle shall not exceed fifteen (15) miles per hour, provided that such city or town shall have placed conspicuously 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: "City of.....," "Town of....." "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 punishment for violation thereof, not to exceed twenty-five dollars, or (5) five days in jail, which punishment shall, during the existence of such ordinance, rule or regulation, supersede those otherwise specified in this act.

The total maximum load on any one wheel of any motor vehicle including the weight of the vehicle and the load it carries, shall be four tons, provided the total maximum weight of the vehicle and load shall not in any event exceed fourteen tons. The total load on any wheel of any motor vehicle shall be limited to eight hundred (800) pounds per inch width of tire measured between flanges of the rims, and the enforcement of this provision is hereby made the duty of the state highway commission. Any violation of this provision is hereby made a misdemeanor and shall be punished accordingly.

The maximum width of any motor vehicle and its load shall be limited to eight feet, excepting loads of loose hay, straw and similar farm products.

No motor vehicle shall operate over any highway, improved with gravel or paved surface, which has projections of metal or wood beyond the tread of traffic surface of the tire, excepting vehicle equipped with caterpillar tread; provided that tractors, traction engines or similar motor vehicles may be operated which have "V" shaped or diagonal cleats arranged in such a manner that two or more cleats are continuously in contact with the road surface and that the weight per inch of such cleats in continuous contact with the road surface measured in the direction of the movement of the vehicle does not exceed eight hundred pounds per inch width of tire.

Sec. 28. Limitations as to the rate of speed herein fixed shall be exclusive of all other limitations fixed by law of this state or any political sub-division thereof. Local authorities shall have no power to enact, enforce or maintain any ordinance, rule or regulation in any way in conflict with, contrary to or inconsistent with the provisions of this act, or of any section or other sub-division thereof, and no such ordinance, rule or regulation of said local authorities heretofore, or hereafter enacted shall have any force or effect, excepting, however, that (1) such powers as are now or may hereafter be vested in local authorities to enact ordinances and regulations, applicable equally and generally to all vehicles and other uses of the highways, and providing for traffic or crossing officers or semaphores, to bring about the orderly passage of vehicles and other users of the public highways on certain portions thereof, where the traffic is heavy and continuous, as well as (2) the powers now or hereafter vested in local authorities to license and to regulate the operation of vehicles offered to the public for hire, and to regulate the use of the highways for processions or assemblies, shall remain in full force and effect, and all ordinances, rules and regulations which may have been or which may be hereafter enacted in pursuance of such powers, shall remain in full force and effect; and provided further, that local authorities may by general rule, ordinance or regulation, exclude vehicles from any cemetery or ground used for the burial of the dead, or exclude vehicles used solely or principally for commercial purposes, from any park or part of a park system where such general rule, ordinance or regulation is applicable equally and generally to all other vehicles used for the same purpose; provided, that at the entrance, or at each entrance if there be more than one, to such cemetery or park from which vehicles are so excluded, there shall have been posted a sign plainly legible from the middle of the public highway on which such cemetery or park opens, plainly indicating such exclusion and prohibition; and provided further, that the local authorities of any city, town, or city and county may impose additional restrictions to those herein contained applicable to vehicles exclusively used in the carrying of merchandise or articles of freight and of a capacity in excess of one ton in weight and may designate certain streets whereon heavy laden vehicles may be excluded or declared to be "one way" streets, may further, restrict, or prohibit, the use of trailers. Provided, further, that where local authorities of other states shall, by adoption of rules and regulations or otherwise, prohibit motor vehicles from operating upon highways in any subdivision of such other state which motor vehicles are duly licensed under laws of this state, then in such cases the local authorities of

this state may, by ordinance or otherwise, require the motor vehicles of the sub-divisions of such other state while operating by their own power in this state to be licensed under the laws of this state.

Sec. 29. The violation of any of the provisions herein shall constitute a misdemeanor punishable by a fine of not to exceed one hundred dollars, except as otherwise provided in this act.

Sec. 30. Whoever while in an intoxicated condition operates a motor vehicle shall upon conviction be sentenced to the penitentiary for a period not exceeding one (1) year, or be punished by a fine of not more than one thousand dollars (\$1000) or by both such fine and imprisonment. Any person operating a motor vehicle, who, knowing that injury has been caused to a person, due to the culpability of said operator, or to accident, leaves the place of said injury or accident without stopping and giving his name, post office address, including street number and registration number of said motor vehicle, to the injured party, and at once, after aiding the injured party, reporting such injury or accident to and leaving the same information at the office of some peace officer as near as practicable to the place of injury or accident, or to the county attorney or sheriff of the county in which said injury or accident took place, and give such aid to the injured person as the circumstances may require, shall be guilty of a felony punishable by fine of not more than five hundred dollars (\$500.00) or by imprisonment for a term not exceeding two (2) years, or by both such fine and imprisonment; and if any person be convicted the second time of either of the foregoing offenses, he shall be guilty of a felony punishable by imprisonment for a term of not less than one (1) year and not more than five (5) years, or by a fine not exceeding one thousand dollars (\$1,000.00). A conviction of a violation of this section shall be reported forthwith by the trial court or the clerk thereof, to the department, who shall, upon recommendation of the trial court, suspend the certificate of registration of the motor vehicle operated by the person violating this section, or if he be an owner, the certificate of registration of his motor vehicle; and if no appeal therefrom is taken, or if an appeal duly taken be dismissed or the judgment affirmed, and upon notice thereof by said clerk, the department shall revoke the certificate of registration of said motor vehicle, and shall order the certificate of registration delivered to the department, and shall not re-issue said certificate of registration or any other certificate of registration to such person unless the department, in its discretion, after an investigation, or upon rehearing, decides to re-issue or issue a certificate.

Sec. 31. Any person who operates any motor vehicle while a certificate of registration of a motor

vehicle issued to him is suspended or revoked, shall be guilty of a misdemeanor.

Sec. 32. Any person making a false statement in the verified application for registration shall be guilty of a misdemeanor.

Sec. 33. Upon conviction of any person for the violation of any of the provisions of this act, the trial court or clerk thereof shall immediately certify the facts of the case, including the name and address of the offender, the judgment of the court and the sentence imposed, to the department, who shall enter the same in a book or index kept for that purpose, and in case of any other person in a book or index of offenders, to be kept for such purpose. If any conviction shall be reversed upon appeal therefrom, the person whose conviction has been reversed may serve on the department a certified copy of the order of reversal, whereupon, the department shall enter the same in the proper book or index in connection with the record of such conviction.

Sec. 34. A conviction of the violation of any of the provisions of this act shall not be a bar to a prosecution for an assault or for a homicide committed by any person in operating motor vehicles.

Sec. 35. Ninety-four (94) per cent of all moneys collected pursuant to the provisions of this act, except as otherwise provided by law, and section 39 hereof shall be credited to the primary road fund by the treasurer of state and shall be apportioned among the several counties in the same ratio that the area of each county bears to the total area of the state, said apportionment to be made by the state highway commission. Two and one-half (2½) per cent of all moneys collected pursuant to the provisions of this act, shall be set aside and shall constitute maintenance fund for the state highway commission, and three and one-half (3½) per cent of all said money collected pursuant to the provisions of this act, shall constitute a fund for the payment of salaries as provided by law for the motor vehicle department, the expenses for plates, certificate containers, blanks, etc., and maintenance of the automobile department. The maintenance fund for said state highway commission shall be drawn out only on warrants drawn by the auditor of state on itemized vouchers approved by the state highway commission, the expenditures of which commission shall be audited by the state board of audit, and a full and complete report of all said expenditures shall be published in the annual report under the act creating the state highway commission.

Biennially, at the close of the calendar year, any unexpended balances remaining in the funds provided for the maintenance of the state highway department and the motor vehicle department which have accrued from the motor license fees paid in for that period, shall be apportioned among

the several counties in the same manner as the ninety-four per cent of said funds is apportioned.

This act shall not in any manner affect the existing law regarding the apportionment of the primary road fund to the various counties nor shall it affect the manner of paying bills nor the amount that may be paid from the primary road fund for work in each county.

Sec. 36. It is hereby made the duty of each and every person, firm, association, corporation, co-partnership operating a public garage in this state to keep for public inspection a record of the license number and engine or factory serial number of all motor vehicles taken in or held in charge by said garage for the purpose of selling, rental, livery, storage or repair. Said record shall be filled out and signed personally by the owner or driver of the motor vehicle taking such vehicle to the garage and if signed by other than the owner, then the owner's name must be signed first followed by the name of the driver, and shall contain the name and address of the owner of the motor vehicle, the name and address of the person delivering or taking the motor vehicle to the garage, and the license number and the engine number thereof and records shall be verified by the operator of the garage. The alteration or obliteration of said engine number shall be prima facie evidence of larceny of said motor vehicle, and the proprietor, agents, servants or employees, immediately upon the discovery of such obliteration or alteration, shall notify the sheriff and police officers of the proper county, and shall hold the said motor vehicle for a period of twenty-four (24) hours or until investigation shall have been made by the sheriff or police officers. Provided, however, such record need not be made when a motor vehicle is taken in or held in charge a second time, when the owner or driver is personally known to the proprietor of such garage, his agent or employee.

Any person, firm, association, corporation or co-partnership found guilty, personally or by agent, of violating any of the provisions of this section shall be fined in a sum not to exceed one hundred dollars (\$100.00).

Sec. 37. The department shall issue this act in pamphlet form, together with such rules, instructions and explanatory matter as may seem advisable, copies of such pamphlet shall be given as wide distribution as the department shall determine and a supply shall be furnished each county treasurer.

The department shall have full authority to make such rules and issue such instructions as may be necessary to insure and obtain uniformity in the administration and full enforcement of the provisions of this act. All local officials charged with the administration and enforcement of this act shall act and be governed in their official acts

herein required by the rules promulgated by the department.

The department is authorized and directed to employ such assistants and clerks as may be required by the department in the administration of this act, provided the salaries and number of any such assistants and clerks shall be authorized by the executive council.

Sec. 38. All acts or parts of acts inconsistent with this act or contrary thereto are hereby repealed.

Sec. 39. The department may use in addition to the portion of the motor vehicle fund set apart as a maintenance fund, such further part of the motor vehicle fund as may be necessary to carry out the provisions of this act. The provisions of this section shall go into effect July 4, 1919.

Sec. 40. This act shall take effect December first, nineteen hundred nineteen, except that application for registration may be had and number plates and licenses issued at any time within thirty (30) days prior to said date, to be effective hereafter. Provided further, that those parts of this act relating to the filing price lists and weights of motor vehicles and capacity of trucks and trailers by the manufacturers of motor vehicles, fixing a valuation upon the different kinds, makes and models of motor vehicles by the executive council as a basis for fixing a license fee, the preparation of blanks, books, indexes, the letting of contracts for number plates, containers, chauffeurs' badges, providing for necessary clerks, the transferring of the department to the Secretary of State, and all preparations for putting into effect this act not inconsistent with the existing law shall become effective July 1, 1919.

MEANING OF TERM CHAUFFEUR

SENATE FILE NO. 543

An act relating to the employment and licensing of chauffeurs of motor trucks used in mercantile and agricultural enterprises.

Be it enacted by the General Assembly of the State of Iowa:

Section 1. The word or term "chauffeur" as defined by the laws of this state shall not apply to employees engaged in operating motor trucks for persons, firms or corporations engaged in agricultural enterprises.

Sec. 2. This act shall repeal that part of any act in conflict herewith.

DESCRIPTION OF LIGHTING DEVICES

Senate File No. 531

An act prescribing the kind of lights with which motor vehicles sold or offered for sale must be equipped and providing penalties for the violation thereof.

Be it enacted by the General Assembly of the State of Iowa:

STOLEN, EMBEZZLED OR ABANDONED MOTOR VEHICLES

Senate File 701

An act to amend section Fifty-five Hundred Seventy-three (5573) of the code of 1897 (C. C. Section 8054) relating to the disposition of stolen, embezzled or abandoned motor vehicles not claimed by the owner thereof.

Be it enacted by the General Assembly of the State of Iowa:

Section 1. That the law as it appears in section fifty-five hundred seventy-three (5573) of the code of 1897 (C. C. section 8054) be and the same is hereby amended by adding at the end of said section the following: "Provided, that, whenever any motor vehicle is stolen, embezzled or abandoned and is not claimed by the owner before the date on which the person charged with the stealing or embezzling of same is convicted, or if the motor vehicle be abandoned and is not claimed by the owner within three (3) days, the officer having same in his custody must, on such date by registered mail, notify the secretary of state that he has such a motor vehicle in his possession, giving a full and complete description of same including all marks of identification, factory and serial numbers. The secretary of state shall, if the owner appears of record in his office, notify such owner of the fact that such motor vehicle is in the custody of such officer, and if not of record in his office, said secretary of state shall mail such description to the county treasurer of each county, and to the state bureau of investigation. If, within forty (40) days thereafter, the owner of such motor vehicle appears and properly identifies same the officer having said motor vehicle in his custody, shall deliver same to such owner upon payment by him of the costs incurred incident to the apprehension of said motor vehicle and the location of such owner. If the owner does not appear within that time, the officer having possession of same shall advertise said motor vehicle for sale in a newspaper published within the county at least once each week for two consecutive weeks. Said motor vehicle shall be sold at public auction to the highest cash bidder therefor and said sale must be held within one week following the date of the last publication of the notice as provided herein. After deducting the costs incident thereto, such officer shall pay all remaining money to the county treasurer for the use and the benefit of the general fund.

If, within six (6) months from the date of sale, the owner of any motor vehicle sold under the provisions hereof, makes a showing satisfactory to the board of supervisors that he is the owner of such motor vehicle, the board may direct the county auditor to draw a warrant payable to such owner for the amount such vehicle was sold for less costs and direct the treasurer to pay same out of the general fund.

Section 1. No person shall offer or expose for sale, sell, transfer, deliver or have in his possession with intent to sell, any motor vehicle which is not equipped with head and rear lights as prescribed by law.

Sec. 2. Any person violating the preceding section shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).

Sec. 3. If any person who has been convicted of violating Section One (1) of this act shall again be convicted of a violation of said section, he shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), but such former conviction shall be referred to in the indictment or information, stating the court, date, and place that the judgment was rendered.

Sec. 4. If any person who has been convicted of a second offense as specified in the preceding section shall again be convicted of violating Section One (1) of this act, he shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00), but such former convictions shall be referred to in the indictment or information, stating the courts, dates and places that the judgments were rendered.

Sec. 5. On the trial of any of the offenses named in the two (2) preceding sections, a duly authenticated copy of the record of the former judgment in any court wherein said conviction was had shall be prima facie evidence of such former conviction and may be used in evidence.

(Note)—See Section (25) twenty-five, Chapter (275) two hundred seventy-five, acts of the (38) Thirty-eighth General Assembly.

COUNTY TREASURER'S SEAL

Senate File No. 494

An act to amend Section Four Hundred Eighty-two (482) of the Code (Compiled Code, Section 3165), relating to the duties of the County Treasurer providing a seal, and requiring an impression of the seal on each motor vehicle registration certificate.

Be it enacted by the General Assembly of the State of Iowa:

Section 1. That Section Four Hundred Eighty-two (482) of the Code (Compiled Code, Section 3165), is hereby amended by adding at the end of said section the following: The County Treasurer shall be provided with an impression seal on the face of which shall appear the name of the county, the word, "County," either in full or abbreviated; the word "Treasurer," either in full or abbreviated; and the word, "Iowa," and the impression of said seal shall be placed upon each motor vehicle registration certificate signed by the County Treasurer.

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