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WEST VIRGINIA
AUTOMOBILE
LAWS

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COMPLIMENTS OF
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AUTOMOBILE LAWS

(Acts Regular Session, 1917.)

Traffic Regulations — Automobile Registration — Chauffeurs' Licenses.

Sec. 117. For the purposes of this act, unless the same be contrary to, and inconsistent with the context, the words and phrases used in this act shall be construed as follows:

"Motor vehicle" shall include all vehicles propelled by any power other than muscular power, excepting such motor vehicles as run only upon rails and tracks. "Closely built up" shall mean (a) the territory of a city, village or town contiguous to the public highway which is at that point built up with structures devoted to business; (b) the territory of a city, village or town, contiguous to a public highway not devoted to business, where for not less than one-quarter of a mile, the dwelling houses on such highway average less than one hundred feet apart; and, also, (c) the territory outside of a city or village contiguous to a public highway within a distance of one-half mile from any post office; provided, that for a distance of at least one-quarter of a mile within such limits the dwelling houses on such highway average less than one hundred feet apart; and, provided, further, that the local authorities having charge of such highways shall have conspicuously placed thereon signs of a sufficient size to be easily readable by a person using the highway, bearing the words, "Slow down," and also an arrow pointing in the direction

where the speed should be reduced. "Local authorities" shall include all officers of counties, cities, villages or towns, as well as all boards, committees, and other public officials of such counties, cities, villages or towns. "Chauffeur" shall mean any person operating a motor vehicle as mechanic, employee or for hire.

Sec. 118. No person shall operate a motor vehicle on any public road or street at a greater rate of speed than thirty-five miles per hour, and at no time shall such person use a greater rate of speed than will permit of absolute control of such vehicle at all times, so as not to endanger life or limb of any person, or the safety of any property, and shall not pass through, by or over a closely built up section, city, village, bridge, dam, summit of a hill, steep descent, street or road intersection, railroad or interurban crossing or curve, at a greater rate of speed than will permit of bringing the vehicle to a full stop in one-half the distance that the road is in full view, the objective point being construed as the distance viewed. Any person driving such vehicle at a greater rate of speed than permitted by this act, or in violation of any of the safety provisions thereof, shall be deemed guilty of reckless driving and shall be punished as hereinafter provided. If such reckless driving result in the death of any person, or in injury to person or property, the person guilty thereof shall be punishable as for homicide or for unlawful or malicious wounding as the case may be; and shall also be liable in damages for any injury of any kind resulting from such reckless driving. But nothing herein contained shall be construed as prohibiting any city, village or town from prescribing regulations not inconsistent herewith, relative to the

speed at which such vehicles shall be operated.

Sec. 119. No person shall drive or operate any vehicle, motor driven or otherwise, upon any public road or street of this state, when intoxicated or under the influence of liquor, drugs or narcotics; and any person so driving or operating any vehicle upon any public road or street of this state while intoxicated or under the influence of drugs or narcotics shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than five nor more than fifty dollars, and may be imprisoned not less than ten nor more than sixty days, at the discretion of the court or justice trying the offense; and upon a second conviction for the like offense at any time within three years from the first, shall be fined as aforesaid and imprisoned not less than ten nor more than sixty days, and shall thereby be prohibited from operating or driving a motor vehicle in this state for a period of one year. The court or justice before whom any such person may be convicted as aforesaid, shall forthwith notify the state road commission of such conviction, giving the name of the person convicted and the number of the car or vehicle driven by him.

Sec. 120. Every person using or driving any motor vehicle, buggy, wagon or other vehicle on any street or alley of any city, town or village, or in any "closely built up" territory, shall operate or drive the same on the right of the center of such street or alley. Every vehicle meeting another vehicle, person or animal, shall pass on the right; every vehicle overtaking another vehicle, person or animal shall pass on the left. Every vehicle turning from a street or alley into another street or alley to the right shall turn as near the right hand curb

or side as possible; every vehicle turning into another street or alley to the left shall not turn until the front wheels thereof shall, if possible, have passed beyond the center of the intersecting streets or alleys. No vehicle, except on signal from a traffic officer, or in case of emergency or to allow another vehicle, person or animal to cross the highway, shall stop in any street or alley except on the right hand side thereof, and then in such manner as not to obstruct a crossing or interfere with traffic or the access to any fire plug, gasoline or oil station, or other place of public service or resort; nor shall any vehicle back or turn in any street or alley if it will thereby interfere with or retard traffic; provided, such turn can be made by going around a block. The driver of every vehicle approaching any street or passenger car which has stopped or is about to stop for the purpose of receiving or discharging passengers, shall have such vehicle under control and shall reduce its speed to a reasonable and proper rate for safety, and shall not pass a vehicle or street car while unloading or taking on passengers unless it be an established safety zone or he be signaled by the operator of said vehicle or street car so to pass.

Sec. 121. No person shall race any vehicle or animal or place any wager upon any race upon any of the public roads or streets of this state, nor shall any person carry on the business of horse trading upon any road or street within one mile of any fair, religious meeting or any other religious association during the days and times such fair, religious meeting or association is being held. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and

upon conviction thereof shall be fined not less than ten nor more than fifty dollars for each offense, and may be required to enter into a recognizance in the sum of three hundred dollars for continued good behavior for twelve months, and in default of entering into such recognizance may be committed to jail for not less than ten nor more than sixty days, or until said bond be filed and approved by a justice in the county.

Sec. 122. The driver or operator of any vehicle upon approaching any person walking, riding, leading or driving any horse or animal shall sound a proper signal or warning, and if such animal being ridden, led or driven, shall appear to be frightened, or if the person in charge thereof shall signal by raising his or her hand, the driver of such vehicle shall bring the same to a stop and if traveling in an opposite direction shall remain stationary so long as may be necessary to reasonably allow such horse or other animal to pass. If traveling in the same direction such driver or operator shall use due diligence and care in passing such animal; but no person riding, driving or leading any animal upon the public roads or streets of this state shall signal for such stop unless necessary.

Sec. 123. In case of any accident, such as collision with a person, animal or vehicle, all parties concerned must stop and render such assistance as may be reasonable and necessary within their power, and upon request all parties concerned shall exchange their names, addresses and numbers of operating licenses.

Sec. 124. Every motor vehicle operated or driven upon the public highways of this state shall be provided with adequate brakes in good working order and sufficient

to control such vehicle when the same is in use, and an adequate horn or other device for signaling, sufficient under all conditions to give timely warning of the approach of the motor vehicle; and shall during the period from thirty minutes after sunset to thirty minutes before sunrise, display at least one lighted lamp on the front and one on the rear of such vehicle, which shall also display a red light visible from the rear; and white rays of such rear lamp shall shine upon and illuminate the number plate carried on the rear of such vehicle so that the said number will be clearly visible. Every such vehicle shall have devices to prevent excessive noise, annoying smoke, or escape of gasoline or steam, as well as the falling out of embers or residue from fuel; and all exhaust pipes carrying exhaust from the engine shall be directed parallel to the ground or slightly upward.

Sec. 125. No vehicle shall be left standing upon any highway without first tying, locking or taking other reasonable precaution to prevent such vehicle being started in itself, or by unauthorized persons. And no person shall without authority of the owner or person in charge thereof, climb upon or into any vehicle, whether the same is in motion or at rest, or hurl stones or other missiles at the same, or at the occupants thereof, or, while such vehicle is at rest and unriden, sound any signal device or attempt to manipulate any of the levers or machinery thereof, or set said vehicle in motion or otherwise damage, hinder or interfere with the same.

Sec. 126. No vehicle in excess of ninety inches in width shall be operated upon the highways of this state unless authorized by special permit from the state road com-

mission, the county court of the county, the county or district engineer or patrolman, and then only upon highways of extra width; nor shall any vehicle, including load, exceeding thirty thousand pounds in weight, or on which the weight of the load is more than six hundred pounds per inch width of tire, the total width of the four tires being included in computing the weight thereof, be operated upon the highways of this state unless by special permit from one of the authorities hereinbefore designated, and then only upon highways specially constructed for heavy traffic. Any person operating any such vehicle under such a special permit shall be required to pay to the county court of the county the amount of any and all damages which may be caused to any highway by reason of the operation of such vehicle thereon, and the possession of said permit shall not relieve any person from liability for such damages.

Sec. 127. No person under the age of fourteen years shall operate any motor vehicle upon the highways of this state unless accompanied by the owner thereof or a duly licensed chauffeur. No person shall act as chauffeur without first having obtained a license so to do, in accordance with the next succeeding section.

Sec. 128. Every person desiring to operate a motor vehicle either as a chauffeur or carrying on the business of transporting passengers or freight for hire, shall file in the office of the state road commission, on a blank to be provided by such commission, an application, which shall state the name of the applicant, his address, and the trade name and motor power of the vehicle or vehicles he is able to operate, and shall pay a registration or license fee of three dollars. Such application shall be verified

by the signature of two citizens of this state of at least two years practical experience in operating motor vehicles, and be accompanied by a photograph of the applicant taken within thirty days prior to the filing of the application. The commission shall thereupon file the application and photograph in its office, register such chauffeur in a book or index to be kept for that purpose and assign to him a number; and the commission shall thereupon further issue and deliver to such chauffeur a certificate of registration and an enameled metal badge, corresponding in color with the license tags issued for the same year for motor vehicles, with the following words stamped thereon: "Registered Chauffeur, No.-----, W. Va." with the registration number inserted thereon, together with the year for which such license is issued, which badge shall be worn by such chauffeur in a conspicuous place upon his clothes at all times while driving a motor vehicle upon the highways. No such chauffeur shall voluntarily permit another person to wear his badge, nor shall any person while operating a motor vehicle wear any badge belonging to another person, or a fictitious badge. Duplicate badges, in case of loss, may be issued under such regulations as the state road commission may prescribe. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof before any justice or court shall be fined not less than five nor more than twenty-five dollars.

Sec. 129. No motor vehicle shall be driven upon the public roads of this state, or upon any road or street within any incorporated city, town or village within the state, without the owner first having obtained from the state road commission, as

herein provided, a certificate of registration therefor. Such license or certificate may be obtained by causing to be filed with the commission, by mail or otherwise, a statement setting forth the character of the vehicle to be licensed, including the name of the manufacturer, the style, type and factory number of such vehicle, the character of the motor power and the amount of such motor power stated in figures of horse-power as advertised by the manufacturer, the name, age, residence and business address of the owner of such motor vehicle, and the name of the county in which he resides; provided, that if such motor vehicle is a taxi-cab or motor truck, or motor vehicle used or to be used solely for commercial purposes, the applicant shall so certify, and state in the application the factory rated useful load capacity thereof.

Sec. 130. Upon receipt of any application for registration of a motor vehicle, as provided in the preceding section, the commission shall cause such application to be filed, and upon the payment of the fee hereinafter provided, the commission shall assign to such vehicle a distinctive number and deliver to the owner a certificate of registration and number plate or plates as herein provided; and in the event of loss or destruction the owner may obtain a duplicate of such plates upon the payment of a fee of one dollar, and giving satisfactory evidence of such loss or destruction. No motor vehicle shall be driven upon the highways of this state without the proper license or registration tag fastened thereon; an automobile shall be required to carry two such tags, and any other motor vehicle required to be licensed under the provisions of this chapter shall carry one such license tag.

Sec. 131. The commission may refuse to license any vehicle which is so constructed as to be a menace to the safety of its occupants or to the traveling public, or for the violation of any of the provisions of this chapter; and may revoke any license already granted for like reason.

Sec. 132. The annual registration fee for issuing such certificate and furnishing such plates for all motor vehicles other than motor cycles shall be ten dollars for each vehicle weighing two thousand pounds or less, and an additional twenty-five cents for each one hundred pounds of weight, or fraction thereof, in excess of said two thousand pounds.

Sec. 133. For each set of registration tags issued to a manufacturer or dealer in motor vehicles other than motor cycles, a fee of fifteen dollars per year shall be charged. Such tags shall be marked "Dealer's Tag" and shall be interchangeable among the cars owned and used by such manufacturer or dealer during the fiscal year in which issued; but no such dealer's tag shall be used on any car engaged in transportation for hire or livery business. The annual license fee for motor-bicycles, tricycles and motorcycles shall be five dollars, and for each dealer's tag issued to a dealer handling such motor bicycles, tricycles and motorcycles, a like fee. Tags issued to such dealers shall be marked "Dealer's Tag," and shall be interchangeable as in the case of dealer's tags for other motor vehicles.

Sec. 134. All number plates, markers or tags shall show the name of the state, license number and year for which issued, and shall be of a distinctly different color each year; and all vehicles requiring one number plate or tag shall have the same

attached to the rider's or driver's seat in such a manner as to be in full view at all times; and all vehicles requiring two number plates or tags shall have one in front and one in the rear, so attached as to be in plain view day and night; and all number plates shall be kept clean so as to be readable without any obscurity.

Sec. 135. Upon the transfer of ownership, destruction or permanent removal from the state of any motor vehicle, its certificates of registration and the right to use the number plates or markers aforesaid shall expire; provided, that the commission shall permit the person to whom such plates or markers were originally issued either to surrender the same upon terms for refund, based on quarterly periods of use, or use the same on a new car by paying a transfer fee of one dollar, with an adjustment of additional payments or refund, on a quarterly basis. And the commission shall make proper and equitable regulations for the exchange or transfer of registration certificates and markers, and for the temporary use of any such plates or markers pending application to the commission for a transfer.

Sec. 136. Any foreign vehicle bearing legal native tag or mark showing that it has complied with the laws of the state or country from which it came, relating to the registration and licensing of vehicles, may use the roads and streets of this state without obtaining additional license or registration within this state, for such a period as the state or country from which such vehicle came permits vehicles from other states to remain within that state or country without re-licensing therein; provided, such state or country extends like consideration to vehicles from this state.

Sec. 137. All fees collected under the provisions of this act shall be paid by said state road commission to the state auditor, and by him placed to the credit of the state road fund.

Motor Vehicles Used for Transportation of Passengers and Freight for Hire.

Sec. 138. It shall be the duty of each owner of a motor vehicle to be used in public transportation of passengers for hire, or in public transportation of freight or merchandise for hire, or in the transportation of private merchandise or freight over any wholesale or retail delivery district, operating over state aid, federal aid, main county and district roads, or over such roads and the streets and roads within the corporate limits of any city or town, in this state, to procure a permit from the state road commission to operate said vehicle over said roads and streets, and to pay into the state treasury, to the credit of the state road fund, such annual privilege tax therefor as may be prescribed by said state road commission for the privilege of operating such motor vehicle over said roads and streets; provided, that the requirements of this section shall not apply to such motor vehicles when used for such transportation purposes wholly within the limits of any incorporated city or town. Application for such permit shall be made by such owner or operator on a blank to be prepared and furnished by the state road commission, and shall set forth all such facts as to the business to be carried on, the vehicles to be used, distances, routes, schedules, and such other information as the state road commission may require.

Sec. 139. The state road commission shall have full power to make and enforce rules

and regulations for the protection of all streets and roads from unnecessary damage by the operation of such vehicles, and shall levy and collect such privilege tax on each permit granted, as will lay upon the owners or operators of each class of such vehicles an equitable share of the burden of cost for the upkeep and maintenance of such streets and roads. In carrying out the purposes of this act, the state road commission shall classify such motor vehicles and fix the amount of the privilege tax to be paid for a permit on vehicles of each class and shall prescribe rules and methods for the computation of such tax.

Sec. 140. It shall be deemed a misdemeanor for any person to operate without such permit any vehicle coming within the classification fixed by said commission as requiring such permit, and any person found guilty thereof shall be fined not less than ten and not more than one hundred dollars for each offense. The state road commission shall have the power to assess and collect fines and penalties from holders of permits who fail or refuse to conform to the rules and regulations of said commission, and may revoke the permit of any person who violates such rules and regulations.

Sec. 141. The state road commission shall devise a system of keeping a separate account of all moneys collected and remitted to the auditor under the provisions of section eight, and shall on or before the first day of January and July of each year, prepare a statement showing the amount so collected, for the use of state aid, federal aid, main county and district roads, and streets and roads within each county, district and incorporated city and town, within this state, and said state road commission shall from time to time cause such roads

and streets to be inspected, and if the respective authorities have kept such roads and streets in repair and said commission shall certify such facts to the auditor who shall upon receipt of such certificate transmit his warrant, drawn upon the treasurer, payable to the proper town, city or county official, for ninety per cent. of the amount so collected for the use of such streets or roads other than state aid and federal aid roads, within the respective jurisdiction, to be used in repair and maintenance of streets and roads upon which such motor vehicles for the transportation of passengers or freight were operated. The amount so to be distributed for the maintenance of streets and roads within any county, district, incorporated city, or town, shall be computed upon a pro rata mileage basis, in accordance with rules to be prescribed by the state road commission.

All moneys collected from the licensing of such vehicles and credited under said rules to their operation over state aid, federal aid, and inter-county roads, including ten per cent. of all moneys collected for the use of main county and district roads, and streets and roads within incorporated towns and cities, shall be paid into a general state road fund, to be used as the state road commission may direct in the maintenance and repair of state aid, federal aid, and inter-county roads.

Sec. 142. The privilege tax provided for in section one hundred and thirty-nine of this act, shall be levied in addition to the prescribed regular state tax on motor vehicles, and no other license fee or tax shall be charged by the state or any municipality or other political subdivision thereon, except the regular property tax, with respect to such vehicles and their operation.