

Welcome to the Millennium Edition of the Uniform Vehicle Code.

This new edition of the National Committee on Uniform Traffic Laws and Ordinances' Uniform Vehicle Code is the first comprehensive revision of this important reference compilation since 1992. This edition contains all changes to the UVC since the reorganization and revitalization of the Committee in 1995, which are significant. Many changes were driven by the development of the National Committee's newest area of focus since that reorganization, the drafting of model laws in areas of current critical interest to the traffic safety community. All changes which evolved from the drafting and approval of the Committee's six model laws and one policy statement have been included in this draft, and the text has been comprehensively edited for housekeeping and grammatical improvements.

Also included in this volume are copies of the current Model Laws of the National Committee, as well as its Policy Statement and Compilation of Laws on Aggressive Driving. Please utilize these models in the drafting efforts of your state or municipality and help assure the uniformity of our nation's traffic laws.

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UNIFORM VEHICLE CODE

TABLE OF CONTENTS

CHAPTER 1

WORDS AND PHRASES DEFINED

\$	1-101 - Definitions of Words and Phrases	1
\$	1-102 - Alcohol	1
\$	1-103 - Alcohol beverage	1
\$	1-104 - Alcohol concentration	1
\$	1-105 - Alley	1
\$	1-106 - Any measurable and detectable amount of alcohol	1
\$	1-107 - Arterial Street	1
\$	1-108 - Authorized emergency vehicle	2
\$	1-109 - Bicycle	2
\$	1-110 - Bus	2
\$	1-111 - Business district	2
\$	1-112 - Cancellation of driver's license	2
\$	1-113 - Child passenger restraint system	2
\$	1-114 - Commissioner	2
\$	1-115 - Component part	2
\$	1-116 - Controlled-access highway	2
\$	1-117 - Conviction	3
\$	1-118 - Crosswalk	3
\$	1-119 - Dealer	3
\$	1-120 - Department	3
\$	1-121 - Disclose	3
\$	1-122 - Divided Highway	3
\$	1-123 - Drive	3
\$	1-124 - Driveaway-towaway operation	3
\$	1-125 - Driven	4
\$	1-126 - Driver	4
\$	1-127 - Driver's license	4
\$	1-128 - Driving	4
\$	1-129 - Drug	4
\$	1-130 - Essential Parts	4
\$	1-131 - Established place of business	4
\$	1-132 - Explosives	4
\$	1-133 - Farm tractor	4
\$	1-134 - Flammable liquid	4
\$	1-135 - Foreign vehicle	4
\$	1-136 - Gross weight	4
\$	1-137 - Hazardous material	5
\$	1-138 - Highway	5
\$	1-139 - House trailer	5
\$	1-140 - Human-powered vehicle	5
\$	1-141 - Identifying number	5
\$	1-142 - Implement of husbandry	5
\$	1-143 - Imprisonment	5
\$	1-144 - Incarceration	5
\$	1-145 - Individual record	5

\$	1-146 - Intersection	6
\$	1-147 - Laned roadway	6
\$	1-148 - License or license to operate a motor vehicle	6
\$	1-149 - Lienholder	6
\$	1-150 - Local authorities	6
\$	1-151 - Mail	6
\$	1-152 - Manufacturer	6
\$	1-153 - Metal tire	6
\$	1-154 - Moped	6
\$	1-155 - Motor home	7
\$	1-156 - Motor vehicle	7
\$	1-157 - Motorcycle	7
\$	1-158 - Motor-driven cycle	7
\$	1-159 - Motorized wheelchair	7
\$	1-160 - Nonresident	7
\$	1-161 - Nonresident's operating privilege	7
\$	1-162 - Odometer	7
\$	1-163 - Official traffic-control devices	7
\$	1-164 - Open alcoholic beverage container	8
\$	1-165 - Park or parking	8
\$	1-166 - Passenger area	8
\$	1-167 - Passenger car	8
\$	1-168 - Pedestrian	8
\$	1-169 - Person	8
\$	1-170 - Person with disabilities	8
\$	1-171 - Personal identification card	8
\$	1-172 - Personal information	8
\$	1-173 - Pneumatic tire	9
\$	1-174 - Pole trailer	9
\$	1-175 - Police officer	9
\$	1-176 - Preliminary alcohol screening test	9
\$	1-177 - Private road or driveway	9
\$	1-178 - Railroad	9
\$	1-179 - Railroad sign or signal	9
\$	1-180 - Railroad train	9
\$	1-181 - Reconstructed vehicle	9
\$	1-182 - Registration	9
\$	1-183 - Residence district	9
\$	1-184 - Revocation of driver's license	9
\$	1-185 - Right-of-way	10
\$	1-186 - Roadway	10
\$	1-187 - Safety belt	10
\$	1-188 - Safety zone	10
\$	1-189 - School bus	10
\$	1-190 - Security agreement	10
\$	1-191 - Security interest	10
\$	1-192 - Semitrailer	10
\$	1-193 - Sidewalk	10
\$	1-194 - Solid rubber tire	11
\$	1-195 - Special mobile equipment	11
\$	1-196 - Specially constructed vehicle	11
\$	1-197 - Stand or standing	11
\$	1-198 - State	11
\$	1-199 - Stop	11
\$	1-200 - Stop or stopping	11
\$	1-201 - Street	11
\$	1-202 - Streetcar	11

§	1-203 - Suspension of driver's license . . . . .	.12
§	1-204 - Tank vehicle . . . . .	.12
§	1-205 - Through highway . . . . .	.12
§	1-206 - Trackless trolley coach . . . . .	.12
§	1-207 - Traffic . . . . .	.12
§	1-208 - Traffic-control signal . . . . .	.12
§	1-209 - Trailer . . . . .	.12
§	1-210 - Transporter . . . . .	.12
§	1-211 - Truck . . . . .	.12
§	1-212 - Truck-camper . . . . .	.12
§	1-213 - Truck tractor . . . . .	.13
§	1-214 - Urban district . . . . .	.13
§	1-215 - Vehicle . . . . .	.13
§	1-216 - Vehicle identification number . . . . .	.13

CHAPTER 2 Highway Safety Administration

ARTICLE 1 - HIGHWAY SAFETY PROGRAM

§	2-101 - Governor's authority to establish highway safety program . . . . .	.14
§	2-102 - Governor's responsibility for administration of highway safety program . . . . .	.14
§	2-103 - Governor's highway safety coordinator . . . . .	.14

ARTICLE II - HIGHWAY SAFETY COORDINATING COMMITTEE

§	2-201 - Committee established . . . . .	.15
§	2-202 - Membership . . . . .	.15
§	2-203 - Duties of committee . . . . .	.15
§	2-204 - Executive director . . . . .	.15
Optional §	2-205 - Meetings . . . . .	.15

ARTICLE III - DEPARTMENT OF MOTOR VEHICLES

§	2-301 - Department created . . . . .	.16
§	2-302 - Office of commissioner of motor vehicles created . .	.16
§	2-303 - Organization of department . . . . .	.16
§	2-304 - Commissioner to appoint subordinates . . . . .	.16
§	2-305 - Powers and duties of commissioner . . . . .	.17
§	2-306 - Offices of department . . . . .	.17
§	2-307 - Commissioner to prescribe forms . . . . .	.17
§	2-308 - Authority to administer oaths and certify copies of records . . . . .	.17
§	2-309 - Records of department . . . . .	.18
§	2-310 - Authority to approve or reject applications . . . . .	.18
§	2-311 - Seizure of documents and plates . . . . .	.18
§	2-312 - Distribution of synopsis of laws . . . . .	.19
§	2-313 - Department may summon witnesses and take testimony .	.19
§	2-314 - Giving of notice . . . . .	.19
§	2-315 - Disclosure of personal information contained in records . . . . .	.19
§	2-316 - Misrepresentation to obtain records . . . . .	.21

CHAPTER 3
Certificates of Title and Registration of Vehicles

ARTICLE I - CERTIFICATE OF TITLE

§	3-101 - Certificate of title required	22
§	3-102 - Exclusions	22
§	3-103 - Optional certificate of title	22
§	3-104 - Application for certificate of title	23
§	3-105 - Examination of records	24
§	3-106 - Issuance and records	25
§	3-107 - Contents and effect	25
§	3-108 - Delivery	26
§	3-109 - Registration without certificate of title; bond	26
§	3-110 - Refusing certificate of title	26
§	3-111 - Lost, stolen or mutilated certificates	27
§	3-112 - Transfer.	27
§	3-113 - Transfer to or from dealer; records	28
§	3-114 - Transfer by operation of law	28
§	3-115 - Fees; registration cards; license plates	29
§	3-116 - When department to issue new certificates	29
§	3-117 - Surrender of certificates of title and issuance of salvage certificate	29
§	3-118 - Salvage certificate	30
§	3-119 - Duties of a salvage vehicle purchaser	30
§	3-120 - Junk vehicles	31
§	3-121 - Retitling salvage and reconstructed vehicles; requirements	31
§	3-122 - Definitions	32
§	3-123 - Penalty	32
§	3-124 - Exporting vehicle	32

ARTICLE II - SECURITY INTERESTS

§	3-201 - Excepted liens and security interests	34
§	3-202 - Perfection of security interests	34
§	3-203 - Security interest	34
§	3-204 - Assignment by lienholder	35
§	3-205 - Release of security interest	35
§	3-206 - Duty of lienholder	35
§	3-207 - Exclusiveness of procedure	36
§	3-208 - Suspension or revocation of certificates	36
§	3-209 - Powers of department.	36
§	3-210 - Court review	36

ARTICLE III - PREVIOUSLY CERTIFICATED VEHICLES

ARTICLE IV - ORIGINAL AND RENEWAL OF REGISTRATION

§	3-401 - Effect of provisions	38
§	3-402 - Vehicles subject to registration - exceptions	38
§	3-403 - Nonresidents-registration requirements; reciprocal provisions; authority of commissioner; International Registration Plan	38
§	3-404 - Application for registration	39
§	3-405 - Applications of minors	40

\$	3-406 - Application for specially constructed, reconstructed, rebuilt salvage, or foreign vehicles	40
\$	3-407 - Temporary permit and plates pending registration . . .	40
\$	3-408 - Grounds for refusing registration or certificate of title	40
\$	3-409 - Registration indexes	41
\$	3-410 - Department to issue registration card	41
\$	3-411 - Registration card to be signed, carried and exhibited on demand	41
\$	3-412 - Registration plates to be furnished by the department	41
\$	3-413 - Display of registration plates	42
\$	3-414 - Expiration of registration	42
\$	3-415 - Application for and renewal of registration	43
\$	3-416 - Notice of change of address or name	43
\$	3-417 - Lost or damaged cards and plates	43
\$	3-418 - Registration under new identifying number	43
\$	3-419 - Regulations governing change of motors	43
\$	3-420 - Department may issue registration bulletins	43

ARTICLE V - TRANSFER OF REGISTRATION

\$	3-501 - Registration expires on transfer by owner	45
\$	3-502 - New owner must secure new registration	45
\$	3-503 - Transfers to dealers	45
\$	3-504 - Transfer by operation of law	45
\$	3-505 - Return of evidence of registration	45

ARTICLE VI - SPECIAL PLATES FOR MANUFACTURERES, TRANSPORTERS AND DEALERS

\$	3-601 - Operation of vehicles under special plates	46
\$	3-602 - Application for and issuance of certificate and special plates	46
\$	3-603 - Expiration of special plates	46
\$	3-604 - Manufacturers, transporters, and dealers to maintain records	46

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

\$	3-701 - Operation of vehicles without evidence of registration	47
\$	3-702 - Operation of vehicles when registration canceled, suspended or revoked	47
\$	3-703 - Improper use of evidences of registration or certificate of title	47
\$	3-704 - Authority of department to suspend or revoke a registration or certificate of title	47
\$	3-705 - Suspending or revoking certificate or special plates of a manufacturer, transporter or dealer	47
\$	3-706 - Owner to return evidence of registration upon cancellation, suspension or revocation	47

ARTICLE VIII - REGISTRATION AND LICENSE FEES

\$	3-801 - Registration fees	49
\$	3-802 - Reduced fees for portion of a year	49

§	3-803 - Exemption from registration fees	49
§	3-804 - Fees to be paid by manufacturers, transporters and dealers	49
§	3-805 - Fees for application for first certificate of title	49
§	3-806 - Fees upon transfer of registration and issuance of certificates of title	49
§	3-807 - Fees relating to security interests	49
§	3-808 - Seizure and sale of vehicle for nonpayment of fees	49
§	3-809 - Fees for duplicate registration plates, registration cards, and certification of title	49
§	3-810 - When fees delinquent - penalties	49
§	3-811 - When fees returnable	49
§	3-812 - Disposition of fees	49

ARTICLE IX - SPECIAL REGISTRATION AND LICENSE FOR DISABLED PERSONS

§	3-901 - Definitions of words and phrases	50
§	3-902 - Disabled parking registration plates	50
§	3-903 - Removable windshield placards	51
§	3-904 - Temporary removable windshield placards	51

CHAPTER 4 Theft Laws

§	4-101 - Exceptions from provisions of this chapter	53
§	4-102 - Unauthorized use of a vehicle	53
§	4-103 - Receiving or disposing of a vehicle or its parts	53
§	4-104 - Damaging or tampering with a vehicle	53
§	4-105 - Stolen, converted, recovered and unclaimed vehicles	53
§	4-106 - False report of theft or conversion	54
§	4-107 - Removal, falsification or unauthorized use of vehicle identification number or registration plate prohibited	54
§	4-108 - Evidence of criminal intent or knowledge	55
§	4-109 - Principals	55
§	4-110 - Offenses relating to title and registration-felonies	56
§	4-111 - Offenses relating to title and registration- misdemeanors	56
§	4-112 - Seizure and disposition of stolen vehicles and parts of vehicles	56

CHAPTER 5 Dealers, Wreckers and Rebuilders

§	5-101 - Dealers must be licensed	58
§	5-102 - Department to issue license certificates	58
§	5-103 - Nonresident dealer license compact	58

ARTICLE II - USED PARTS DEALERS, WRECKERS AND REBUILDERS

§	5-201 - Used parts dealers, wreckers and rebuilders must be licensed	59
§	5-202 - Suspension and revocation	59
§	5-203 - Licensee's records	60
§	5-204 - Inspection of records and inventory	60
§	5-205 - Identification marking by licensee	60
§	5-206 - Definitions	60
§	5-207 - Failure to comply	61

ARTICLE III - DUTIES OF LICENSEES

§	5-301 - Licensee's duties upon receiving used vehicle	62
---	---	----

CHAPTER 6 Driver's Licenses

ARTICLE I - ISSUANCE OF LICENSES, EXPIRATION AND RENEWAL

§	6-101 - Drivers must be licensed	63
§	6-102 - What persons are exempt from licensing	64
§	6-103 - Persons not to be licensed	64
§	6-104 - Classes of non-commercial licenses	64
§	6-105 - Graduated driver licensing	66
§	6-106 - Personal identification cards	69
§	6-107 - Application for license or instructional permit . . .	69
§	6-108 - Applications of persons under 21	70
§	6-109 - Withdrawal of consent	70
§	6-110 - Examination of applicants	70
§	6-111 - Waiver of examination	71
§	6-112 - Licenses issued to drivers	71
§	6-113 - License to be carried and exhibited on demand . . .	72
§	6-114 - Restricted licenses	72
§	6-115 - Duplicate permit or license	72
§	6-116 - Expiration and renewal of license; reexamination required	72
§	6-117 - Notice of change of address or name	73
§	6-118 - Records to be kept by the department	73
§	6-119 - Health advisory board.	74
§	6-120 - Reports by physicians and vision specialists (ophth- almologists and optometrists)	74

ARTICLE II - CANCELLATION, SUSPENSION OR REVOCATION OF LICENSE

§	6-201 - Authority of department to cancel license	76
§	6-202 - Suspending privileges of nonresidents; reporting convictions, suspensions and revocations	76
§	6-203 - Revoking or suspending resident's license based upon conduct in another state	76
§	6-204 - Nonresident Violator Compact	76
§	6-205 - When court to forward license to department and report convictions	76
§	6-206 - Mandatory revocation of license by department . . .	77
§	6-207 - Authority of department to suspend or revoke license. .	77
§	6-208 - Opportunity for hearing required	78
§	6-209 - Department may require reexamination	78
§	6-210 - Period of revocation	79
§	6-211 - Limited license	79
§	6-212 - Period of suspension	79
§	6-213 - Surrender and return of license; duty of officers . .	79
§	6-214 - No operation under foreign license during suspension or revocation in this state	79
§	6-215 - Right of appeal to court	80

ARTICLE III - VIOLATION OF LICENSE PROVISIONS

§	6-301 - Unlawful use of license	81
§	6-302 - Making false affidavit perjury	81
§	6-303 - Driving while license suspended or revoked	81
§	6-304 - Permitting unauthorized minor to drive	81
§	6-305 - Permitting unlicensed person to drive	82

ARTICLE IV - COMMERCIAL DRIVER TRAINING SCHOOLS

§	6-401 - License required	83
§	6-402 - Definitions	83
§	6-403 - Exemptions	83
§	6-404 - Issuance and expansion of licenses; fees	83
§	6-405 - Authority of commissioner to adopt regulations	83
§	6-406 - Refusal, suspension, or revocation of license	84
§	6-407 - Penalties	84

ARTICLE V - COMMERCIAL DRIVER'S LICENSE ACT

§	6-500 - Definition of words and phrases	85
§	6-501 - Other words and phrases	87
§	6-502 - Permitted only one driver's license	87
§	6-503 - Reporting of traffic violations to the Department	87
§	6-504 - Reporting of traffic violations to the employer	87
§	6-505 - Other reporting requirements-notification of suspensions, revocations and cancellations	88
§	6-506 - Duty to report certain previous employment to potential employer	88
§	6-507 - Employer responsibilities	88
§	6-508 - Commercial Driver's License (CDL) required	88
§	6-509 - Commercial driver license qualification standards	89
§	6-510 - Commercial driver instruction permit	90
§	6-511 - Application for Commercial Driver's License (CDL)	90
§	6-512 - Commercial Driver License (CDL) content	90
§	6-513 - License renewal procedures	91
§	6-514 - Disqualification and cancellation	91
§	6-515 - Classifications, endorsements and restrictions	93
§	6-516 - Prohibited alcohol offenses for commercial motor vehicle drivers	93
§	6-517 - Implied consent requirements for commercial motor vehicle drivers	94
§	6-518 - Notification of traffic convictions	95
§	6-519 - Driving record information to be furnished	95
§	6-520 - Reciprocity	95
§	6-521 - Penalties for violating out-of-service orders	95

CHAPTER 7

Vehicle Insurance and Financial Responsibility

ARTICLE I - COMPULSORY INSURANCE

§	7-101 - Vehicles must be insured	96
§	7-102 - Registration without insurance prohibited; suspension authorized	96
§	7-103 - Exempt vehicles	96

§	7-104 - Evidence of insurance	97
§	7-105 - Termination of insurance	97

ARTICLE II - FINANCIAL RESPONSIBILITY-SECURITY FOLLOWING ACCIDENT

§	7-201 - Application of article	98
§	7-202 - Security required; notices; disposition	98
§	7-203 - Failure to deposit security-suspensions	99
§	7-204 - Exceptions to requirement of security	99
§	7-205 - Release from liability	99
§	7-206 - Requirements of policy or bond	100
§	7-207 - Right to hearing; notice; request for hearing; waiver; scope of hearing	100
§	7-208 - Agreement for payment of damages	101
§	7-209 - Application to nonresidents, unlicensed drivers, unregistered vehicles, and accidents in other states	101
§	7-210 - Suspension of license and registration	101

ARTICLE III - FINANCIAL RESPONSIBILITY - PROOF FOR THE FUTURE

§	7-301 - Application of article	103
§	7-302 - Definitions	103
§	7-303 - Action of department when proof required	104
§	7-304 - Failure to deposit proof-suspensions	104
§	7-305 - Action in respect to nonresidents	104
§	7-306 - Methods of giving proof	104
§	7-307 - Proof by certificate of insurance	104
§	7-308 - Proof by bond	105
§	7-309 - Proof by certificate of deposit	106
§	7-310 - Proof by certificate of self-insurance	106
§	7-311 - Owner may give proof for others	106
§	7-312 - Substitution of proof	106
§	7-313 - Other proof may be required	106
§	7-314 - Duration of proof; when proof may be canceled or returned	107
§	7-315 - Notice of termination of a motor vehicle liability policy	107
§	7-316 - Forged proof	107
§	7-317 - Change of residency	107

ARTICLE IV - FINANCIAL RESPONSIBILITY-NONPAYMENT OF JUDGMENT

§	7-401 - Meaning of "judgment"	108
§	7-402 - When courts to report nonpayment of judgments . . .	108
§	7-403 - Further action with respect to nonresidents	108
§	7-404 - Suspension for nonpayment of judgments	108
§	7-405 - Exception in relation to government vehicles	108
§	7-406 - Exception when insurer liable or insolvent	109
§	7-407 - Suspension to continue until judgments paid	109
§	7-408 - Payments sufficient to satisfy judgments	109
§	7-409 - Installment payment of judgments; default	110
§	7-410 - Action if breach of agreement	110

ARTICLE V - MISCELLANEOUS PROVISIONS

§	7-501 - Self-insurers	111
§	7-502 - Right of appeal to court	111

§	7-503 - Chapter not to prevent other process	112
§	7-504 - Effect of discharge in bankruptcy	112
§	7-505 - Transfer of registration to defeat purpose of code prohibited	112
§	7-506 - Past application of chapter	112
§	7-507 - Informative publication	112

CHAPTER 8
Owners of For-Rent Vehicles

§	8-101 - Renting motor vehicle to another	114
---	--	-----

CHAPTER 9
Civil Liability

ARTICLE I - LIABILITY OF GOVERNMENT AGENCIES AND NONPROFIT ORGANIZATIONS

§	9-101 - Liability of State, counties, municipalities and other public corporations	115
§	9-102 - Liability of nonprofit corporations, associations and organizations	115

ARTICLE II - IMPUTED AND COMPARATIVE NEGLIGENCE

§	9-201 - Imputing negligence or willful misconduct of operator to owner	116
§	9-202 - Contributory and comparative negligence	116

ARTICLE III - PROCESS ON NONRESIDENT

§	9-301 - Service of process on nonresident	117
---	---	-----

ARTICLE IV - CHILDREN

§	9-401 - Negligence of children	119
---	--	-----

CHAPTER 10
Accidents and Accident Reports

§	10-101 - Provisions of chapter to apply throughout State . .	120
§	10-102 - Accidents involving death or personal injury . . .	120
§	10-103 - Accidents involving damage to vehicle or property .	120
§	10-104 - Duty to give information and render aid	120
§	10-105 - Duty upon damaging unattended vehicle or other property	121
§	10-106 - Immediate notice of accident	121
§	10-107 - Written report of accident by drivers or owners . .	121
§	10-108 - False reports	122
§	10-109 - Suspension and penalty for failure to report . . .	122
§	10-110 - State bureau of vital statistics to report	122
§	10-111 - Garages to report	123
§	10-112 - Police to report	123
§	10-113 - Accident report forms	123
§	10-114 - Department to tabulate and analyze accident reports	123
§	10-115 - Any local authority may require accident reports .	123

§	10-116 - Chemical tests in fatal crashes	124
---	--	-----

CHAPTER 11
Rules of the Road

ARTICLE I - OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

§	11-101 - Provisions of chapter refer to vehicles upon the highways-exceptions.	125
§	11-102 - Required obedience to traffic laws	125
§	11-103 - Obedience to authorized persons directing traffic .	125
§	11-104 - Persons riding animals or driving animal-drawn vehicles	126
§	11-105 - Persons working on highways-exceptions	126
§	11-106 - Authorized emergency vehicles	126

ARTICLE II - TRAFFIC CONTROL DEVICES

§	11-201 - Obedience to and required traffic-control devices .	127
§	11-202 - Traffic-control signal legend	127
§	11-203 - Pedestrian-control signals	129
§	11-204 - Flashing signals.	129
§	11-205 - Lane use control signals	130
§	11-206 - Display of unauthorized signs, signals, or markings	130
§	11-207 - Interference with official traffic control devices	130

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

§	11-301 - Drive on right side of roadway-exceptions	131
§	11-302 - Passing vehicles proceeding in opposite directions .	131
§	11-303 - Overtaking a vehicle on the left	132
§	11-304 - When passing on the right is permitted.	132
§	11-305 - Limitations on overtaking on the left	132
§	11-306 - Further limitations on driving on left of center of roadway	132
§	11-307 - No-passing zones.	133
§	11-308 - One-way roadways and rotary traffic islands	133
§	11-309 - Driving on roadways laned for traffic	133
§	11-310 - Following too closely	134
§	11-311 - Driving on divided highways	134
§	11-312 - Restricted access.	134
§	11-313 - Restrictions on use of controlled-access highway. .	134

ARTICLE IV - RIGHT OF WAY

§	11-401 - Vehicle approaching or entering intersection	136
§	11-402 - Vehicle turning left	136
§	11-403 - Stop signs and yield signs	136
§	11-404 - Vehicle entering roadway	137
§	11-405 - Operation of vehicles (and streetcars) on approach of authorized emergency vehicles.	137
§	11-406 - Highway construction and maintenance	138

ARTICLE V - PEDESTRIANS' RIGHTS AND DUTIES

§	11-501 - Pedestrian obedience to traffic-control devices and traffic regulations	139
§	11-502 - Pedestrians' right of way in crosswalk	139
§	11-503 - Crossing at other than crosswalk	139
§	11-504 - Drivers to exercise due care	140
§	11-505 - Pedestrians to use right half of crosswalks	140
§	11-506 - Pedestrians on highways	140
§	11-507 - Pedestrians soliciting rides or business	140
§	11-508 - Driving through safety zone prohibited	140
§	11-509 - Pedestrians' right of way on sidewalk	141
§	11-510 - Pedestrians yield to authorized emergency vehicles .	141
§	11-511 - Blind pedestrian right of way	141
§	11-512 - Pedestrians under influence of alcohol or drugs . .	141
§	11-513 - Bridge and railroad signals	141

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

§	11-601 - Required position and method of turning	142
§	11-602 - Limitations on u-turns	142
§	11-603 - Starting a parked vehicle	142
§	11-604 - Turning movements and required signals	142
§	11-605 - Signals by hand and arm or signal lamps	143
§	11-606 - Method of giving hand-and-arm signals	143

ARTICLE VII - SPECIAL STOPS REQUIRED

§	11-701 - Obedience to signal indicating approach to train .	144
§	11-702 - Certain vehicles must stop at all railroad grade crossings	144
§	11-703 - Moving heavy equipment at railroad grade crossings .	145
§	11-704 - Emerging from alley, driveway or building	145
§	11-705 - Overtaking and passing school bus	146

ARTICLE VIII - SPEED RESTRICTIONS

§	11-801 - Basic rule	147
§	11-802 - Maximum limits	147
§	11-803 - Establishment of State speed zones	147
§	11-804 - When local authorities may and alter maximum limits	147
§	11-805 - Minimum speed regulation	148
§	11-806 - Special speed limitations on motor-driven cycles .	148
§	11-807 - Special speed limitations	148
§	11-808 - Charging violations and rule in civil actions . . .	149
§	11-809 - Racing on highways	149

ARTICLE IX - DUI AND OTHER SERIOUS TRAFFIC OFFENSES

§	11-901 - Unlawful to consume alcoholic beverages while driving a motor vehicle or to possess an open container of alcoholic beverage within the passenger area of a motor vehicle while on highway	151
§	11-902 - Driving under the influence of alcohol or drugs; under the extreme influence of alcohol; alcohol and drug abuse evaluation and treatment	151

§	11-903 - Chemical and other tests	153
§	11-904 - Implied consent and Administrative License Suspension, including duties of the officer and opportunity for hearing .	154
§	11-905 - Zero tolerance - Applicable to persons under age 21; implied consent to testing; administrative license revocation for refusal to submit to chemical test or having BAC of .02 or more; notice to persons under the age of 21 years prior to licensure; duties of officer if test refused or failed.	156
§	11-906 - Preliminary Alcohol Screening Test	159
§	11-907 - Chemical test of drivers in serious personal injury or fatal crashes	159
§	11-908 - Limits on plea bargaining	159
§	11-909 - Reckless driving	159
§	11-910 - Homicide by vehicle	160
§	11-911 - Fleeing or attempting to elude a police officer . .	160

ARTICLE X - STOPPING, STANDING AND PARKING

§	11-1001 - Stopping, standing or parking outside business or residence districts.	161
§	11-1002 - Officers authorized to remove vehicles.	161
§	11-1003 - Stopping, standing or parking prohibited in specified places	161
§	11-1004 - Additional parking regulations	162
§	11-1005 - Disabled parking with international symbol of access	163

ARTICLE XI - MISCELLANEOUS RULES

§	11-1101 - Unattended motor vehicle	164
§	11-1102 - Limitations on backing	164
§	11-1103 - Driving upon sidewalk	164
§	11-1104 - Obstruction to driver's view or driving mechanism .	164
§	11-1105 - Opening and closing vehicle doors	164
§	11-1106 - Riding in house trailers	165
§	11-1107 - Driving on mountain highways.	165
§	11-1108 - Coasting prohibited.	165
§	11-1109 - Following fire apparatus prohibited	165
§	11-1110 - Crossing fire hose	165
§	11-1111 - putting glass, etc., on highway prohibited	165
§	11-1112 - Stop when traffic obstructed.	166
§	11-1113 - Snowmobile operation limited	166
§	11-1114 - Railroad trains not to block crossings.	166
§	11-1115 - Eye protection devices.	166
§	11-1116 - Rights and duties - motorized wheelchairs.	166
§	11-1117 - Funeral and other processions	167
§	11-1118 - Carrying passengers unsecured in rear.	167

ARTICLE XII - OPERATION OF BICYCLES, OTHER HUMAN-POWERED VEHICLES, AND MOPEDS

§	11-1201 - Effect of regulations	168
§	11-1202 - Traffic laws apply to persons on bicycles and other human-powered vehicles.	168
§	11-1203 - Riding on bicycles.	168
§	11-1204 - Clinging to vehicles	168
§	11-1205 - Position on roadway	168
§	11-1206 - Riding two abreast	169

§	11-1207 - Carrying articles.	169
§	11-1208 - Left turns	169
§	11-1209 - Bicycles and human-powered vehicles on sidewalks .	169
§	11-1210 - Bicycle parking.	170
§	11-1211 - Bicycle racing.	170
§	11-1212 - Mopeds in bicycle lanes.	170

ARTICLE XIII - SPECIAL RULES FOR MOTORCYCLES

§	11-1301 - Traffic laws apply to persons operating motorcycles	171
§	11-1302 - Riding on motorcycles.	171
§	11-1303 - Operating motorcycles on roadways laned for traffic	171
§	11-1304 - Clinging to other vehicles	171
§	11-1305 - Footrests and handlebars	172
§	11-1306 - Equipment for motorcycle riders	172
§	11-1307 - Headlamps on motorcycles during operation	172

ARTICLE XIV - STREETCARS

§	11-1401 - Traffic laws apply to operators of streetcars . . .	173
§	11-1402 - Passing streetcar on left	173
§	11-1403 - Passing streetcar on right	173
§	11-1404 - Driving on streetcar tracks	173

ARTICLE XV - VICTIMS OF TRAFFIC-RELATED OFFENSES

§	11-1501 - Definitions	175
§	11-1502 - Rights of victims.	175
§	11-1503 - Law Enforcement Agency	176
§	11-1504 - Prosecutor.	176
§	11-1505 - Probation department.	177
§	11-1506 - Court.	177

ARTICLE XVI - "SAFE STREETS ACT" - VEHICLE IMMOBILIZATION RESULTING FROM CONTINUING TO DRIVE WHEN THE DRIVER'S LICENSE IS SUSPENDED OR REVOKED FOR DWI OR DUI

§	11-1601 - Vehicle immobilization	178
§	11-1602 - Certification of ignition interlock systems	178
§	11-1603 - Use of a vehicle by an unlicensed driver: Owner's duty	179
§	11-1604 - Immobilization exceptions and safeguards	180
§	11-1605 - Consumer protection	180
§	11-1606 - Disposition of abandoned vehicles	181
§	11-1607 - Administration.	182
§	OPTIONAL 11-1608 - Notice of License suspension or revocation.	182

CHAPTER 12 Equipment of vehicles

ARTICLE I - SCOPE AND EFFECT OF REGULATIONS; EQUIPMENT APPROVAL

§	12-101 - Scope and effect of regulations	183
§	12-102 - Permit exceptions.	183

§	12-103 - Standards for vehicle equipment	184
§	12-104 - Authority and duties of the department	184
§	12-105 - Identification of manufacturer required	185
§	12-106 - Submissions by manufacturers	185
§	12-107 - Determination of noncompliance	185

ARTICLE II - LIGHTS AND OTHER LIGHTING EQUIPMENT

§	12-201 - When lighted lamps are required	187
§	12-202 - Visibility distance and mounted height of lights . .	187
§	12-203 - Headlights on motor vehicles	187
§	12-204 - Taillights	187
§	12-205 - Reflectors	188
§	12-206 - Stoplights and turn signals	188
§	12-207 - Additional lighting requirements for certain vehicles	188
§	12-208 - Obstructed lights not required	188
§	12-209 - Lights or flags on projecting load	188
§	12-210 - Lights on parked vehicles	188
§	12-211 - Lights, reflectors and emblems on farm tractors and implements of husbandry	189
§	12-212 - Lamps on other vehicles and equipment	190
§	12-213 - Spotlights	191
§	12-214 - Authorized emergency vehicles	191
§	12-215 - Vehicular hazard warning signals	191
§	12-216 - Additional lighting equipment	192
§	12-217 - Use of multiple-beam road-lighting equipment	192
§	12-218 - Single-beam road-lighting equipment	193
§	12-219 - Alternate road-lighting equipment	193
§	12-220 - Number of driving lamps required or permitted	193
§	12-221 - Special light restrictions	193
§	12-222 - School buses	194
§	12-223 - Highway construction and maintenance vehicles	195
§	12-224 - Selling or using lights or equipment	195
§	12-225 - Yellow lights on service vehicles	195

ARTICLE III - BRAKES

§	12-301 - Brake equipment required	197
---	---	-----

ARTICLE IV - OTHER EQUIPMENT

§	12-401 - Horns and warning devices	198
§	12-402 - Noise prevention, mufflers	198
§	12-403 - Mirrors	198
§	12-404 - Windshields must be unobstructed and equipped with wipers	199
§	12-405 - Restrictions as to tire equipment	199
§	12-406 - Certain vehicles to carry flares or other devices . .	200
§	12-407 - Display of warning lights and devices when vehicle is stopped or disabled	201
§	12-408 - Vehicles transporting hazardous materials	202
§	12-409 - Air-conditioning equipment	203
§	12-410 - Television receivers	204
§	12-411 - Occupant protection system required	204
§	12-412 - Use of occupant protection system required	204
§	12-413 - Energy absorption systems	205

§	12-414 - Emission control systems. . . . .	.205
§	12-415 - Use of earplugs restricted. . . . .	.205

ARTICLE V - EQUIPMENT ON MOTORCYCLES AND MOTOR-DRIVEN CYCLES

§	12-501 - Headlights. . . . .	.207
§	12-502 - Taillights. . . . .	.207
§	12-503 - Reflectors. . . . .	.207
§	12-504 - Stoplights. . . . .	.207
§	12-505 - Brake equipment required. . . . .	.207
§	12-506 - Brakes on motor-driven cycles. . . . .	.207
§	12-507 - Other equipment. . . . .	.207
§	12-508 - Altering mopeds to increase speed . . . . .	.208

ARTICLE VI - OFF-HIGHWAY VEHICLES

§	12-601 - Snowmobiles . . . . .	.209
§	12-602 - Golf carts. . . . .	.209

ARTICLE VII - BICYCLES

§	12-701 - Application of chapter to bicycles. . . . .	.210
§	12-702 - Headlight and taillight required at night. . . . .	.210
§	12-703 - Rear reflector required at all times. . . . .	.210
§	12-704 - Side reflector or light required at night. . . . .	.210
§	12-705 - Additional lights or reflectors authorized. . . . .	.210
§	12-706 - Brake required . . . . .	.210
§	12-707 - Sirens, whistles prohibited. . . . .	.210
§	12-708 - Bicycle identifying number. . . . .	.211
§	12-709 - Inspecting bicycles. . . . .	.211

CHAPTER 13

Inspection of Vehicles

§	13-101 - Vehicles without required equipment or in unsafe condition . . . . .	.212
§	13-102 - Inspection by officers . . . . .	.212
§	13-103 - Owners and drivers to comply with inspection laws. . . . .	.213
§	13-104 - Periodic inspection required. . . . .	.214
§	13-105 - Commissioner may establish stations. . . . .	.214
§	13-106 - Appointment of official inspection stations. . . . .	.214
§	13-107 - Operation of inspection stations; issuance of inspection certificates. . . . .	.215
§	13-108 - Display of inspection certificate. . . . .	.215
§	13-109 - Improper representation as official station . . . . .	.215
§	13-110 - False certificates . . . . .	.216
§	13-111 - Official signs or posters . . . . .	.216
§	13-112 - Authority of commissioner to adopt regulations. . . . .	.216

CHAPTER 14 - SIZE, WEIGHT AND LOAD

§	14-101 - Scope and effect of chapter. . . . .	.217
§	14-102 - National Network and access routes. . . . .	.217
§	14-103 - Width of vehicles. . . . .	.218
§	14-104 - Height of vehicles and loads. . . . .	.219
§	14-105 - Length of vehicles and loads. . . . .	.219
§	14-106 - Loads on vehicles. . . . .	.220

§	14-107 - Trailers and towed vehicles.	220
§	14-108 - Single-axle load limit.	221
§	14-109 - Tandem-axle load limit.	221
§	14-110 - Gross weight of vehicles and loads	221
§	14-111 - Officers may weigh vehicles and require removal or redistribution of excess loads	222
§	14-112 - Permits for excess size and weight.	223
§	14-113 - When the (State highway commission) or local authorities may restrict right to use highways.	224
§	14-114 - Liability for damage to highway or structure.	224
§	14-115 - Registration of vehicles according to permissible gross weight.	225
§	14-116 - Post conviction remedies.	225

CHAPTER 15

Respective Powers of State and Local Authorities

§	15-101 - Provisions uniform throughout State.	226
§	15-102 - Powers of local authorities.	226
§	15-103 - Adoption by reference.	227
§	15-104 - (State highway commission) to adopt sign manual . . .	228
§	15-105 - (State highway commission) to sign all State (and county) highways.	228
§	15-106 - Local traffic-control devices.	228
§	15-107 - Authority to restrict pedestrian crossings.	228
§	15-108 - Authority to close unmarked crosswalks.	229
§	15-109 - Authority for stop signs and yield signs.	229
§	15-110 - Regulations relative to school buses.	229
§	15-111 - Designation of authorized emergency vehicle.	229
§	15-112 - Removal of traffic hazards.	230
§	15-113 - Rights of owners of real property.	230
§	15-114 - Sale of nonconforming traffic-control devices.	230
§	15-115 - Interference with driver's vision.	230
§	15-116 - Installation of traffic signs, signals, and markings on private property	231

CHAPTER 16

Parties and Procedure Upon Arrest

ARTICLE I - PARTIES TO A CRIME, OWNERS, AND PUBLIC EMPLOYEES

§	16-101 - Parties to a crime.	232
§	16-102 - Offenses by persons owning or controlling vehicles. .	232
§	16-103 - Public officers and employees - exceptions	232

ARTICLE II - ARRESTS AND ISSUANCE OF CITATIONS

§	16-201 - Procedure upon arrest for felony.	233
§	16-202 - Arrests for serious offenses.	233
§	16-203 - When persons must be taken immediately before a magistrate.	233
§	16-204 - When officer has option to take person before a magistrate.	234
§	16-205 - Arrest of nonresident.	234
§	16-206 - When person to be given five-day notice to appear in court	234
§	16-207 - Authority of an officer following an accident.	235

§	16-208 - Appearance before magistrate having jurisdiction . . .	235
§	16-209 - Release of defendant when magistrate not available .	235
§	16-210 - Failure to obey citation	236
§	16-211 - Procedure prescribed herein not exclusive.	236
§	16-212 - Citation on illegally parked vehicle.	236
§	16-213 - Failure to comply with traffic citation attached to parked vehicle.	236
§	16-214 - Presumption in reference to illegal parking.	236

ARTICLE III - TRAFFIC COURT PROCEDURES, CITATION CONTROLS, CONVICTION REPORTS

§	16-301 - Rules of procedure in traffic cases.	238
§	16-302 - Traffic citation books.	238
§	16-303 - Disposition and records of traffic citations	238
§	16-304 - Audit of traffic citation records	239
§	16-305 - Record of traffic cases-report of convictions to department	239

ARTICLE IV - EFFECT OF CONVICTION

§	16-401 - Evidence of conviction inadmissible	241
§	16-402 - Conviction for traffic violation not to affect credibility of witness	241

CHAPTER 17

Post Conviction Remedies

ARTICLE I - MISDEMEANORS

§	17-101 - Penalties for misdemeanors	242
§	<i>Optional 17-101.1 - Penalties for infraction-.</i>	242
§	17-102 - Inability to pay fine.	242
§	17-103 - Additional remedies.	243

ARTICLE II - FELONIES

§	17-201 - Penalty for felony.	244
---	--------------------------------------	-----

ARTICLE III - REGISTRATION

§	17-301 - Suspension of registration	245
---	---	-----

ARTICLE IV - DISPOSITION OF FINES

§	17-401 - Disposition of fines and forfeitures.	246
---	--	-----

CHAPTER 18

Effect of and Short Title of Code

§	18-101 - Uniformity of interpretation.	247
§	18-102 - Effect of headings	247
§	18-103 - Short title	247
§	18-104 - Code not retroactive.	247
§	18-105 - Constitutionality	247
§	18-106 - Repeal	247
§	18-107 - Time of taking effect.	247

UNIFORM VEHICLE CODE

REVISED 2000

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

Be it enacted, * * *

CHAPTER 1

Words and Phrases Defined

§ 1-101-Definition of words and phrases

The following words and phrases when used in this code shall, for the purpose of this code, have the meanings respectively ascribed to them in this chapter, except when the context otherwise requires and except where another definition set forth in another chapter of this code and applicable to that chapter or a designated part thereof is applicable.

§ 1-102-Alcohol - any substance or substances containing any form of alcohol.

§ 1-103-Alcohol beverage:

(a) Beer, ale, porter, stout and other similar fermented beverages, including sake and similar products, of any name or description containing one-half of one percent or more alcohol by volume, brewed or produced from malt wholly or in part, or from any substitute thereof.

(b) Any beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar, of not less than one-half of one percent of alcohol by volume.

(c) Any distilled spirits commonly referred to as ethyl alcohol, ethanol or spirits of wine in any form, including all dilutions and mixtures thereof from whatever process produced.

§ 1-104-Alcohol concentration - either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

§ 1-105-Alley - A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

§ 1-106-Any measurable and detectable amount of alcohol - any alcohol concentration in a person's blood or breath that is 0.02 or more.

§ 1-107-Arterial street - Any U.S. or State numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

§ 1-108-**Authorized emergency vehicle** - Such fire department vehicles, police vehicles and ambulances as are publicly owned, and such other publicly or privately owned vehicles as are designated by the commissioner (or other appropriate state official) under §15-111 of this code.

§ 1-109-**Bicycle** - Every vehicle propelled solely by human power upon which any person may ride, having two tandem wheels and except scooters and similar devices.

§ 1-110-**Bus** - Every motor vehicle with a manufacturers rated seating capacity of 11 or more passengers, including the driver.

§ 1-111-**Business district** - The territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

§ 1-112-**Cancellation of driver's license** - The annulment or termination by formal action of the department of a person's driver's license because of some error or defect in the license or because the licensee is no longer entitled to such license, but the cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation.

§ 1-113-**Child Passenger Restraint System** - a specially designed seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213 as it may be amended from time to time and which is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system.

§ 1-114-**Commissioner**¹ -The commissioner of motor vehicles of this State.

§ 1-115-**Component part** - Each part contained in or upon a vehicle, including the engine or motor; the transmission or transaxle; the chassis, frame, or load-bearing major structural equivalent thereof; any door, hood, deck lid, hatch, or tailgate; any bumper; any fender or quarter panel; a cowl or firewall; a cargo compartment or passenger compartment floor or floor panel; and any motorcycle frame, front fork, or crankcase.

§ 1-116-**Controlled-access highway** - Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the

¹ If the term "commissioner" is not appropriate in a particular state, then the appropriate term and definition should be substituted.

) public authority having jurisdiction over such highway, street or roadway.

§ 1-117-Conviction - means that a court of original jurisdiction has made an adjudication of guilt. The term includes an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, a plea of nolo contendere accepted by the court, the payment of a fine, and a plea of guilty or a finding of guilt, regardless of whether the penalty is rebated, suspended or probated.

§ 1-118-Crosswalk

(a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; and in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline.

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

§ 1-119-Dealer - Every person in the business of buying, selling or exchanging vehicles.

§ 1-120-Department² - The department of motor vehicles of this State.

§ 1-121-Disclose - to engage in any practice or conduct to make available and make known personal information contained in records of the department about a person to any other person, organization, or entity, by any means of communication.

§ 1-122-Divided highway - A highway divided into two or more roadways by leaving an intervening space or by a physical barrier or by a clearly indicated dividing section so constructed as to impede vehicular traffic.

§ 1-123-Drive - to operate or be in physical control of a vehicle.

§ 1-124-Driveaway-towaway operation - Any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, new or used, constitutes the commodity being transported, when one set or more of wheels of any such vehicle are on the roadway during the course of transportation, whether or not any such vehicle furnishes the motive power.

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

§ 1-125-Driven - to have operated or been in physical control of a vehicle.

§ 1-126-Driver - Every person who drives or is in actual physical control of a vehicle.

§ 1-127-Driver's license - Any license to operate a motor vehicle issued under the laws of this State.

§ 1-128-Driving - operating or being in physical control of a vehicle.

§ 1-129-Drug - A controlled substance as defined by State or federal law or any other drug or psychoactive substance capable of impairing a person's physical or mental faculties or any combination of these substances.

§ 1-130-Essential parts - All integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.

§ 1-131-Established place of business - The place actually occupied either continuously or at regular periods by a dealer or manufacturer where such person's books and records are kept and a large share of the person's business is transacted.

§ 1-132-Explosives - Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

§ 1-133-Farm tractor - Every motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines and other implements of husbandry.

§ 1-134-Flammable liquid - Any liquid which has a flash point of 70° F. or less, as determined by a tagliabue or equivalent closed-cup test device.

§ 1-135-Foreign vehicle - Every vehicle of a type required to be registered hereunder brought into this State from another state, territory or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this State.

§ 1-136-Gross Weight - The weight of a vehicle without load plus the weight of any load thereon.

§ 1-137-Hazardous material - Has the same meaning as that found in 49 U.S.C. §5102 (definitions).

§ 1-138-Highway - The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.³

§ 1-139-House trailer

(a) A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways, or

(b) A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in paragraph (a), but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

§ 1-140-Human-powered vehicle - Every vehicle designed to be moved solely by human power.

§ 1-141-Identifying number - The vehicle identification number assigned by the manufacturer or by the department for the purpose of identifying the vehicle. The term shall include any numbers or letters assigned by the manufacturer for the purpose of identifying a part of a vehicle and any such number placed on a part in accordance with this code or regulations of the department for the purpose of identifying it.

§ 1-142-Implement of husbandry - Every vehicle designed or adapted and used exclusively for agricultural operations and only incidentally operated or moved upon the highways.

§ 1-143-Imprisonment - Confinement in a jail, minimum-security facility, community corrections facility, house arrest with electronic monitoring, inpatient rehabilitation or treatment center, or other facility, provided the individual under confinement is in fact being detained.

§ 1-144-Incarceration - Confinement in a jail, minimum-security facility, community correction facility, house arrest with electronic monitoring, inpatient rehabilitation or treatment center, or other facility provided the individual under confinement is in fact being detained.

§ 1-145-Individual record- A record containing personal information about a designated person who is the subject of the record, as identified in a request for information.

³ By the above definition the terms "street and "highway" are synonymous and interchangeable.

§ 1-146- Intersection-

(a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two roadways (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways (30) feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

(c) The junction of an alley with a street or highway shall not constitute an intersection.

§ 1-147-Laned roadway - A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

§ 1-148-License or license to operate a motor vehicle - Any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this State including:

(a) Any temporary license or instruction permit;

(b) The privilege of any person to drive a motor vehicle whether or not such person holds a valid license;

(c) Any nonresident's operating privilege as defined herein.

§ 1-149-Lienholder - A person holding a security interest in a vehicle.

§ 1-150-Local authorities - Every county, municipal and other local board or body having authority to enact laws relating to traffic under the constitution and laws of this State.

§ 1-151-Mail - To deposit in the United States mail properly addressed and with postage prepaid.

§ 1-152-Manufacturer - Every person engaged in the business of constructing or assembling vehicles of a type required to be registered hereunder at an established place of business in this State.

§ 1-153-Metal tire - Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

§ 1-154-Moped - A motor-driven cycle with a motor which produces not to exceed two- brake horsepower and which is not capable of propelling the vehicle at a speed in excess of 30 mph on level ground. If an internal combustion engine is used, the displacement shall not exceed 50 cubic centimeters, and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

§ 1-155-Motor home - A motor vehicle designed to provide temporary living quarters, built into as an integral part of, or permanently attached to, a self-propelled motor vehicle chassis or van. The vehicle must contain permanently installed independent life support systems which meet the ANSI/NFPA 501C Standard, and provide at least four of the following facilities: cooking, refrigeration or ice box, self-contained toilet, heating and/or air conditioning, a potable water supply system including a faucet and sink, separate 110-125 volt electrical power supply and/or an LP-gas supply.

The basic types are specified as follows:

Type A: A raw chassis upon which is built a driver's compartment and an entire body which provides temporary living quarters as defined above; and

Type B: A completed van-type vehicle which has been altered to provide temporary living quarters as defined above; and;

Type C: An incomplete vehicle upon which is permanently attached a body designed to provide temporary living quarters as defined above.

§ 1-156-Motor vehicle - Every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails, except vehicles moved solely by human power and motorized wheelchairs.

§ 1-157-Motorcycle - Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

§ 1-158-Motor-driven cycle - Every motorcycle, motor scooter or motorized bicycle having an engine with less than 150 cubic centimeters displacement or with five brake horsepower or less.

§ 1-159-Motorized wheelchair - Any self-propelled vehicle designed for, and used by, a person with disabilities that is incapable of a speed in excess of eight miles per hour.

§ 1-160-Nonresident - Every person who is not a resident of this State.

§ 1-161-Nonresident's operating privilege - The privilege conferred upon a nonresident by the laws of this State pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this State.

§ 1-162-Odometer - An instrument for measuring and recording the actual distance a motor vehicle travels while in operation, other than any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage on trips.

§ 1-163-Official traffic-control devices - All signs, signals, markings and devices not inconsistent with this code placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

§ 1-164—Open alcoholic beverage container - Any bottle, can or other receptacle that contains any amount of alcoholic beverage, and that is open, has a broken seal, or the contents of which are partially removed.

§ 1-165—Park or parking - The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

§ 1-166—Passenger area - The area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or passengers while in their seating positions, including but not limited to the glove compartment.

§ 1-167—Passenger car - Every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying 10 passengers or less and used for the transportation of persons.

§ 1-168—Pedestrian - Any person afoot.

§ 1-169—Person - Every natural person, firm, copartnership, association or corporation.

§ 1-170—Person with disabilities - Persons who, as determined by a licensed physician:

- (a) cannot walk two hundred feet without stopping to rest;
- (b) cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistance device;
- (c) restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm of Hg on room air at rest;
- (d) use portable oxygen;
- (e) have a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association; or
- (f) are severely limited in their ability to walk due to an arthritic, neurological, or orthopedic condition.

§ 1-171—Personal identification card - A document issued by the department for the sole purpose of identifying the bearer and not authorized for use as a driver's license.

§ 1-172—Personal Information - Information that identifies a person, including an individual's photograph or computerized image, social security number, driver identification number, name, address, (but not the 5-digit zip code), telephone number, and medical or disability information, but does not include information on vehicular accidents, driving or equipment-related violations, and driver's license or registration status.

§ 1-173-Pneumatic tire - Every tire in which compressed air is designed to support the load.

§ 1-174-Pole trailer - Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

§ 1-175-Police officer - Every officer authorized to direct or regulate traffic or to make arrests or issue citations for violations of traffic laws or ordinances.

§ 1-176-Preliminary alcohol screening test - An instrument designed and used to measure the presence of alcohol in a person based on a breath sample.

§ 1-177-Private road or driveway - Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

§ 1-178-Railroad - A carrier of persons or property upon cars, (other than streetcars), operated upon stationary rails.

§ 1-179-Railroad sign or signal - Any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

§ 1-180-Railroad train - A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails (except streetcars).

§ 1-181-Reconstructed vehicle - Every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition or substitution of essential parts, new or used.

§ 1-182-Registration - The registration certificate or certificates and registration plates issued under the laws of this State pertaining to the registration of vehicles.

§ 1-183-Residence district - The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences, or residences and buildings in use for business.

§ 1-184-Revocation of driver's license - The termination by formal action of the department of a person's license or privilege to operate a motor vehicle on the highways, which terminated license or privilege

shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the department after the expiration of the applicable period of time prescribed in this code.

§ 1-185-**Right of way** - The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

§ 1-186-**Roadway** - That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder even though such sidewalk, berm or shoulder is used by persons riding bicycles or other human powered vehicles. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

§ 1-187-**Safety Belt** - Any strap, webbing, or similar device designed to secure a person in a motor vehicle including all necessary buckles and other fasteners, and all a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by official traffic control devices as to be plainly visible at all times while set apart as a safety zone.

§ 1-188-**Safety zone** - The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by official traffic control devices as to be plainly visible at all times whole set apart as a safety zone.

§ 1-189-**School bus** - Every bus that is used to transport children to or from school or in connection with school activities, but not including buses operated by common carriers in urban transportation who incidentally accept school children as passengers.

§ 1-190-**Security agreement** - A written agreement which reserves or creates a security interest.

§ 1-191-**Security interest** - An interest in a vehicle reserved or created by agreement and which secures payment or performance of an obligation. The term includes the interest of a lessor under a lease intended as security. A security interest is "perfected" when it is valid against third parties generally, subject only to specific statutory exceptions.

§ 1-192-**Semitrailer** - Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

§ 1-193-Sidewalk - That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

§ 1-194-Solid rubber tire - Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

§ 1-195-Special mobile equipment - Every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch-digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, levelling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

§ 1-196-Specially constructed vehicle - Every vehicle of a type required to be registered hereunder not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

§ 1-197-Stand or standing - The halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

§ 1-198-State - A state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of Canada.

§ 1-199-Stop - When required means complete cessation from movement.

§ 1-200-Stop or stopping - When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

§ 1-201-Street - The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.⁴

§ 1-202-Streetcar - A car other than a railroad train for transporting persons or property and operated upon rails principally within a municipality.⁵

⁴ By the above definition the terms "street" and "highway" are synonymous and interchangeable.

§ 1-203—**Suspension of driver's license** — The temporary withdrawal by formal action of the department of a person's license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be for a period specifically designated by the department.

§ 1-204—**Tank vehicle** — Any motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to a vehicle or the chassis. However, this definition does not include tanks having a rated capacity of less than 1,000 gallons.

§ 1-205—**Through highway** — Every highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right of way to vehicles on such through highway in obedience to a stop sign, yield sign, or other official traffic-control device, when such signs or devices are erected as provided in this code.

§ 1-206—**Trackless trolley coach** — Every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

§ 1-207—**Traffic** — Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel.

§ 1-208—**Traffic-control signal** — Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

§ 1-209—**Trailer** — Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

§ 1-210—**Transporter** — Every person engaged in the business of delivering vehicles of a type required to be registered hereunder from a manufacturing, assembling or distributing plant to dealers or sales agents of a manufacturer.

§ 1-211—**Truck** — Every motor vehicle designed, used or maintained primarily for the transportation of property.

§ 1-212—**Truck-camper** — Any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space.

⁵ This definition should be omitted by states in which streetcars are not in operation.

§ 1-213-Truck tractor - Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

§ 1-214-Urban district - The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more.

§ 1-215-Vehicle - Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

§ 1-216-Vehicle identification number - The vehicle identification number or any other numbers, letters, symbols, data, or combination thereof placed on a vehicle or vehicle part for purposes of identification by the manufacturer or at the direction of the department in accordance with the provisions of this code or at the direction of proper authorities in accordance with the laws of the United States, another state or country. The term includes any identification number placed on or assigned to a component part, replacement part, engine, transmission, and any vehicle identification number derivative.

CHAPTER 2

Highway Safety Administration

ARTICLE I—HIGHWAY SAFETY PROGRAM⁶

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

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

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

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

§ 2-103—Governor's highway safety coordinator

There is hereby created the office of governor's highway safety coordinator. The powers and duties of the governor conferred by this article may be delegated by him or her to the highway safety coordinator, but responsibility for the highway safety program of this State remains with the governor.

⁶ This article is recommended for consideration by states in the context of the Federal Highway Safety Act of 1966, 80 Stat. 731 (1966). § 402(a) of that Act contemplates that each state will have a highway safety program approved by the Secretary of Transportation. 23 USC § 402(a). To secure such approval, however, a program must provide "that the governor of the state shall be responsible for the administration of the program." 23 USC § 402(b) (1) (A). In adopting this article, it is expected that each state will make such modifications or additions as may be necessary or desirable to comply with constitutional restrictions or to be compatible with any existing statutory provisions related to the governor or to federal-state matters generally.

ARTICLE II—HIGHWAY SAFETY COORDINATING COMMITTEE

§ 2-201—Committee established

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

§ 2-202—Membership

(a) The following State officers shall, ex officio, be members of the committee:

1. The governor, who shall be chairperson of the committee.
2. (here insert, by official title, the heads of all State executive agencies, and chairpersons of legislative committees, involved in activities relating to traffic safety.)⁷

(b) The governor may appoint such additional members as he or she deems appropriate, which members shall serve at his or her pleasure.

(c) Each member of the committee may, from time to time, designate a person to serve temporarily as his or her alternate.

§ 2-203—Duties of committee

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

§ 2-204—Executive director

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

Optional § 2-205—Meetings

The committee shall meet at the call of the chairperson, but not less often than _____.

⁷ Chairpersons of legislative committees should not be included where state constitutions or interpretations thereof prohibit this degree of participation in the executive branch by members of the legislature. In other states, it may be necessary to limit membership to chairpersons of committees principally involved in highway safety legislation or financing.

⁸ Consideration should be given to providing adequate staff and supporting services.

ARTICLE III—DEPARTMENT OF MOTOR VEHICLES

§ 2-301—Department created

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

ALTERNATE (a) There shall be a (bureau or division of motor vehicles) within the department of _____.

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

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

The department shall be under the control of a civil executive officer to be known as the "commissioner of motor vehicles."¹⁰

§ 2-303—Organization of department

The commissioner shall organize the department in such manner as he or she may deem necessary to properly segregate and conduct the work of the department, but the work of the department is hereby divided into at least two divisions to be known respectively as the division of registration and the division of drivers' licenses.¹¹

§ 2-304—Commissioner to appoint subordinates

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

⁹ The precise description and placement within the executive branch of the agency that will administer motor vehicle and driver licensing laws is a matter for the enacting jurisdiction to decide. In some states, an independent and major department of motor vehicles has been created, while in others, administration of these laws has been vested within a department, bureau or division of another state agency, such as a department of transportation, department of public safety, department of highways or the office of the secretary of state. Although the description and placement of this administration is not significant for purposes of uniformity, the National Committee does recommend that responsibility for such principal functions as licensing drivers and registering or titling vehicles be vested in the same department, bureau or division.

¹⁰ The text does not provide the method of filling the office of the commissioner of motor vehicles or the term of office. It is recommended that each state adopt a method and provide a salary appropriate to the importance of the position and provide means to insure continuance in office, as a commissioner's experience in office is of great value in the proper administration of the motor vehicle laws.

¹¹ Prior to 1968, this chapter provided for a highway patrol division within the department of motor vehicles and defined its law enforcement powers and duties. Primarily because many states had found it desirable to provide for some other placement of a state-wide police agency, these provisions were deleted from the code. Nonetheless, the National Committee continues to recommend that the laws of each state provide for a strong and effective state-wide police agency with traffic and motor vehicle law enforcement responsibilities.

exercising supervision with respect to salaries of other subordinate state officers and employees).

§ 2-305—Powers and duties of commissioner

(a) The commissioner is hereby vested with the power and is charged with the duty of administering the provisions of this code and of all laws the administration of which is now or hereafter vested in the department.

(b) The commissioner is hereby authorized to adopt such rules and regulations as may be necessary to carry out the provisions of this code and any other laws the administration of which is vested in the department.

(c) The commissioner shall adopt an official seal for the use of the department.

(d) The commissioner and such officers and employees of the department as he or she shall designate shall have the power:

1. To inspect any vehicle of a type required to be registered hereunder which is in any garage or repair shop or in any place where such vehicles are held for sale or wrecking, for the purpose of investigating the title and registration thereof.

2. To collect information on accidents and obtain testimony of witnesses or of persons involved.

§ 2-306—Offices of department

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

§ 2-307—Commissioner to prescribe forms

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

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

(a) Officers and employees of the department designated by the commissioner are, for the purpose of administering the motor vehicle laws, authorized to administer oaths and acknowledge signatures, and shall do so without fee.

(b) A certified copy of any record of the department is admissible without further testimony, as evidence in any judicial proceedings or administrative hearing.

(c) In response to a subpoena, or upon the request of any appropriate government or judicial official, the department shall provide a duly authenticated copy of any book, paper, entry, record, or other document of the department in the following manner:

1. The authenticated copy may consist of a photocopy, computer printout or reproduction of an electronically digitized or

recorded document or information, whether the original document is in existence or not, and whether an original document ever existed or not.

2. Where any court or office of the clerk of any court within the state is connected by a terminal device to the computer data center of the department, it may receive and use as evidence in any case information obtained by this device from the records of the department without the need for additional certification of those records.

§ 2-309—Records of department

(a) All records of the department, other than those declared by law to be for the confidential use of the department, or records which contain personal information subject to restrictions or conditions regarding disclosure in accordance with § 2315 or § 6118 shall be open to public inspection during office hours.

(b) The commissioner may destroy any records of the department which have been maintained on file for five years which he or she may deem obsolete and of no further service in carrying out the powers and duties of the department.

(c) The department may utilize any form of micro photographic or electronic digitizing process capable of reproducing or recording a true and correct image of an original source document for the recording, filing and preserving of all its records, forms and documents. The department may also permit the electronic transmission of information for direct recording in its records and systems. Information transmitted by electronic means, approved by the department, shall constitute a record for the purposes of this code whether an original source document for such information exists or ever existed. The defendant still has the right to request and receive all information relevant to a citation needed for his defense.

§ 2-310—Authority to approve or reject applications

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

§ 2-311—Seizure of documents and plates

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

§ 2-312-Distribution of synopsis of laws

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

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

(a) The commissioner and officers of the department designated by the commissioner shall have authority to summon witnesses to give testimony under oath or to give written deposition upon any matter under the jurisdiction of the department. Such summons may require the production of relevant books, papers or records.

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

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

§ 2-314-Giving of notice

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

§ 2-315 Disclosure of personal information contained in records

Except as provided in subsections (a) to (d), inclusive, the department shall not disclose personal information contained in the records of the department.

(a) Personal information shall be disclosed for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls, or advisories, performance monitoring of motor vehicles and dealers by motor vehicle manufacturers, and removal of nonowner records from the original owner records of motor vehicle manufacturers to carry out the purposes of the Federal Automobile Information Disclosure Act, the Motor Vehicle

Information and Cost Saving Act, the National Traffic and Motor Vehicle Safety Act of 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act, as amended.

(b) Personal information may be disclosed if the requesting person demonstrates, in such form and manner as the department prescribes, that he has obtained the written consent of the person who is the subject of the information.

(c) Personal information may be disclosed by the department on proof of the identity of the person requesting a record or records, and representation by such person that the use of the personal information will be strictly limited to one or more of the following described uses:

1. For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a government agency in carrying out its functions;

2. For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research; and removal of nonowner records from the original owner records of motor vehicle manufacturers;

3. For use in the normal course of business by a legitimate business or its agent, employees, or contractors, but only--

- (A) to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors, and

- (B) if such information as so submitted is not correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual;

4. For use in connection with any civil, criminal, administrative, or arbitral proceeding in any court or government agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of any court;

5. For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, re-disclosed, or used to contact individuals;

6. For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting;

7. For use in providing notice to the owners of towed or impounded vehicles;

8. For use by any licensed private investigative agency or licensed security service for any purpose permitted under this section;

9. For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 31101 et seq.);

10. For use in connection with the operation of private toll transportation facilities;

11. For bulk distribution for surveys, marketing or solicitations if the department has implemented methods and procedures to ensure that—

(A) persons are provided an opportunity, in a clear and conspicuous manner, to prohibit uses, and

(B) the information will be used, rented, or sold solely for bulk distribution for surveys, marketing, and solicitations, and that surveys, marketing, and solicitations will not be directed at those individuals who have requested in a timely fashion that such material not be directed at them; and

12. For any other use specifically authorized by law that is related to the operation of a motor vehicle or public safety.

(d) Personal information that is contained in an individual record may be disclosed, without regard to the intended use of such personal information, if the department has provided in a clear and conspicuous manner on forms for issuance or renewal of operator or driver licenses, registrations, titles, or identification documents, notice that personal information collected by the department may be disclosed to any person making a request for an individual record, and has provided in a clear and conspicuous manner on such forms an opportunity for each person who is the subject of a record to prohibit such disclosure.

§ 2-316 Misrepresentation to Obtain Records

Any person requesting the disclosure of personal information from department records who misrepresents his or her identity or makes a false statement to the department on any application required to be submitted to obtain records shall be guilty of a misdemeanor.

CHAPTER 3

Certificates of Title and Registration of Vehicles

Article I—Certificates of Title

§ 3-101—Certificate of title required

(a) Except as provided in § 3-102, every owner of a vehicle which is in this State and for which no certificate of title has been issued by the department shall make application to the department for a certificate of title of the vehicle.

(b) The department shall not register or renew the registration of a vehicle unless the department has issued a certificate of title to the owner or the owner has delivered an application for certificate of title to the department.

§ 3-102—Exclusions

No certificate of title need be obtained for:

(a) A vehicle owned by the United States unless it is registered in this State;

(b) A vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration; or a vehicle used by a manufacturer solely for testing;

(c) A vehicle owned by a nonresident of this State and not required by law to be registered in this State;

(d) A vehicle regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state;

(e) A vehicle moved solely by human or animal power;

(f) An implement of husbandry;

(g) Special mobile equipment;

(h) A self-propelled wheel chair or tricycle used by a person with disabilities;

(i) A pole trailer.

§ 3-103—Optional certificate of title

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

§ 3-104—Application for certificate of title

(a) The application for a certificate of title of a vehicle in this State shall be made by the owner to the department on the form it prescribes and shall contain:

1. The name, residence, and mail address of the owner;
2. A description of the vehicle including, so far as the following data exist, its make, model, identifying number, type of body, the number of cylinders, odometer reading, and whether new or used;

3. The date of purchase by applicant, the name and address of the person from whom the vehicle was acquired, and the names and addresses of any lienholders in the order of their priority and the dates of their security agreements;

4. Any further information the department reasonably requires to identify the vehicle and to enable it to determine whether the owner is entitled to a certificate of title and the existence or non-existence of security interests in the vehicle;

5. (i) Unless the transferor's vehicle for which application is being made is exempt under § 3-104(a)(5)(ii) and (iii) of this Chapter, a written odometer statement containing the information specified below, on either the certificate of title, or if the title does not contain a space for the information required as specified below, on a separate document approved by the department shall be submitted to the department along with any other documents required by the department.

The odometer disclosure statement shall contain:

- (1) The odometer reading at the time of transfer (not to include tenths of miles);

- (2) The date of transfer;

- (3) The transferor's name and current address;

- (4) The transferee's name and current address; and

- (5) The identity of the vehicle, including its make, model, year, body type, and vehicle identification number.

The statement shall refer to the Federal law and shall state that failure to complete the Odometer Disclosure Statement Form or providing false information on such form may result in fines and/or imprisonment.¹²

In addition,

- (6) The transferor shall certify that, to the best of his or her knowledge, the odometer reading reflects the actual mileage; or,

- (7) If the transferor knows that the odometer reading reflects an amount of mileage in excess of the designed mechanical odometer limit, such transferor shall include a statement to that effect; or

- (8) If the transferor knows that the odometer reading differs from the mileage and that the difference is greater than that caused by odometer calibration error, such transferor shall include a statement that the odometer reading does not reflect the actual mileage, and should not be relied upon. This statement shall also include a warning notice to alert the transferee that a discrepancy exists between the odometer reading and the actual mileage;

¹² The drafter should cross reference with applicable state law and refer to § 4-110(6).

(9) The transferee and the transferor shall each sign the odometer disclosure statement and print his or her name;

(10) No person shall sign an odometer disclosure statement as both the transferor and transferee in the same transaction unless such disclosure is made pursuant to use of a secure power of attorney for odometer disclosure purposes¹³ in accordance with procedures established by, and utilizing a form issued by the department.

(ii) Transferors' vehicles which are exempt from the preceding odometer disclosure provisions are as follows:

(1) Vehicles having a Gross Vehicle Weight Rating of more than 16,000 pounds;

(2) Vehicles that are not self-propelled;

(3) Vehicles that are 10 years old or older;
or

(4) Vehicles sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications.

(iii) A transferor, prior to first transferring a new vehicle for purposes other than resale, is not required to disclose the vehicle's odometer mileage.

(b) If the application is for a new vehicle which has never been titled, the application shall be accompanied by a certificate of origin issued by the vehicle manufacturer, in a format prescribed by the department, and containing the vehicle model, vehicle identification number, and other information which the department may require.

§ 3-105—Examination of records

(a) The department, upon receiving an application for a certificate of title, shall check the vehicle identification number shown in the application against the records of vehicles required to be maintained by § 3-106 and against the records of stolen and converted vehicles required to be maintained by § 4-105. In the case of a late model vehicle (as defined in § 5-206) which was last registered or titled in another state or country, the department shall transmit the vehicle identification number promptly to the National Crime Information Center (NCIC) to determine if the vehicle has been reported as stolen.

(b) The department shall examine any surrendered certificate of title to determine if it has been forged, altered or counterfeited.

(c) Whenever any certificate of title issued by this state is returned by another state for cancellation, the department shall:

1. Examine the certificate of title to determine if it has been forged, altered or counterfeited;

2. Check the vehicle identification number against the records required to be maintained by § 3-106 and § 4-105; and

¹³ The drafter should review the "Truth in Mileage Act of 1986" (Public Law 99-579) and §§ 580.16 of Vol. 54, No. 167 of the Federal Register (pp. 35888 - 35889) regarding the appropriate secure power of attorney form. An example identified in Appendix E of the above references is included in this Appendix. The drafter may also wish to review the American Association of Motor Vehicle Administrators' (AAMVA) Secure Power of Attorney Form for use by the drafter's State.

3. Notify the submitting state as soon as practicable of any irregularity.

§ 3-106-Issuance and records

(a) The department shall review each application received and, when satisfied as to its genuineness and regularity and that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title of the vehicle.

(b) The department shall maintain a record of all certificates of title issued and cancelled by it:

1. Under a distinctive title number assigned to the vehicle;

2. Under the identifying number of the vehicle;

3. Under the name of the owner; and, in the discretion of the department, in any other method it determines.

(c) The department shall create a procedure which is in conformity with the "Replacement Vehicle Identification Number System" of the Vehicle Equipment Safety Commission for the assignment of vehicle identification numbers for specially constructed and reconstructed vehicles as well as for the replacement of vehicle identification numbers or other identifying numbers for vehicles or vehicle parts which are missing or defaced.

§ 3-107-Contents and effect;

(a) Each certificate of title issued by the department shall contain:

1. The date issued;

2. The name and address of the owner;

3. The mileage disclosed by the transferor when ownership of a vehicle was transferred, including a notation that the recorded mileage is actual, not actual, or exceeds mechanical limits.

4. The names and addresses of any lienholders, in the order of priority as shown on the application or, if the application is based on a certificate of title, as shown on the certificate;

5. The title number assigned to the vehicle;

6. The name of jurisdiction, words "certificate of title," vehicle identification number (VIN), year, make and model of the vehicle, lienholder(s) release, and brands¹⁴;

7. A statement that the title can only be cancelled by the department;

8. Any other data the department prescribes

(b) The certificate of title shall contain forms for assignment and warranty of title by the owner, and for assignment and warranty of title by a dealer, and may contain forms for applications for a certificate of title by a transferee, the naming of a lienholder and the assignment or release of the security interest of a lienholder.

(c) A certificate of title issued by the department is prima facie evidence of the facts appearing on it.

¹⁴ The State deciding to use this information should refer to the American Association of Motor Vehicle Administrators' (AAMVA) Recommended Universal Certificate of Title Specifications and Minimum Security Features.

(d) A certificate of title for a vehicle is not subject to garnishment, attachment, execution or other judicial process, but this subsection does not prevent a lawful levy upon the vehicle.

(e) Each certificate of title issued by the department shall be set forth by means of a secure printing process, and shall contain space for information required under odometer disclosure provisions set forth in § 3-104(a)(5)(i) of this Chapter.

(f) To the extent feasible and consistent with the law of this state, certificates of title shall meet the size and minimum security standards of the Recommended Universal Certificate of Title Specifications and Minimum Security Features of the American Association of Motor Vehicle Administrators.

§ 3-108-Delivery

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

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

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

(a) Withhold issuance of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the department as to the applicant's ownership of the vehicle and that there are no undisclosed security interests in it; or

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

§ 3-110-Refusing certificate of title

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

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

§ 3-111--Lost, stolen or mutilated certificates

(a) If a certificate of title is lost, stolen, mutilated or destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the department, shall promptly make application for and may obtain a duplicate upon furnishing information satisfactory to the department. The duplicate certificate of title shall contain the legend: "This is a duplicate certificate and may be subject to the rights of a person under the original certificate." It shall be mailed to the first lienholder named in it or, if none, to the owner.¹⁵

(b) The department shall not issue a new certificate of title to a transferee upon application made on a duplicate until 15 days after receipt of the application.

(c) A person recovering an original certificate of title for which a duplicate has been issued shall promptly surrender the original certificate to the department.

§ 3-112--Transfer

(a) If an owner transfers the owner's interest in a vehicle, other than by the creation of a security interest, the owner shall, at the time of the delivery of the vehicle, execute an assignment and warranty of title to the transferee in the space provided therefor on the certificate or as the department prescribes, and cause the certificate and assignment to be mailed or delivered to the transferee or to the department.

(b) Except as provided in § 3-113, after delivery to the transferee of the vehicle, the transferee shall promptly execute the application for a new certificate of title in the space provided therefore on the certificate or as the department prescribes, and cause the certificate and application to be mailed or delivered to the department.

(c) Upon request of the owner or transferee, a lienholder in possession of the certificate of title, unless the transfer was a breach of lienholder's security agreement, either shall deliver the certificate to the transferee for delivery to the department, or upon receipt from the transferee of the owner's assignment, the transferee's application for a new certificate (, the registration card) (, license plates) and the required fee, mail or deliver them to the department. The delivery of the certificate does not affect the rights of the lienholder under lienholder's security agreement.

(d) If a security interest is reserved or created at the time of the transfer, the certificate of title shall be retained by or

¹⁵ "Legal representative" in subsection (a) is intended to mean executor, administrator, trustee in bankruptcy, etc., as distinguished from a mere agent.

delivered to the person who becomes the lienholder, and the parties shall comply with the provisions of § 3-203.

(e) Except as provided in § 3-113 and as between the parties, a transfer by an owner is not effective until the provisions of this section (and § 3-115) have been complied with (; however, an owner who has delivered possession of the vehicle to the transferee and has complied with the provisions of this section (and § 3-115) requiring action by such owner is not liable as owner for any damages thereafter resulting from operation of the vehicle).¹⁶

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

(a) If a dealer buys a vehicle and holds it for resale and procures the certificate of title from the owner or the lienholder within 10 days after delivery to the dealer of the vehicle, the dealer need not send the certificate to the department, but upon transferring the vehicle to another person other than by the creation of a security interest, shall promptly execute the assignment and warranty of title by a dealer. The dealer shall provide the names and addresses of the transferee and of any lienholder holding a security interest created or reserved at the time of the resale and the date of lienholder's security agreement in the spaces provided therefore on the certificate or as the department prescribes, and mail or deliver the certificate to the department with the transferee's application for a new certificate.

(b) Every dealer shall maintain for five years in the form the department prescribes a record of every vehicle bought, sold or exchanged by dealer, or received by dealer for sale or exchange, which shall be open to inspection by a representative of the department or peace officer during reasonable business hours.

§ 3-114—Transfer by operation of law

(a) Except as provided in subsection (b), if the interest of an owner in a vehicle passes to another other than by voluntary transfer, the transferee shall promptly mail or deliver to the department the last certificate of title, if available, proof of the transfer, and transferee's application for a new certificate in the form the department prescribes.

(b) If the interest of the owner is terminated or the vehicle is sold under a security agreement by a lienholder named in the certificate of title, the transferee shall promptly mail or deliver to the department the last certificate of title, transferee's application for a new certificate in the form the department prescribes, and an affidavit made by or on behalf of the lienholder that the vehicle was repossessed and that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement. If the lienholder succeeds to the interest of the owner and holds the vehicle for resale, such lienholder need not secure a new certificate of title; but upon transfer to another person, the lienholder shall promptly mail or deliver to the transferee, or to the department, the certificate,

¹⁶ The parenthetical language in subsection (e) should be included in the code as adopted unless other laws of the state clearly fix the time when an owner of a vehicle who transfers it ceases to be liable for its operation.

affidavit and other documents (and articles) required to be sent to the department by the transferee.

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

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

(a) An application for a certificate of title shall be accompanied by (the registration card) (,) (license plates) (and) the required fee when mailed or delivered to the department.

(b) An application for the naming of a lienholder or lienholder's assignee on a certificate of title shall be accompanied by (the registration card and) the required fee when mailed or delivered to the department.

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

§ 3-116—When department to issue new certificate

(a) Upon receipt of a properly assigned certificate of title, with an application for a new certificate of title, the required fee and any other documents (and articles) required by law, the department shall issue a new certificate of title in the name of the transferee as owner and mail it to the first lienholder named in it or, if none, to the owner.

(b) Upon receipt of an application for a new certificate of title by a transferee other than by voluntary transfer, with proof of the transfer, the required fee and any other documents (and articles) required by law, the department shall issue a new certificate of title in the name of the transferee as owner. If the outstanding certificate of title is not delivered to it, the department shall make demand therefor from the holder thereof.

(c) The department shall file and retain for (five) years every surrendered certificate of title, the file to be maintained so as to permit the tracing of title of the vehicle designated therein.

§ 3-117—Surrender of certificate of title and issuance of salvage certificate.¹⁷

(a) When an insurer acquires ownership of a vehicle which it determines to be a junk or salvage vehicle, within fifteen days following acquisition of the certificate of title, it shall surrender the certificate to the department.

¹⁷ In those jurisdictions where the registration plates and tabs do not follow the owner, a provision should be added to require the surrender of such plates and tabs. See § 3-505.

(b) If ownership of a junk or salvage vehicle has not been acquired by an insurer, the owner must surrender the certificate of title to the department prior to any sale or disposition of the vehicle and not later than thirty days from the date that the vehicle becomes a junk or salvage vehicle.

(c) Any person acquiring ownership of a junk or salvage vehicle purchased in a jurisdiction that does not require surrender of the certificate of title or comparable ownership document shall surrender the title or document to the department within fifteen days following delivery of the certificate of title or ownership document.

(d) Where the vehicle is determined to be a salvage vehicle, at the time of surrender of the certificate of title, upon proper application a salvage certificate shall be issued to the owner on a form prescribed by the department.

(e) Where the vehicle is determined by its owner to be a junk vehicle, at the time of surrender of the certificate of title or salvage certificate, the department shall issue a junk certificate to the owner pursuant to the provisions of § 3-120 and mark its records in such manner that no further certificate of title or salvage certificate shall be issued with respect to the vehicle.

(f) When a certificate of title, salvage certificate, or other comparable ownership document issued by another jurisdiction is surrendered pursuant to this article, the department shall promptly notify the other state or jurisdiction of such surrender, the vehicle's year, make, vehicle identification number, and the reason for the title surrender.

(g) No person shall knowingly operate or use a salvage vehicle on the roads or highways of this state, except when a permit has been issued under § 3-407 or for a scheduled vehicle inspection required under this chapter.

§ 3-118-Salvage certificate

A salvage certificate shall be prima facie evidence of ownership of a salvage vehicle. A salvage certificate shall include an odometer disclosure provision, a control number, and a statement that such salvage vehicle can only be re-titled after the inspection required by § 3-121(b). The salvage certificate shall also include the requirements of § 3-107(a)(1), (a)(2), (a)(6), (a)(7), (a)(8), and (e). The person named in a salvage certificate, or the assignee may possess, retain, transport, sell, transfer, or otherwise dispose of the salvage vehicle; or may destroy, dismantle, modify or rebuild the salvage vehicle.

§ 3-119-Duties of a salvage vehicle purchaser

(a) No salvage vehicle purchaser shall possess or retain a salvage vehicle which does not have a salvage certificate. The salvage vehicle purchaser shall display the salvage certificate upon the request of any appropriate public official. In the event of sale or assignment of the salvage vehicle, the salvage certificate shall be assigned to the new salvage vehicle purchaser, who shall make application for a new salvage certificate to the department within fifteen days of sale or assignment.

(b) The person named in the salvage certificate or an assignee shall surrender the salvage certificate to the department not later than fifteen days after the salvage vehicle is destroyed or dismantled.

§ 3-120—Junk vehicles

(a) At the time a person owning a junk vehicle surrenders the certificate of title or salvage certificate, the department shall issue a junk certificate to the person which shall contain the vehicle year, make, vehicle identification number, and a control number. The department shall record the identity and address of the person, the control number, and other applicable information. The junk certificate issued by the department shall be retained by the person owning the junk vehicle and shall be prima facie evidence of ownership. Any subsequent transfer of ownership of a junk vehicle shall be by assignment on the junk certificate and the junk vehicle purchaser shall make application to the department for a new junk certificate within fifteen days of such assignment. No junk vehicle purchaser or assignee shall possess a junk vehicle without a junk certificate, and such person shall display such junk certificate upon the request of any appropriate public official. Within five days after the junk vehicle is demolished for scrap, the owner of such vehicle shall surrender the junk certificate to the department.

(b) A junk vehicle purchaser or a salvage vehicle purchaser processing a junk vehicle or a salvage vehicle by crushing, compacting, or by other similar methods shall not remove the vehicle identification number or other identification numbers and shall not be liable for defacing, obliterating, or destroying of such numbers necessarily incident to such processing.

§ 3-121—Retitling salvage and reconstructed vehicles; requirements

(a) Prior to operating a reconstructed vehicle or a rebuilt salvage vehicle, the owner shall present the vehicle to the state police (or other authorized governmental official or agent¹⁸) for inspection, together with the salvage certificate if it is a rebuilt salvage vehicle, or the certificate of title if it is a reconstructed vehicle, and appropriate receipts or bills of sale establishing ownership and the source of all parts and component parts used to rebuild or reconstruct the vehicle.

(b) The state police (or other authorized governmental official or agent) shall inspect the vehicle to ascertain that it is in compliance with statutory equipment requirements: if the vehicle is a rebuilt salvage vehicle, that it is the same vehicle for which the salvage certificate has been issued; and if it is a reconstructed vehicle there is prima facie evidence of the vehicle's ownership. The state police (or other authorized governmental official or agent) shall verify the source and ownership of any parts and component parts used to rebuild or reconstruct the vehicle.

(c) Following inspection by the state police (or other authorized governmental official or agent), and prior to operating a rebuilt salvage vehicle or reconstructed vehicle on the highways, the

¹⁸ The state shall require that the state police or authorized governmental official or agent shall be trained in accordance with the standards set forth within the state.

owner shall make application for a new certificate of title to the department. The owner shall submit the application, consisting of the salvage certificate if it is a rebuilt salvage vehicle or the certificate of title if it is a reconstructed vehicle, and all relevant receipts or bills of sale for parts or component parts together with a copy of the inspection report and the appropriate fee, to the department.

(d) If the vehicle identification number of the vehicle has been removed or falsified, the department shall, pursuant to the procedures of § 3-106(c), affix to or inscribe on the vehicle the vehicle identification number of the vehicle if known, or if unknown assign a vehicle identification number to the vehicle.

(e) Upon receipt of a properly completed application, together with the required documentation and fees, the department shall issue a certificate of title which shall include the notation "rebuilt salvage" or "reconstructed." The department shall recognize other jurisdiction's title notations and carry forward such notations or equivalent notations on titles subsequently issued.

§ 3-122-Definitions

For purposes of chapters 3, 4, and 5, the following words and phrases have the meanings ascribed to them:

(a) "Junk vehicle" means any vehicle which is incapable of operation or use on the highways and which has no resale value except as a source of parts or scrap.

(b) "Salvage vehicle" means any vehicle which is damaged by collision, fire, flood, accident, trespass, or other occurrence to the extent that the cost of repairing the vehicle for legal operation on the highway exceeds its fair market value immediately prior to damage.

(c) "Rebuilt salvage vehicle" means any salvage vehicle which has been rebuilt and inspected for the purpose of registration and title.

(d) "Reconstructed vehicle" means every vehicle of a type required to be registered which has been materially altered from its original construction by the removal, addition or substitution of essential parts, new or used.

(e) "Salvage vehicle purchaser" or "junk vehicle purchaser" means any person other than an insurer who purchases or otherwise obtains possession of a salvage vehicle or a junk vehicle.

§ 3-123-Penalty

A person who violates any of the requirements of §§ 3-117 through 3-122 is guilty of a misdemeanor on a first offense, and is guilty of a felony on any second or subsequent offense.

§ 3-124-Exporting vehicle

(a) The owner of a vehicle titled in this state who seeks to export the vehicle shall first surrender the certificate of title to the department. For purposes of this section, "export" means the shipping or transporting of a vehicle out of the United States by means other than its own power or that of a vehicle drawing or towing it.

(b) Upon surrender of the title of a vehicle to be exported, the department shall inspect the certificate of title to ascertain whether there are any liens of record outstanding and whether the person exporting the vehicle is the lawful owner. If the certificate of title is found to be in proper order and no unsatisfied lien appears thereon, the department shall retain the title and issue a certified receipt of title cancellation to the owner which shall constitute prima facie evidence of ownership of the vehicle. A certified receipt of title cancellation shall include all of the following:

1. The same information that is required on a certificate of title to identify the vehicle and the owner;
2. The export destination of the vehicle;
3. Whether the vehicle is being exported for sale, lease, or personal use; and,
4. Such other information as required by the department.

(c) Notwithstanding the foregoing provisions, if the owner certifies by filing a declaration with the department that the vehicle will not be permanently located outside the United States and that the owner intends to return the vehicle to the United States, the certificate of title for the vehicle need not be surrendered. The declaration shall be recorded by the department and made a part of the title record until the department is notified by the owner that the vehicle has been returned to this country. The declaration shall be made on a form supplied by the department, and shall contain a statement of the period of time for which it is anticipated that the vehicle will be outside the United States, in addition to the information specified in subsection (b) for a receipt of title cancellation.

(d) A person who violates this section is guilty of misdemeanor on a first offense, and is guilty of a felony on a second or subsequent offense.

ARTICLE II—SECURITY INTERESTS

§ 3-201—Excepted liens and security interests

This code does not apply to or affect:

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

§ 3-202—Perfection of security interests

(a) Unless excepted by § 3-201, a security interest in a vehicle of a type for which a certificate of title is required is subordinate to the rights of persons who become subsequent transferees or lienholders of the vehicle before the security interest is perfected as provided in this code.

(b) A security interest is perfected by the delivery to the department of the existing certificate of title, if any, an application for a certificate of title containing the name and address of the lienholder and the date of lienholder's security agreement and the required fee (and registration card). It is perfected as of the time of its attachment if the delivery is completed within 30 days thereafter; otherwise, as of the date of the delivery to the department.

§ 3-203—Security interest

If an owner creates a security interest in a vehicle:

(a) The owner shall immediately execute the application, in the space provided therefor on the certificate of title or on a separate form the department prescribes, to name the lienholder on the certificate, showing the name and address of the lienholder and the date of lienholder's security agreement, and cause the certificate, application and the required fee (and registration card) to be delivered to the lienholder.

(b) The lienholder shall immediately cause the certificate, application and the required fee (and registration card) to be mailed or delivered to the department.

(c) Upon request of the owner or subordinate lienholder, a lienholder in possession of the certificate of title shall either mail or deliver the certificate to the subordinate lienholder for delivery to the department or, upon receipt from the subordinate lienholder of the owner's application and the required fee (and registration card), mail or deliver them to the department with the certificate. The delivery of the certificate does not affect the rights of the first lienholder under lienholder's security agreement.

(d) Upon receipt of the certificate of title, application and the required fee (and registration card), the department shall either endorse on the certificate or issue a new certificate containing the

name and address of the new lienholder, and mail the certificate to the first lienholder named on it.

§ 3-204—Assignment by lienholder

(a) A lienholder may assign, absolutely or otherwise, lienholder's security interest in the vehicle to a person other than the owner without affecting the interest of the owner or the validity of the security interest, but any person without notice of the assignment is protected in dealing with the lienholder as the holder of the security interest and the lienholder remains liable for any obligations as lienholder until the assignee is named as lienholder on the certificate.

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

§ 3-205—Release of security interest

(a) Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of the lienholder, lienholder shall, within 10 days after demand and, in any event, within 30 days, execute a release of lienholder's security interest, in the space provided therefor on the certificate or as the department prescribes, and mail or deliver the certificate and release to the next lienholder named therein, or, if none, to the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate. The owner, other than a dealer holding the vehicle for resale, shall promptly cause the certificate and release to be mailed or delivered to the department, which shall release the lienholder's rights on the certificate or issue a new certificate.

(b) Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of a prior lienholder, the lienholder whose security interest is satisfied shall within 10 days after demand and, in any event, within 30 days execute a release in the form the department prescribes and deliver the release to the owner or any person who delivers to the lienholder an authorization from the owner to receive it. The lienholder in possession of the certificate of title shall either deliver the certificate to the owner, or the person authorized by owner, for delivery to the department, or, upon receipt of the release (and registration card), mail or deliver it (them) with the certificate to the department, which shall release the subordinate lienholder's rights on the certificate or issue a new certificate.

§ 3-206—Duty of lienholder

A lienholder named in a certificate of title shall, upon written request of the owner or of another lienholder named on the certificate, disclose any pertinent information as to lienholder's security agreement and the indebtedness secured by it.

§ 3-207—Exclusiveness of procedure

The method provided in this code of perfecting and giving notice of security interests subject to this code is exclusive. Security interests subject to this code are hereby exempted from the provisions of law which otherwise require or relate to the ((recording) (filing) of instruments creating or evidencing security interests _____)¹⁹

§ 3-208—Suspension or revocation of certificates

(a) The department shall suspend or revoke a certificate of title, upon notice and reasonable opportunity to be heard in accordance with § 3-210, when authorized by any other provision of law or if it finds:

1. The certificate of title was fraudulently procured or erroneously issued, or

2. The vehicle has been a junk vehicle or has been scrapped, dismantled or destroyed, or

3. The vehicle has been a salvage vehicle and has not been rebuilt, inspected, and retitled in accordance with § 3-121.

(b) Suspension or revocation of a certificate of title does not, in itself, affect the validity of a security interest noted on it.

(c) When the department suspends or revokes a certificate of title, the owner or person in possession of it shall, immediately upon receiving notice of the suspension or revocation, mail or deliver the certificate to the department.

(d) The department may seize and impound any certificate of title which has been suspended or revoked.

§ 3-209—Powers of department

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

(b) The department may make necessary investigations to procure information required to carry out the provisions of this chapter.

§ 3-210—Court review

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

¹⁹ Insert in the parentheses appropriate phraseology to refer to technical requirements of other statutes relating not only to recording or filing of security agreements, but also to acknowledgments, affidavits of good faith, witnesses, etc.

ARTICLE III—PREVIOUSLY CERTIFICATED VEHICLES²⁰

²⁰ States having a Certificate of Title Act but not requiring endorsement of security interests on such certificates may wish to consider an alternative draft. This draft is found in the Appendix of the code. Administrative considerations may require that the provisions be put into effect gradually.

ARTICLE IV—ORIGINAL AND RENEWAL OF REGISTRATION

§ 3-401—Effect of provisions

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

§ 3-402—Vehicles subject to registration—exceptions

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

(a) Any such vehicle driven or moved upon a highway in conformance with the provisions of this chapter relating to manufacturers, transporters, dealers, lienholders or nonresidents or under a temporary registration permit or plates issued by the department or a dealer as hereinafter authorized;

(b) Any such vehicle which is driven or moved upon a highway only for the purpose of crossing such highway from one property to another;

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

(d) Any special mobile equipment as herein defined;

(e) Any vehicle which is propelled exclusively by electric power obtained from overhead trolley wires though not operated upon rails.

(f) Any vehicle registered and displaying plates issued in a foreign country by the Armed Forces of the United States for a period of 45 days from the date of the owner's return to the United States.

§ 3-403—Nonresidents—registration requirements; reciprocal provisions; authority of commissioner; International Registration Plan

(a) Certain vehicles of nonresidents not subject to registration or reciprocal agreements — A nonresident owner of any foreign vehicle may operate or permit the operation of such vehicle within this State without registering such vehicle in, or paying any fees to, this State; provided that such vehicle at all times when operated in this State is duly registered in, and displays upon it a valid registration card and registration plate or plates issued for such vehicle in, the place of residence of such owner; and further provided that such vehicle is not:

1. Used for the transportation of persons for hire, compensation or profit, or
2. Regularly operated in carrying on business within this State, or

3. Designed, used or maintained primarily for the transportation of property.

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

(b) Arrangements, agreements or declarations authorized — Any foreign vehicle not exempted from registration in this State by subsection (a) shall be subject to arrangements, agreements, or declarations executed or made by the commissioner. The commissioner shall have authority on behalf of this State to execute or make arrangements, or agreements with other states, or declarations with respect to other states relating to registration. The commissioner is expressly authorized to enter the International Registration Plan or any other registration plan issued or endorsed by the American Association of Motor Vehicle Administrators, and to adopt any rules and regulations necessary to carry out the provisions of the registration plan entered. If the commissioner on behalf of this State enters the International Registration Plan, the provisions of that Plan shall control the registration of foreign vehicles covered by that Plan, notwithstanding any contrary provision in other laws or regulations of this State.

(c) Automatic reciprocity — After _____ (date) if no agreement, arrangement or declaration is in effect with respect to another jurisdiction as authorized by this section, any vehicle properly registered or licensed in such other jurisdiction, and for which evidence of compliance is supplied, shall receive, when operated in this State, the same exemptions, benefits and privileges granted by such other jurisdictions to vehicles properly registered in this State. Reciprocity extended under this subsection shall apply to commercial vehicles only when engaged exclusively in interstate commerce.

§ 3-404—Application for registration

(a) Every owner of a vehicle subject to registration hereunder shall make application to the department for the registration of such vehicle upon the appropriate form or forms furnished by the department and every such application shall bear the signature of the owner written with pen and ink and (said signature shall be acknowledged by the owner before a person authorized to administer oaths and) said application shall contain:

1. The name, bona fide residence and mail address of the owner or business address of the owner if a firm, association or corporation;

2. A description of the vehicle including such information as is required in an application for a certificate of title;

3. The name of the vehicle's insurer and the number of its vehicle insurance coverage;

4. Such further information as may reasonably be required by the department to enable it to determine whether the vehicle is lawfully entitled to registration and the owner entitled to a certificate of title.

(b) When such application refers to a new vehicle purchased from a dealer, the application shall be accompanied by a statement by the dealer or a bill of sale showing any lien retained by the dealer.

§ 3-405—Application of minors

(a) The application of any person under the age of 18 years to register a vehicle shall be signed by the father, mother or guardian, or in the event there is no parent or guardian, then by another responsible adult. This subsection shall not apply to a person under the age of 18 years who is emancipated by marriage.

(b) Any person who has signed the application of a minor for registration may thereafter file a written request that the registration be cancelled and the department shall cancel the registration.

§ 3-406—Application for specially constructed, reconstructed, rebuilt salvage, or foreign vehicles

(a) In the event the vehicle to be registered is a specially constructed, reconstructed, rebuilt salvage, or foreign vehicle, such fact shall be stated in the application and with reference to every foreign vehicle which has been registered heretofore outside of this State the owner shall surrender to the department all registration plates, registration cards or other evidence of such foreign registration as may be in the possession or under the control of owner except as provided in subdivision (b) hereof.

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

§ 3-407—Temporary permit and plates pending registration

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

(b) In compliance with regulations of the department, a dealer may issue temporary plates furnished by the department for use on any vehicle sold by dealer. Any such vehicle may be operated displaying temporary plates until the customary registration card and plates have been received by the owner, but it shall not be operated under temporary plates for a period in excess of 20 days from the date of issuance by the dealer.

§ 3-408—Grounds for refusing registration or certificate of title

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

(a) That the application contains any false or fraudulent statement or that the applicant has failed to furnish required information or reasonable additional information requested by the department or that the applicant is not entitled to the issuance of a certificate of title or registration of the vehicle under this chapter;

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

(c) That the department has reasonable ground to believe that the vehicle is a stolen or embezzled vehicle or that the granting of registration would constitute a fraud against the rightful owner or other person having valid lien upon such vehicle;

(d) That the registration of the vehicle stands suspended or revoked for any reason as provided in the motor vehicle laws of this State; or

(e) That the required fee has not been paid.

§ 3-409-Registration indexes

The department shall review each application received and, when satisfied as to its genuineness and regularity, and that the applicant is entitled to register the vehicle, shall register the vehicle described in the application and shall keep a record of the information contained in the application as follows:

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

(b) Under the identifying number of the vehicle;

(c) Under the name of the owner;

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

§ 3-410-Department to issue registration card

(a) The department upon registering a vehicle shall issue a registration card.

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

§ 3-411-Registration card to be signed, carried and exhibited on demand

(a) Every owner upon receipt of a registration card shall write the owner's signature thereon with pen and ink in the space provided. Every such registration card shall at all times be carried in the vehicle to which it refers or shall be carried by the person driving or in control of such vehicle who shall display the same upon demand of a police officer.

(b) The provisions of this section requiring that a registration card be carried in the vehicle to which it refers or by the person driving the same shall not apply when such card is used for the purpose of making application for renewal of registration or upon a transfer of registration of said vehicle.

§ 3-412-Registration plates to be furnished by the department

(a) The department upon registering a vehicle shall issue to the owner one registration plate for a motorcycle, trailer or semitrailer and two registration plates for every other motor vehicle.

(b) Every registration plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued,

also the name of this State, which may be abbreviated, and the year number for which it is issued or the date of expiration thereof.

(c) The registration plate and the required letters and numerals thereon, except the year number for which issued, shall be of sufficient size to be plainly readable from a distance of 100 feet during daylight. The dimensions of the plate shall be six by twelve inches; provided that plates for motorcycles and other small vehicles shall be four by seven inches. All plates shall have as a minimum a totally reflectorized background.

(d) The department shall issue for every passenger motor vehicle rented without a driver the same type of registration plates as the type of plates issued for a private passenger vehicle.

(e) The date of registration expiration shall be displayed on the vehicle by means of a validating sticker in accordance with the discretion of the department. New validating stickers may be issued upon renewal of registration in lieu of issuing new plates for the vehicle.

(f) The registration plate issued for every moped shall bear a unique designation which identifies the vehicle as a "moped."

§ 3-413—Display of registration plates

(a) Registration plates issued for a motor vehicle other than a motorcycle shall be attached thereto, one in the front and the other in the rear. The registration plate issued for a motorcycle or other vehicle required to be registered shall be attached to the rear.

(b) Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than 12 inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible and shall be maintained free from foreign materials and in a condition to be clearly legible.

(c) Every registration validation sticker issued by the department shall be affixed and displayed on the vehicle in the manner and location specified by the department.

§ 3-414—Expiration of registration

(a) Every vehicle registration under this chapter and every registration card and registration plate issued shall expire annually at midnight on the last day of the month designated by the department.

(b) The Commissioner may designate the expiration month for various vehicles so as to distribute the work of registering motor vehicles as uniformly as practicable throughout the twelve months of the year. The department shall charge a prorated fee as necessary if registrations are extended beyond twelve months in implementing this policy.

(c) The Commissioner may offer an (optional) multi-year registration for vehicles other than those which are proportionally registered or registered under the International Registration Plan.

§ 3-415—Application for and renewal of registration

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

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

§ 3-416—Notice of change of address or name

(a) Whenever any person after making application for or obtaining the registration of a vehicle shall move from the address named in the application or shown upon a registration card or certificate of title, such person shall within 10 days thereafter notify the department in writing of person's old and new addresses.

(b) Whenever the name of any person who has made application for or obtained the registration of a vehicle is thereafter changed by marriage or otherwise such person shall within 10 days notify the department of such former and new name.

§ 3-417—Lost or damaged cards and plates

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

§ 3-418—Registration under new identifying number

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

§ 3-419—Regulations governing change of motors

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

§ 3-420—Department may issue registration bulletins

(a) Following a renewal of registration, the commissioner annually may compile and publish in books or bulletins a list of all registered vehicles and may thereafter compile and publish supplements thereto at least every three months. The list of registered vehicles

shall be arranged serially according to the registration numbers assigned to registered vehicles and shall contain in addition the names and addresses of registered owners and a brief description of each vehicle including the serial or other identifying number thereof.

(b) The commissioner may furnish a copy of such registration lists without charge to any police department and may furnish a copy thereof upon payment of a uniform amount approximating the cost thereof as determined by the commissioner to any other person or agency.

ARTICLE V--TRANSFER OF REGISTRATION

§ 3-501--Registration expires on transfer by owner

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

§ 3-502--New owner must secure new registration

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

§ 3-503--Transfers to dealers

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

§ 3-504--Transfer by operation of law

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

§ 3-505--Return of evidence of registration

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

ARTICLE VI—SPECIAL PLATES FOR MANUFACTURERS, TRANSPORTERS, AND DEALERS

§ 3-601—Operation of vehicles under special plates

(a) A manufacturer or dealer owning any vehicle of a type otherwise required to be registered under this code may operate or move that vehicle upon the highways solely for purposes of transporting, testing, demonstrating or selling the vehicle without registering each such vehicle upon condition that any such vehicle display thereon in the manner prescribed in § 3-413 a special plate or plates issued to such owner as provided in this article.

(b) Also, a transporter may operate or move any vehicle of like type upon the highways solely for the purpose of delivery upon likewise displaying thereon like plates issued to transporter as provided in this article.

(c) The provisions of this article shall not apply to work or service vehicles owned by a manufacturer, transporter or dealer.

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

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

(b) The department, upon granting any such application, shall issue to the applicant a certificate containing the applicant's name and address and the general distinguishing number assigned to the applicant.

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

§ 3-603—Expiration of special plates

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

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

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

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

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

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

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

No person shall operate, nor shall an owner knowingly permit to be operated, upon any highway, a motor vehicle the registration of which has been canceled, suspended or revoked. Any violation of this section is a misdemeanor.

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

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

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

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

- (a) When the department is satisfied that such registration or that such certificate, card, plate, sticker, or permit was fraudulently obtained or erroneously issued;
- (b) When the department determines that a registered vehicle is mechanically unfit or unsafe to be operated or moved upon the highways;
- (c) When a registered vehicle has been dismantled or wrecked;
- (d) When the department determines that the required fee has not been paid and the same is not paid upon reasonable notice and demand;
- (e) When a registration card, registration plate, registration-validating sticker, or permit is knowingly displayed upon a vehicle other than the one for which issued;

(f) When the department determines that the owner has committed any offense under this chapter involving the registration or the certificate, card, plate or permit to be suspended or revoked; or

(g) When the department is so authorized under any other provision of law.

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

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

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

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

(b) A law enforcement officer who in the course of duty encounters any registration, registration card, registration plate, permit, or any other indicia of a suspended or revoked vehicle registration, or any suspended or revoked certificate of title, shall seize and return such indicia of registration or title to the department immediately.

ARTICLE VIII—REGISTRATION AND LICENSE FEES²¹

§ 3-801—Registration fees

The following registration fees shall be paid to the department for the registration of motor vehicles, trailers and semi-trailers, subject to registration hereunder.²²

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

§ 3-803—Exemption from registration fees²³

§ 3-804—Fees to be paid by manufacturers, transporters, and dealers

§ 3-805—Fees for application for first certificate of title

§ 3-806—Fees upon transfer of registration and issuance of certificates of title

§ 3-807—Fees relating to security interests

§ 3-808—Seizure and sale of vehicle for nonpayment of fees

§ 3-809—Fees for duplicate registration plates, registration cards, and certificates of title

§ 3-810—When fees delinquent—penalties

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

§ 3-811—When fees returnable

(a) Whenever an application to the department is accompanied by any fee as required by law and such application is refused or rejected the fee shall be returned to said applicant.

(b) Whenever the department through error collects any fee not required to be paid, that fee shall be refunded to the person paying the same upon application therefor made within six months after the date of such payment.

§ 3-812—Disposition of fees

²¹ The revenue provisions of the vehicle statutes vary both as to character of fees imposed and amounts. This draft does not suggest what fees shall be imposed but includes this article in outline as indicating an appropriate place wherein registration fees may be incorporated by each state upon adopting this code.

²² It is recommended that those states which impose special fees upon commercial vehicles should graduate such fees according to the gross weight of such vehicles giving due regard to tire capacity.

²³ Vehicle statutes generally exempt vehicles owned by the state or political subdivision thereof from payment of fees but require that all such vehicles shall be registered and display number plates usually bearing a distinct symbol.

ARTICLE IX--SPECIAL REGISTRATION AND LICENSE FOR DISABLED PERSONS

§ 3-901--Definitions of words and phrases

Notwithstanding the definitions set forth elsewhere in this code, for the purposes of this article the words and phrases listed below shall have the same meanings ascribed to them as follows:

(a) "Persons with Disabilities" means persons who, as determined by a licensed physician:

1. cannot walk two hundred feet without stopping to rest;
2. cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistance device;
3. are restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm of Hg on room air at rest;
4. use portable oxygen;
5. have a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association; or
6. are severely limited in their ability to walk due to an arthritic, neurological, or orthopedic condition.

(b) "Disabled Parking Registration plate" means a registration plate that displays the International Symbol of Access:

1. in a color that contrasts to the background, and
2. in the same size as the letters and/or numbers on the plate.

(c) "Removable windshield placard" means a two-sided, hooked placard which includes on each side:

1. the International Symbol of Access, which is at least three inches in height, centered on the placard, and is white on a blue shield;
2. an identification number;
3. a date of expiration; and
4. the seal or other identification of the issuing authority.

(d) "Temporary removable windshield placard" means a two-sided, hooked placard which includes on each side:

1. the International Symbol of Access, which is at least three inches in height, centered on the placard, and is white on a red shield;
2. an identification number;
3. a date of expiration; and
4. the seal or other identification of the issuing authority.

§ 3-902--Disabled parking registration plates

(a) Upon application of a person with a disability the department shall issue disabled parking registration plates for the vehicle which is registered in the applicant's name. The initial application shall be accompanied by a certification of a licensed

physician that the applicant meets the Section 3-901(a) definition of persons with disabilities. The issuance of a disabled parking registration plate shall not preclude the issuance of a removable windshield placard.

(b) Upon application of an organization, the department shall issue disabled parking registration plates for a vehicle registered in the applicant's name if the vehicle is primarily used to transport persons with disabilities. The application shall include a certification by the applicant, under criteria to be determined by the department, that the vehicle is primarily used to transport persons with disabilities, as defined in Section 3-901(a).

(c) The fee for the issuance of a disabled parking registration plate shall not exceed the fee charged for a similar registration plate for the same class vehicle.

§ 3-903-Removable windshield placards

(a) Upon the application of a person with a disability as defined in § 3-901(a) the department shall issue a removable windshield placard. Upon request the department shall issue one additional placard to applicants who do not have disabled parking registration plates. The department shall establish regulations providing for the periodic renewal of such removable windshield placards.

(b) The initial application shall be accompanied by the certification of a licensed physician that the applicant meets the § 3-901(a) definition of persons with disabilities.

§ 3-904-Temporary removable windshield placards

(a) Upon the application of a person with a disability, which is temporary in nature, the department shall issue a temporary removable windshield placard. Upon request the department shall issue one additional temporary removable windshield placard to applicants.

(b) The application for a temporary windshield placard shall be accompanied by the certification of a licensed physician that the applicant meets the Section 3-901(a) definition of persons with disabilities, and also shall include the period of time that the physician determines the applicant will have the disability, not to exceed six months.

(c) The temporary removable windshield placard shall be valid for a period of time for which the physician has determined that the applicant will have the disability, not to exceed six months from the date of issuance.

CHAPTER 4

Theft Laws

§ 4-101—Exceptions from provisions of this chapter

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

- (a) A vehicle moved solely by human or animal power;
- (b) An implement of husbandry;
- (c) Special mobile equipment;
- (d) A self-propelled wheel chair or tricycle.

§ 4-102—Unauthorized use of a vehicle

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

§ 4-103—Receiving or disposing of a vehicle or its parts

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

(b) A person not entitled to the possession of a motor vehicle part who receives, possesses, conceals, sells, or disposes of it, knowing it to be stolen, converted, or taken by fraud under circumstances constituting a crime, is guilty of a felony if the value of the part is (\$100) or more and a misdemeanor if the value of the part is less than (\$100).

§ 4-104—Damaging or tampering with a vehicle

(a) A person who, with intent and without right to do so, damages a vehicle or damages or removes any of its parts or components is guilty of a misdemeanor.

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

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

(a) A peace officer who learns of the theft of a vehicle not since recovered, or of the recovery of a vehicle whose theft or conversion such officer knows or has reason to believe has been reported to the department, shall forthwith report the theft or recovery to the department.

(b) An owner or a lienholder may report the theft of a vehicle or its conversion if a crime, to the department, but the department may

disregard the report of a conversion unless a warrant has been issued for the arrest of a person charged with the conversion. After learning of its recovery, a person who has so reported the theft or conversion of a vehicle shall, forthwith, report the recovery to the department.

(c) An operator of a place of business for garaging, (repairing,) parking or storing vehicles for the public, in which a vehicle remains unclaimed for a period of 10 days, shall within (five) days after the expiration of that period report the vehicle as unclaimed to the department. Such report shall be on a form prescribed by the department.

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

(d) The department shall maintain and appropriately index cumulative public records of stolen, converted, recovered and unclaimed vehicles reported to it pursuant to this section. The department may make and distribute weekly lists of such vehicles so reported to it to peace officers upon request without fee and to others for a fee, if any, the department prescribes.

(e) The department may suspend the registration of a vehicle whose theft or conversion is reported to it pursuant to this section; until the department learns of its recovery or that the report of its theft or conversion was erroneous, it shall not issue a certificate of title for the vehicle.

§ 4-106-False report of theft or conversion

A person who knowingly makes, or who knowingly assists, abets, or solicits the making of, a false report of the theft, destruction, damage, or conversion of a vehicle to a law enforcement agency or to the department is guilty of a misdemeanor. A person convicted of a violation of this section a second or subsequent time is guilty of a felony.

§ 4-107-Removal, falsification, or unauthorized use of vehicle identification number or registration plate prohibited

(a) A person who knowingly removes or falsifies any identification number is guilty of a misdemeanor. This subsection shall not apply to a motor vehicle demolisher or motor vehicle scrap processor, who is licensed where required by law, and who routinely and in the normal course of business processes a vehicle or component part by crushing, compacting, or other similar method, provided that any identification number is not removed from the vehicle or component part prior to or during any such processing.

(b) A person who, willfully and with intent to conceal or misrepresent the identity of a vehicle or component part, removes or falsifies any identification number is guilty of a felony.

(c) A person who buys, receives, possesses, sells, or disposes of a vehicle or component part, knowing that an identification number has been removed or falsified, is guilty of a misdemeanor.

(d) A person who buys, receives, possesses, sells, or disposes of a vehicle or component part, with knowledge that an identification

number has been removed or falsified and with intent to conceal or misrepresent the identity of the vehicle or component part, is guilty of a felony.

(e) A person who removes a registration plate from a vehicle or affixes to a vehicle a registration plate not authorized by law for use on it, in either case with intent to conceal or misrepresent the identity of the vehicle or its owner, is guilty of a misdemeanor.

(f) A person who knowingly possesses any identification number, plate, or label which has been removed from the original vehicle or component part, or on which the identification number has been removed or falsified, is guilty of a felony.

(g) As used in this chapter:

1. "Identification number" includes a vehicle identification number, identifying number, serial number, engine number, transmission number or other distinguishing number, symbol, or mark, placed on a vehicle, engine, transmission or other component part by its manufacturer or by authority of the department or in accordance with the laws of another state or country;

2. "Symbol" means a symbol required by the United States Department of Transportation regulations;

3. "Remove" includes deface, cover, or destroy;

4. "Falsify" includes alter and forge;

5. "Motor vehicle demolisher" means a person, including any motor vehicle dismantler or motor vehicle recycler, who is engaged in the business of reducing motor vehicles or motor vehicle parts to metallic scrap that is unsuitable for use as either a motor vehicle or a motor vehicle part;

(A) who is engaged in the business of purchasing motor vehicles or motor vehicle parts for reduction to metallic scrap for recycling;

(B) who, from a fixed location, uses machinery to process metallic scrap into prepared grades; and

(C) whose principal product is metallic scrap for recycling; but such term does not include any activity of any such person relating to the recycling of a motor vehicle or a motor vehicle part as a used motor vehicle or a used motor vehicle part.

(h) An identification number may be placed on a vehicle or component part by its manufacturer in the regular course of business or placed or restored on a vehicle or component part by authority of the department without violating this section. An identification number so placed or restored is not falsified.

§ 4-108—Evidence of criminal intent or knowledge

In a prosecution for a crime specified in this code, evidence that the defendant has committed a prior act or acts of the same kind is admissible to prove criminal intent or knowledge.

§ 4-109—Principals

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

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

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

(a) Alters, forges or counterfeits a certificate of title, salvage certificate, junk certificate, registration card or license plate of this or any other state;

(b) Alters or forges an assignment of a certificate of title, salvage certificate, or junk certificate;

(c) Alters or forges assignment or release of a security interest on a certificate of title, salvage certificate, or junk certificate of this or any other state, or on a form the department prescribes;

(d) Has possession of or uses a certificate of title, salvage certificate, junk certificate, or registration card or license plate of this or any other state, knowing it to have been altered, forged or counterfeited;

(e) Uses a false or fictitious name or address, or makes a material false statement, or fails to disclose a security interest, or conceals any other material fact, in an application for a certificate of title, salvage certificate, junk certificate, or for registration, or

(f) Makes or causes to be made any false statement on an odometer disclosure statement.

§ 4-111—Offenses relating to title and registration—misdemeanors

A person is guilty of a misdemeanor who does any of the following:

(a) With fraudulent intent, permits another not entitled thereto to use or have possession of a certificate of title, registration card, license plate, disabled parking registration plate, removable windshield placard, or temporary removable windshield placard;

(b) Willfully fails to mail or deliver a certificate of title or application therefor to the department within 10 days after the time required by this code;

(c) Willfully fails to deliver to such person's transferee a certificate of title within 10 days after the time required by this code;

(d) Commits a fraud or makes a false statement in any application for a title, registration, disabled parking registration plates, removable windshield placard, or temporary removable windshield placard;

(e) Willfully uses a disabled parking registration plate, removable windshield placard, or temporary removable windshield placard issued to another person or organization in order to occupy a parking space reserved for persons with disabilities unless transporting a disabled person authorized to use such a designated parking space;

(f) Willfully violates any other provision of chapter 3 or 4 of this code, except as otherwise provided in this code.

§ 4-112—Seizure and disposition of stolen vehicles and parts of vehicles

(a) A police officer may seize any vehicle or vehicle parts which the police officer reasonably believes to have been stolen, or to have had any identification number removed or falsified.

(b) Upon seizure, the police officer may retain custody of a vehicle or vehicle part pending investigation and examination of a seized item.

(c) Upon the conclusion of the investigation and examination, if no criminal action is pending, the vehicle or vehicle part shall be released to its owner. If the vehicle or vehicle part cannot be uniquely identified by its identification number or other distinguishing characteristics and the owner cannot be located, the vehicle or vehicle part shall be disposed of in accordance with the law; provided that in the case of a vehicle which cannot be identified, no disposition of the vehicle shall be made until an assigned vehicle identification number is affixed to it in accordance with § 3-106(c).

(d) The release of a vehicle or vehicle part at the request of the owner shall be subject to the following provisions when a criminal action is pending:

1. Subject to the order of the court in which the criminal action is pending, the property must be held until the prosecutor has notified the defendant or defendant's attorney of the request for its release, and until both the prosecution and defense have been afforded a reasonable opportunity for an examination of the property to determine its true value and to produce by photographs or other identifying techniques legally sufficient evidence for introduction at trial or other criminal proceedings.

2. Upon expiration of a reasonable time for the completion of the examination which in no event shall exceed (fourteen) days from the date of the owner's request for return of the property, the property shall be released to the owner after satisfactory proof of the owner's entitlement to the possession thereof.

3. Notwithstanding the foregoing, upon application by either party with notice to the other, the court may order retention of the property if it determines that retention is necessary to the furtherance of justice.

CHAPTER 5

Dealers, Wreckers, and Rebuilders

ARTICLE I-DEALERS

§ 5-101-Dealers must be licensed

(a) Unless licensed so to do by the department under the provisions of this chapter, no person shall carry on or conduct the business of a dealer in motor vehicles, trailers or semitrailers of a type subject to registration. This chapter shall not apply to a dealer in mopeds unless the dealer buys, sells or exchanges other types of motor vehicles that are subject to registration.

(b) Application for a dealer's license shall be made upon the form prescribed by the department and shall contain the name and address of the applicant; and when the applicant is a partnership, the name and address of each partner; or when the applicant is a corporation, the names of the principal officers of the corporation and the state in which incorporated, and the place or places where the business is to be conducted, and the nature of such business, and such other information as may be required by the department. Every such application shall be verified by the oath or affirmation of the applicant, if an individual, or in the event an applicant is a partnership or corporation then by a partner or officer thereof. Every such application shall be accompanied by the fee required by law.

§ 5-102-Department to issue license certificate

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

(b) The department may refuse to issue a license or, after written notice to the licensee and a hearing, may suspend or revoke a license when satisfied that the applicant for a license or a licensee has failed to comply with the provisions of this chapter or the laws of this State relating to registration or certificates of title.

(c) Any licensee, before moving any one or more of licensee's places of business, or opening any additional place of business, shall apply to the department for and obtain a supplemental license.

§ 5-103-Nonresident dealer license compact

The department is authorized to enter and carry out the provisions of the Nonresident Vehicle Dealer License Compact.

ARTICLE II--USED PARTS DEALERS,
WRECKERS, AND REBUILDERS

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

(a) With respect to a motor vehicle, trailer, or semitrailer of a type subject to registration, except as an incident to the sale or servicing of vehicles, no person shall carry on or conduct the business of selling used parts or used accessories for vehicles, wrecking or dismantling vehicles for resale of the parts thereof, or rebuilding wrecked or dismantled vehicles unless licensed to do so by the department under this section.

(b) Application for a license shall be made on the form the department prescribes, containing the name of the applicant, the address or addresses where the business is to be conducted, the kind or kinds of business enumerated in subsection (a) to be conducted, the residence address of the applicant if an individual, the names and residence addresses of the partners of the applicant if a partnership, the names and residence addresses of the principal officers of the applicant and the state of its incorporation if a corporation, and any other information the department requires. The application shall be verified by the oath or affirmation of the applicant, or if the applicant is a partnership or a corporation, by a partner or officer of the applicant, and shall be accompanied by a fee.

(c) The department shall file each application received by it with the required fee, and when satisfied that the applicant, if an individual, or each of the partners or principal officers of the applicant, if a partnership or corporation, is of good moral character and that the applicant so far as can be ascertained has complied and will comply with the provisions of this section and the laws of the State relating to registration of and certificates of title of vehicles, shall issue to the applicant a license to carry on and conduct the kind or kinds of business enumerated in subsection (a) specified in the application at the address or addresses therein specified, until the (December 31st) next following the date on or as of which the license is issued.

§ 5-202--Suspension and revocation

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

1. The license was fraudulently procured or erroneously issued;
2. The applicant, or any partner or principal officer of the applicant if a partnership or a corporation, has failed to comply with the provisions of this article and the laws of the State relating to registration of and certificates of title of vehicles, or has been convicted of a criminal offense under state or United States law in which offense the business licensed under this article was used to facilitate the perpetration of the crime.

§ 5-203—Licensee's records

Every licensee shall maintain for (three) years, in the form the department prescribes, an accurate and legible record of:

(a) Every vehicle, and every major component part, vehicle engine, and vehicle transmission of any late model vehicle received or acquired by the licensee. The record shall include the following:

1. Date of purchase or delivery;
2. Name, date of birth, address, sex, and driver's license number of the seller;
3. The registration number of the vehicle used to deliver the vehicle, major component part, engine, or transmission;
4. A complete description of the item purchased or received including its identifying number if it has one; and
5. The vehicle identification number of the vehicle from which the part was removed.

(b) Every vehicle, and every major component part, vehicle engine, and vehicle transmission of any late model vehicle sold or otherwise disposed of. The record shall include the following:

1. Date of sale or disposition;
2. Name and address of purchaser or receiver;
3. A complete description of the item sold or disposed of including its identifying number if it has one; and
4. The vehicle identification number of the vehicle from which the part was removed.

§ 5-204—Inspection of records and inventory

The licensee shall allow inspection at any reasonable time by a police officer or inspector designated by the department of the records required to be maintained by this article. The licensee shall allow and not interfere with a full and complete inspection by a police officer or inspector designated by the department at any reasonable time of the inventory and premises of the licensee.

§ 5-205—Identification marking by licensee

Whenever a licensee receives a late model vehicle which will be dismantled in order to resell some or all of its parts, the licensee shall identify, if the manufacturer has not previously done so, any front-end assembly, tail section and door assembly which will be resold by permanently affixing on the part the vehicle identification number of the vehicle from which the part was removed or such other number as may be permitted by regulations issued by the department.

§ 5-206—Definitions

As used in this article:

1. "Major component part" means a door, the front-end assembly and the tail section of an automobile, the cab of a truck, and the bed of a truck with a gross vehicle weight rating of one ton or less.

2. "Front-end assembly" means any two or more of the following parts if assembled together: hood, right or left front fender, grill, bumper, radiator, radiator support.

3. "Tail section" means any two or more of the following parts if assembled together: roof, floor panel, right and left rear quarter panel, deck lid, and rear bumper.

4. "Late model vehicle" means vehicles of the current model year and the four preceding model years, except in regard to vehicles weighing, without a load, in excess of 10,000 pounds where it shall include the current model year plus (10) preceding model years.

§ 5-207-Failure to comply

(a) Whoever willfully and intentionally fails to keep the records required by this article or to make the identification markings required by this article is guilty of a felony.

(b) Whoever knowingly violates any other requirement of this article is guilty of a misdemeanor.

ARTICLE III—DUTIES OF LICENSEES

§ 5-301—Licensee's duties upon receiving used vehicle

(a) The licensee upon receiving a used vehicle shall immediately remove any unexpired registration plate from the vehicle and place it in a secure, locked place. If the vehicle identification number is not legible or is missing, a report in the form the department prescribes shall be furnished immediately to the department.

(b) The licensee shall maintain a record for each vehicle received listing its vehicle identification number, make, model, and the number of the registration plate.

(c) Upon demand, the registration plates and vehicle record shall be surrendered to the department. The department shall furnish a signed receipt for the surrender of any plates or records.

(d) The licensee shall surrender any certificate of title not previously surrendered and obtain a salvage certificate of title for any salvage vehicle or junk certificate of title for any junk vehicle.

CHAPTER 6

Drivers' Licenses²⁴

ARTICLE I—ISSUANCE OF LICENSES, EXPIRATION AND RENEWAL²⁵

§ 6-101—Drivers must be licensed

(a) No person, except those hereinafter expressly exempted, shall drive any motor vehicle²⁶ upon a highway in this State unless such person has a valid driver's license under the provisions of this chapter for the type or class of vehicle being driven.

(b) No person, except those hereinafter expressly exempted, shall steer, or while within the passenger compartment of such vehicle, exercise any degree of physical control of a vehicle being towed by a motor vehicle upon a highway in this State unless such person has a valid driver's license under the provisions of this chapter for the type or class of vehicle being towed.

²⁴ Prior to 1968, Chapter 6 provided for the issuance of operators' licenses and chauffeurs' licenses. This distinction was discontinued in 1968 in favor of licensure based on the type of general class of vehicles to be driven by the licensee. The elimination of operators' and chauffeurs' licenses from the Code necessitated the revision of many sections in Chapter 6 and some sections in other chapters of the Uniform Vehicle Code. In 1992, specific requirements for operating a commercial motor vehicle established by the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) are contained in Article V of this Chapter. The CMVSA expressly prohibits individuals from obtaining or possessing more than one driver license at the same time, and requires license applicants, employers, and the state to comply with procedures enumerated in Article V of this Chapter to achieve the objective.

As noted, specific requirements of the CMVSA, including a license classification system, are contained in Article V of this Chapter. To assist those states wishing to establish a classified license system for drivers exempted from CMVSA licensing standards by the Federal Highway Administration, (such as farmers, firefighters, and other operators of emergency equipment) or for drivers of vehicles not covered by CMVSA, a modified version of the CMVSA license classification system has been incorporated into this section. Jurisdictions adopting this classification system for noncommercial vehicles, also will need to define specifically which vehicles are subject to these noncommercial license classifications.

²⁵ States adopting the revised Article I may find it desirable to delay the effective date to allow sufficient time to prepare new driver licensing forms or for employment and training of additional personnel to administer the Chapter. See § 18-107 for one form of provision that could be used to postpone the effective date of a revised driver licensing law. It is also suggested that each state consider adopting a law providing that all operators' and chauffeurs' licenses issued prior to the effective date of the revised Chapter 6 shall remain valid until their normal date of expiration or the dates of expiration shown on such license cards, subject to de-licensing procedures under Article II, of course. After the effective date of any revision, each operator and chauffeur applying for renewal will then be subject to renewal examinations under § 6-116.

²⁶ Attention is directed to the fact that this section referring to any person driving "any motor vehicle" is sufficiently broad by reason of the definition of motor vehicle in § 1-145 to apply to any person driving any type of motor vehicle, including any motorcycle, motor-driven cycle, any motor scooter or bicycle with motor attached, and to any person driving or operating a trackless trolley coach and other more commonly recognized types of motor vehicles. Thus, all of the provisions of this Chapter apply to any person driving a motor vehicle.

Specific requirements for operating a commercial motor vehicle established by the Commercial Motor Vehicle Safety Act (CMVSA) are contained in Article V of this Chapter.

(c) No person shall receive a driver's license unless and until such person surrenders to the department all valid licenses in such person's possession issued to him or her by this or any other jurisdiction. All surrendered licenses issued by another jurisdiction shall be returned thereto, together with information that the person is licensed in this State. No person shall be permitted to have more than one valid driver's license at any time.²⁷

(d) Any person licensed as a driver in this state may exercise the privilege thereby granted upon all streets and highways in this State and shall not be required to obtain any other license to exercise such privilege by any county, municipal or local board, or body having authority to adopt local police regulations.

§ 6-102—What persons are exempt from licensing

The following persons are exempt from licensing:

1). Any employee of the United States Government while operating a motor vehicle owned by or leased to the United States Government and being operated on official business, unless such employee is required by the United States Government or an agency thereof or by any federal statute to have a state driver's license;²⁸

2). A nonresident who is at least 16 years of age and who has in his/her immediate possession a valid license issued by the nonresident's home state or country may operate a motor vehicle in this State;

3). A nonresident on active duty in the Armed Forces of the United States who has a valid license issued by the nonresident's home state and such nonresident's spouse or dependent son or daughter who has a valid license issued by such person's home state;

4). Any person on active duty in the Armed Forces of the United States who has in such person's immediate possession a valid license issued in a foreign country by the Armed Forces of the United States may operate a motor vehicle in this State for a period of not more than 45 days from the date of such person's return to the United States.

§ 6-103—Persons not to be licensed

(a) *Minimum age requirements* — The department shall not issue a driver's license to any person who is under the age of 18 years, except

²⁷ The "one license" concept expressed in subsection (c) means that each driver shall possess only one valid license, and that license is to be issued by the jurisdiction in which the driver resides. It contemplates that a driver may not possess license cards issued by two or more jurisdictions at the same time.

Further, the limitation of any person to one license indicates that every person has but one privilege to drive and that no matter how many different types or classes of vehicles a licensee has been qualified to drive in such person's home state, all types and classes will be noted on one license card. The issuance of one license card to a person for a motorcycle, another card for a passenger car, and another for a tractor-semi trailer combination destroys the "one license" concept.

The CMVSA expressly prohibits individuals from obtaining or possessing more than one driver license at the same time, and requires license applicants, employers, and the state to comply with procedures enumerated in Article V of this Chapter to achieve the objective.

²⁸ With the exception of military personnel as provided in Fed. Reg. Vol. 53, No. 186, pp. 37313 - 37316, federal government employees are required to comply with provisions of the CMVSA incorporated into this Code.

that it may issue a license to any person who is 16 or 17 years who presents evidence of having satisfactorily completed the requirements of Section §6-105.

(b) **Ineligibility** — The department shall not issue any driver's license to, nor renew the driver's license of, any person:

1). Whose license has been suspended or revoked, except as otherwise provided in this Code;

2). Whose license is currently under suspension or revocation in any other state upon grounds which would authorize the suspension or revocation of a license under this Code;

3). Who is an habitual user of alcohol or any drug to a degree rendering such person incapable of safely driving a motor vehicle;

4). Who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law;

5). Who is required by this chapter to take an examination, unless such person has successfully passed such examination; and

6). When the commissioner has good cause to believe that such person by reason of physical or mental disability would not be able to operate a motor vehicle safely.

§ 6-104—Classes of Non-Commercial Licenses^{29, 30}

(a) **Classifications** — The department upon issuing a driver's license shall indicate thereon the class of noncommercial vehicles the licensee may drive. A license classification may be endorsed upon a license valid for any other class or it may be issued as the only classification. Noncommercial licenses shall be issued in the following classifications:

1. **Class A.** This license is valid for any combination of noncommercial vehicles with a Gross Vehicle Weight Rating (GVWR) of 26,001 pounds or more, provided the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds.

2. **Class B.** This license is valid for any single noncommercial vehicle with a GVWR of 26,001 pounds or more, and any such vehicle towing a vehicle not in excess of 10,000 pounds.

3. **Class C.** This license is valid for any single noncommercial vehicle with a GVWR of less than 26,001 pounds, or any such vehicle towing a vehicle with a GVWR not in excess of 10,000 pounds.

4. **Class M.** This license is valid for all motorcycles, including all motor-driven cycles. This license classification may be endorsed upon a license valid for any other class, or it may be issued

²⁹ Before adopting §6-104, drafter should review Article V of this Chapter because of potential conflict.

³⁰ As noted previously, specific requirements of the CMVSA, including a vehicle classification system, are contained in Article V of this Chapter. To assist those states wishing to establish a classified license system for drivers exempted from CMVSA licensing standards by the Federal Highway Administration (such as farmers, firefighters and other operators of emergency equipment) or for drivers of vehicles not covered by CMVSA, a modified version of the CMVSA license classification system has been incorporated into this section. Jurisdictions adopting this classification system for noncommercial vehicles will need to define specifically which vehicles are subject to these noncommercial license classifications.

as the only classification on a license if the applicant is not licensed for any other classification. A Class M-limited license or endorsement also may be issued and is valid for all motor-driven cycles, including mopeds, but not for larger motorcycles.

5. Class I. This instructional permit is valid to permit the operator to drive a particular class of vehicle on an instructional basis only. The driver shall have the permit in his or her immediate possession. The permit authorizes the holder to drive a specified type or class of motor vehicle upon the public highways for a period of one year when accompanied by a person at least 21 years of age who:

A. has been licensed as a driver for at least one year for the type or class of vehicle being used;

B. is fit and capable of exercising control over the vehicle; and

C. is occupying a seat beside the driver, provided such requirement does not apply to motorcycles.

This license classification is valid only under the conditions provided in § 6-105. The Class I license or endorsement must specify the class of vehicle for which it is valid, and it may specify any other restrictions provided for under § 6-105.

(b) Endorsements - Where required, classified licenses also shall contain the following endorsements:

1. "E" Authorizes the driver to drive a vehicle transporting hazardous materials as defined in § 1-128 of this code.

2. "N" Authorizes driving tank vehicles as defined in § 1-191 of this code.

3. "X" Represents a combination of the hazardous materials "E" and tank vehicle "N" endorsements.

(c) The department shall establish such qualifications as it believes reasonably necessary in addition to the qualifications specified in this section for the safe operation of the various types, sizes, or combinations of vehicles and shall determine by appropriate examination whether each applicant is qualified for the license classification or endorsement for which application has been made.

(d) The department shall not issue a license in Class (A) or (B), or any of the endorsements specified in Subsection (b), unless the applicant is at least (21) years of age.

§ 6-105-Graduated Driver Licensing

(a) Learner's permit. Any person, who is at least 16 years of age and who meets the minimum age and any other special requirements for the class of motor vehicle to be driven, may apply to the department for a learner's permit. Learner's permits shall be issued pursuant to the following conditions and requirements.

(1) An applicant for a learner's permit shall have:

(A). Passed a vision test;

(B). Passed a written test administered by the Department;

(C). Paid a fee for a learner's permit of (X) dollars.

(2) A learner's permit requires supervised driving at all times. The supervisor shall be a parent, guardian or other adult age 21 years of age or older, holding a valid driver's license. The supervisor shall be the only other occupant of the front passenger section of the vehicle.

(3) The learner's permit holder shall not place the vehicle in motion until every occupant of the vehicle has a seat belt properly fastened about his or her body.

(4) Every holder of a learner's permit shall maintain a conviction-free driving³¹ record and shall not have violated state drug, zero blood alcohol tolerance,³² seat belt or other driver-related laws³³ of the state.

(5) The learner's permit shall be valid for a period of at least one year from the date of its issuance.

(6) In the event a person who holds a learner's permit drives a motor vehicle in violation of the law, the permit shall be suspended³⁴ or revoked³⁵.

(7) After the applicant has successfully passed all parts of the examination other than the driving test, the department may issue to the applicant an instructional permit which shall entitle the applicant while having such permit in his or her immediate possession to drive a specified class of motor vehicle upon the highways for a period of one year when accompanied by a person at least 21 years of age who has been licensed for at least one year as a driver for the class of vehicle being used, who is fit and capable of exercising control over the vehicle, and who is occupying a seat beside the driver. This subsection does not apply to instructional permits for the operation of motorcycles.

(8) Any person who is at least 16 years of age may apply to the department for a motorcycle instructional permit. After the applicant has successfully passed all parts of the examination other than the driving test, the department may issue to the applicant an instructional permit which shall entitle the applicant while having such permit in applicant's immediate possession to drive a motorcycle upon the highways for a period of one year under the immediate supervision of a person at least 21 years of age who has been licensed to operate motorcycles for at least one year.

³¹ - States have the option of defining "conviction-free driving" as the absence of serious moving violations; if a state exercises this option, it also should enumerate the violations which are not sufficiently serious to trigger immediate license suspension, but rather may be waived, possibly through a departmental administrative process providing additional education or counseling.

³² - The Uniform Vehicle Code defines zero blood alcohol tolerance as "the alcohol concentration in a person's blood or breath which is 0.02 or more based on the definition of blood and breath units." See Section 6-208.

³³ The State should enumerate the laws covered by the term "other driver-related safety laws".

³⁴ The temporary withdrawal by formal action of the department of a person's license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be for a period specifically designated by the department. Uniform Vehicle Code, Sec. 1-203.

³⁵ The termination by formal action of the department of a person's license or privilege to operate a motor vehicle on the highways, which terminated license or privilege shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the department after the expiration of the applicable period of time prescribed in this code. Uniform Vehicle Code, Sec. 1-184.

(9) The department upon receiving proper application may issue a restricted instructional permit effective for a school year or more restricted period, to an applicant who is at least 16 years of age and who is enrolled in a driver education program which includes practice driving and is approved by the (State board of education) or the department. Such instructional permit shall entitle the applicant when he or she has such permit in his or her immediate possession to operate only a specified class of motor vehicle on a designated highway or within a designated area and only when an approved instructor is occupying a seat beside the applicant, or in the event the applicant is operating a motorcycle, only when under the immediate supervision of an approved instructor.

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

(b) **Intermediate License.** An intermediate license authorizes the holder to drive a specified type or class of motor vehicle under the requirements specified below:

(1) An applicant for an intermediate license shall have:

(a) Possessed a valid instructional permit for a period of not less than 6 months without any conviction of drug, zero blood alcohol tolerance, seat belt or other driver-related³⁶ safety laws;

(b) Passed a road test administered by the department or its agent;

(c) Completed (30-50) hours of supervised driving practice³⁷, which is in addition to any other driving instruction required by law. Not less than (10) hours of the required practice hours shall include nighttime driving.

(d) Passed a course of drivers education³⁸ in accordance with standards established by the State Board of Education and the department³⁹; and

(e) Paid a fee for an intermediate license of (x) dollars.

(2) An intermediate license allows unsupervised driving from (5 a.m.) to (10 p.m.)⁴⁰ except that an intermediate licensee may not transport passengers younger than 20 years of age unless

³⁶ See footnote 33.

³⁷ The person supervising the driving may be parent, guardian or other person age 21 years or older.

³⁸ States without a driver education requirement should omit subsection (b)(1) D requiring applicants under the age of 18 to have completed a driver education program.

³⁹ All approved driver training and safety education courses and courses of driving instruction shall include at least six hours of actual driving experience. The National Committee (NCUTLO) recommends a driving requirement substantially greater than six hours.

⁴⁰ If greater supervision of younger drivers with intermediate licenses is preferred, one option states might consider is to expand the period of supervised driving required for 16-year-olds at this level.

supervised⁴¹. At all other times the intermediate licensee must be supervised. While being supervised, the intermediate licensee must be accompanied by a parent, guardian, or other person 21 years or older. The supervisor shall possess a valid driver's license. The supervisor shall be the only other occupant of the front passenger section of the vehicle.

(3) The intermediate licensee shall not place the vehicle in motion until every occupant of the vehicle has a seat belt properly fastened about his or her body.

(4) To be eligible to apply for a driver's license, an intermediate licensee shall maintain a conviction-free driving⁴² record and shall not have violated any state drug, zero blood alcohol tolerance⁴³, seat belt or other safety law of any state for at least the period of six months immediately preceding the date of the application for the license.

(5) The intermediate license shall be valid for a period of at least one year from the date of its issuance.

(6) In the event that an intermediate licensee drives a motor vehicle in violation of law, the intermediate license shall be suspended or revoked.⁴⁴

(c) Driver's license

The department may issue a driver's license to any person who has completed the requirements set forth in this section, or to anyone who has reached 18 years of age and has operated a motor vehicle without traffic violations, drug violations, zero tolerance alcohol violations or seat belt violations for a period of 6 months immediately preceding the date of the application for the license.

§ 6-106—Personal identification cards

Upon payment of the required fee the department shall issue a personal identification card to any person who has made application therefor in such manner as the department shall prescribe. The personal identification card shall have substantially the same content as a driver's license but shall clearly indicate that it is not a driver's license.

§ 6-107—Application for License or Instructional Permit

(a) Every application for an instructional permit or for a driver's license shall be made upon a form furnished by the department. Every application shall be accompanied by a birth certificate or other proof of the applicant's date of birth that is satisfactory to the department and by the proper fee. Issuance of the instructional permit

⁴¹ States can provide family-related exemptions from the prohibition against unsupervised transporting of teenage passengers, as deemed necessary.

⁴² See footnote 31.

⁴³ See footnote 32.

⁴⁴ - As noted earlier, the state may stipulate moving violations which do not automatically trigger immediate suspension or revocation, but rather may be waived, possibly as a result of participation in departmental counseling or educational programs.

shall entitle the applicant to not more than three attempts to pass the examination within a period of one year from the date of application.

(b) Every application shall state the applicant's full name, date, place of birth, sex and residence address of the applicant, and briefly describe the applicant. It also shall state whether the applicant has been licensed as a driver, and if so, when and by what state or country; whether any such license has ever been suspended or revoked, and if so, when and by what state or country; and whether an application has ever been refused; and if so, the date of and reason for such refusal; and such other information as the department may require to determine the applicant's identity, competency and eligibility.

(c) Whenever application is received from a person previously licensed in another jurisdiction, the department shall request a copy of such driver's record from such other jurisdiction. When received, the driving record shall become a part of the driver's record in this State with the same force and effect as though entered on the driver's record in this State in the original instance.

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

§ 6-108-Applications of Persons under 21

(a) The application of any person under the age of 18 years for an instruction permit or driver's license shall be signed by the father, mother or guardian, or in the event there is no parent or guardian, then by another responsible adult. This section shall not apply to a person under the age of 18 years who is emancipated by marriage.

(b) Every license issued to a person under the age of 21 shall be in a distinctive form determined by the department so as to be readily identifiable as a license issued to someone less than 21 years of age.

§ 6-109-Withdrawal of consent

Any person who has signed the application of a minor for a license may thereafter file with the department a verified written request that the license granted to the minor be canceled, and the department shall cancel that minor's license.

§ 6-110-Examination of Applicants

(a) The department shall examine every applicant for a driver's license. Such examination shall include a test of the applicant's eyesight, ability to read and understand official traffic control devices, knowledge of safe driving practices and the traffic laws of this State, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a vehicle or combination of vehicles of the type covered by the license classification or endorsement which the applicant is seeking. The examination may also include such further physical and mental examinations as the department finds necessary to determine the

applicant's fitness to operate a motor vehicle safely upon the highways.

(b) The examination for a Class (A) or (B) license, or for a tank endorsement or hazardous material endorsement, shall include a written test of knowledge appropriate to the operation of the vehicle or combination of vehicles of the type covered by the license classification or endorsement which the applicant is seeking. The examination for a hazardous material endorsement shall only be a written test of knowledge of applicable state and federal regulations governing the transportation of such materials.

(c) The applicant for a Class (A) or (B) commercial license shall submit evidence of compliance with medical examination standards specified by the department. The department shall issue regulations specifying medical examination standards which are consistent and compatible with the similar standards for drivers in regulations of the U.S. Department of Transportation.

(d) In the case of an application for an original or renewal of a license of Class (A) or (B) or for any endorsement except a Class M endorsement on such license, evidence of the successful completion by the applicant of an appropriate training and testing program certified by the department and operated by a driver training school or a motor carrier company may be accepted by the department in lieu of the actual driving test required in subsection (a) and the special examinations required in subsection (b). The department shall adopt regulations providing for certification of training and testing programs which may be accepted in lieu of these examinations. The regulations shall provide for close monitoring of the program by the department to assure that successful completion of the program is a reasonable equivalent to examination by the department.

§ 6-111-Waiver of examination

The department may waive the requirement that the applicant demonstrate applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle if it determines that the applicant possess a valid driver's license issued by a jurisdiction that requires a comparable demonstration for license issuance.

§ 6-112-Licenses issued to drivers

(a) The department shall examine every applicant for a driver's license. Such examination shall include a test of the applicant's eyesight, ability to read and understand official traffic control devices, knowledge of safe driving practices and the traffic laws of this State. It shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a vehicle or combination of vehicles of the type covered by the license classification or endorsement which the applicant is seeking. The examination may also include such further physical and mental examinations as the department finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways.

(b) The instructional permit shall be identified as an

(c) Upon request, the department shall furnish any person a certified abstract of the operating record of any driver. Such an abstract shall include enumeration of any accidents in which the driver has been involved, convictions, and information pertaining to financial responsibility. Personal information contained in the abstract shall be disclosed only in accordance with the provisions of § 2-315 of this Code. The department shall collect for each abstract the sum of \$_____.

§ 6-119—Health advisory board

(a) There shall be a health advisory board consisting of _____ members appointed by the commissioner with the assistance of the (State department of public health)⁴⁷.

(b) The board shall advise the commissioner on medical criteria and vision standards relating to the licensing of drivers under the provisions of this chapter.

(c) The department, having cause to believe that a licensed driver or applicant may not be physically or mentally qualified to be licensed, may obtain the advice of the board. The board may formulate its advice from records and reports or may require an examination and report to be made by one or more members of the board or any other qualified person it may designate. The licensed driver or applicant may have a written report forwarded to the board by a physician of driver or applicant's choice, and it shall be given due consideration by the board.

(d) Members of the board and other persons making examinations shall not be held liable for their opinions and recommendations presented pursuant to subsection (c).

(e) Reports received or made by the board, or its members, for the purpose of assisting the department in determining whether a person is qualified to be licensed are for the confidential use of the board or the department and may not be divulged to any person or used as evidence in any trial, except that the reports may be admitted in proceedings under § 6-212 and § 6-219, and any person conducting an examination pursuant to subsection (c) may be compelled to testify concerning such person's observations and findings in such proceedings.⁴⁸

§ 6-120—Reports by physicians and vision specialists (ophthalmologists and optometrists)

(a) The (State department of health) shall define disorders characterized by lapses of consciousness or other mental or physical disabilities affecting the ability of a person to drive safely for the purpose of the reports required by this section.

(b) All physicians and other persons authorized to diagnose or treat disorders and disabilities defined by the (State department of

⁴⁷ It is suggested that the board have members whose medical and other specialties are known to relate to driving abilities, such as an internist, vision specialist (ophthalmologist and optometrist), orthopedic surgeon, neurologist, and other medical authorities.

⁴⁸ A state enacting this section may wish to consider requiring the board to convene at stated intervals or at the request of the commissioner and providing compensation for members of the board.

health) shall report to that department, in writing, the full name, date of birth and address of every person over 15 years of age diagnosed as having any such specified disorder or disability within 10 days.

(c) The (State department of health) shall report to the department the names, dates of birth and addresses of all persons reported as having any such specified disorder or disability.

(d) The reports required by this section shall be confidential and shall be used solely for the purpose of determining the qualifications of any person to drive a motor vehicle on the highways of this State. No civil or criminal action may be brought against any person or agency who provides the required information.

(e) No report forwarded under the provisions of this section shall be used as evidence in any civil or criminal trial nor in any proceeding under § 6-219.

Article II - Cancellation, Suspension, or Revocation of License

§ 6-201-Authority of department to cancel license

The department is authorized to cancel any driver's license upon determining that the licensee was not entitled to its issuance, or that the licensee failed to give the required or correct information in his or her application.

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

(a) The privilege of driving a motor vehicle on the highways of this State given to a nonresident shall be subject to suspension or revocation by the department in like manner and for like cause as a resident's driver's privilege.

(b) Upon receiving a record of a nonresident driver's conviction in this State of a moving motor vehicle violation, the department is required to forward a certified copy of such record to the motor vehicle administrator of the state wherein the person so convicted is a resident.

(c) When a nonresident's operating privilege is suspended or revoked, the department shall forward a certified copy of the record of such action to the motor vehicle administrator in the state wherein such person resides.

§ 6-203-Revoking or suspending resident's license based upon conduct in another state

(a) The department shall revoke the license of any resident of this State, and may suspend or revoke a nonresident's license, upon receiving notice of such person's conviction in another state of an offense described in § 6-206.

(b) The department may suspend or revoke the license of any resident or nonresident upon receiving notice of the conviction of such person in another State of an offense, other than those described in § 6-206, which if committed in this State would be grounds for suspension or revocation of the license of a driver.

(c) The department may give such effect to conduct of a resident in another state as is provided by the laws of this State had such conduct occurred in this State.

§ 6-204-Nonresident Violator Compact

The department may enter and carry out the provisions of the Nonresident Violator Compact.

§ 6-205-When court to forward license to department and report convictions

(a) Whenever any person is convicted of any offense for which license revocation is mandatory, the court in which such conviction occurs shall require the surrender to it of the driver's license then held by the person so convicted, and the court shall forward the same together with a record of such conviction to the department.

(b) Every court having jurisdiction over offenses committed under this code, or any other law of this State or municipal ordinance adopted by a local authority regulating the operation of motor vehicles

on highways, shall forward to the department within 10 days a record of any conviction for a law regulating the operation of motor vehicles, other than regulations governing standing or parking, and may recommend the suspension of the driver's license of the person so convicted. The court also shall report to the department any conviction of a person for violating § 16-210, any violation of a person's written promise to appear given to an officer upon issuance of a traffic citation, and any failure to appear in court at the time specified by the court.

§ 6-206-Mandatory revocation of license by department

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

1. Homicide by vehicle (or manslaughter resulting from the operation of a motor vehicle);
2. Any felony in the commission of which a motor vehicle is used;
3. Failure to stop, render aid, or identify the driver as required by sections § 10-102 and § 10-104, in the event of a motor vehicle accident resulting in the death or personal injury of another;
4. Perjury or the making of a false affidavit or statement under oath to the department under this code or under any other law relating to the ownership or operation of motor vehicles;
5. Unauthorized use of a motor vehicle belonging to another which act does not amount to a felony.
6. The unlawful use of a license as prohibited by § 6-301(a).

§ 6-207-Authority of department to suspend or revoke license

(a) The department is hereby authorized to suspend the license of a driver upon a showing by its records or other sufficient evidence that the licensee:

1. Has committed an offense for which mandatory revocation of license is required upon conviction;
2. Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;
3. Is an habitually reckless or negligent driver of a motor vehicle, such fact being established by:
 - A. the point system in subsection (b),
 - B. by a record of accidents,
 - C. or by other evidence;
4. Is incompetent to drive a motor vehicle;
5. Has permitted an unlawful or fraudulent use of such license;
6. Has violated driver's written promise to appear given to an officer upon the issuance of a traffic citation in this or any other state or has failed to appear in court in this or any other state at the time specified by the court;
7. Has been convicted of fleeing or attempting to elude a police officer;
8. Has been convicted of racing on the highways; or
9. Has failed to comply with the compulsory insurance or financial responsibility requirements of chapter 7, where license suspension is specifically authorized under that chapter.

(b) For the purpose of identifying habitually reckless or negligent drivers and habitual or frequent violators of traffic regulations governing the movement of vehicles, the department shall adopt regulations establishing a uniform system assigning demerit points for convictions of violations of chapter 11 of this code or of ordinances adopted by local authorities regulating the operation of motor vehicles. The regulations shall include a designated level of point accumulation which so identifies drivers. The department may assess points for convictions in other states of offenses which, if committed in this State, would be grounds for such assessment. Notice of each assessment of points may be given, but notice is required when the point accumulation reaches __ percent of the number at which suspension is authorized. No points shall be assessed for violating a provision of this code or municipal ordinance regulating standing, parking, equipment, size or weight. The department is authorized to suspend the license of a driver when the accumulated points on such person's driving record identifies that driver as an habitual or frequent violator. In accordance with its rules and regulations, the department may order the licensee to attend a group or private driver improvement interview regarding such person's driving ability and record.

§ 6-208-Opportunity for hearing required

(a) A suspension or revocation of a license under sections § 6-114, § 6-211, or § 10-109 shall not become effective until the person is notified in writing and given an opportunity for a hearing.

1. The hearing shall be held within 20 days after receipt of a request for a hearing in the county where the alleged offense occurred unless the department and the licensee agree to a hearing in another county. A record of all hearings shall be made.

2. Upon such hearing, for good cause the department may rescind its order of revocation or suspension or may modify or reaffirm its order.

(b) A suspension of a license pursuant to section § 11- 904 shall become effective in 30 days unless it is overturned by a hearing instituted pursuant to the provisions of subsection § 11-904 (h).

§ 6-209-Department may require reexamination

(a) The department, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed, may upon at least five-days written notice to the licensee, require such person to submit to an examination. Upon the conclusion of such examination, the department shall take action as may be appropriate and may suspend or revoke the license of such person or permit such person to retain such license, or may issue a license subject to restrictions as to the type or class of vehicles that may be driven. Refusal or neglect of the licensee to submit to such examination shall be ground for suspension or revocation of such person's license.

(b) The department shall reexamine any person when requested to do so by a court. Upon the conclusion of such examination, the department may take any of the actions described in subsection (a) and shall report its findings and action to the court if such report is requested.

§ 6-210-Period of revocation

(a) Unless a revocation was for a cause which has been removed, any person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall not be eligible to apply for a new license nor restoration of such person's nonresident operating privilege until the expiration of at least one year from the date on which the revoked license was surrendered to and received by the department.

(b) Following a license revocation, the department shall not issue a new license or otherwise restore the driving privilege unless and until the person presents evidence satisfactory to the department that it will be reasonably safe to permit the person to drive a motor vehicle upon the highways. No driving privilege may be restored until all applicable reinstatement fees have been paid.

§ 6-211-Limited license

Notwithstanding section sections § 6-210 and § 6-303, after 30 days following a license revocation the department may issue a limited license to the driver if no prior limited license has been issued within the preceding 12 months and there have been no prior license revocations (within five years). In issuing a limited license, the department may impose the conditions and limitations that in its judgment are necessary to the interests of the public safety and welfare. The license may be limited to the operation of a particular vehicle or vehicles, or to a particular class or classes of vehicles, and/or to time of operation. The limited license issued by the department shall clearly indicate the limitations imposed. The driver operating under a limited license shall have the license in his or her possession at all times when operating a vehicle.

§ 6-212-Period of suspension

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

(b) At the end of the period of suspension a license surrendered to the department shall be returned to the licensee.

§ 6-213-Surrender and return of license; duty of officers

(a) Upon canceling, suspending or revoking a license, the department shall require that such license be surrendered to and be retained by the department.

(b) Any person whose license has been canceled, suspended or revoked shall immediately return the license to the department.

(c) A law enforcement officer who in the course of duty encounters a canceled, suspended or revoked driver's license shall immediately seize and return such license to the department.

§ 6-214-No operation under foreign license during suspension or revocation in this state

Any resident or nonresident, whose driver's license or privilege to operate a motor vehicle in this State has been suspended or revoked, shall not operate a motor vehicle in this State under a license or

permit issued by any other jurisdiction during the license suspension, or after such license revocation until a new license to drive is obtained when and as permitted under this chapter.

§ 6-215-Right of appeal to court

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

(b) The petition for review shall be filed within 30 days, shall state the factual and legal claims upon which the petitioner relies, and shall provide proof of service of the petition upon the department. The court shall set the matter for review upon thirty days' written notice to the department. The review shall be on the record. If the court finds that the department exceeded its constitutional or statutory authority, made an erroneous interpretation of the law, acted in an arbitrary and capricious manner, or made a determination which is unsupported by the evidence in the record, the court may reverse the department's determination. Filing the petition for appeal shall not stay the revocation.

(c) Any person whose license has been suspended is entitled to judicial review under (cite law comparable to 15 of the Model State Administrative Procedure Act).

ARTICLE III—VIOLATION OF LICENSE PROVISIONS

§ 6-301—Unlawful Use of License

(a) It is a misdemeanor for any person:

1. To display or cause or permit to be displayed or have in such person's possession any canceled, revoked, suspended, fictitious or fraudulently altered driver's license or personal identification card;

2. To lend such person's driver's license or personal identification card to any other person or knowingly permit the use thereof by another;

3. To display or represent as one's own any driver's license or personal identification card not issued to such person;

4. To fail or refuse to surrender to the department any driver's license which has been suspended, revoked or canceled;

5. To use a false or fictitious name in any application for a driver's license or personal identification card, or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;

6. To permit any unlawful use of a driver's license or personal identification card issued to such person; or

(b) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required by this chapter.

§ 6-302—Making false affidavit perjury

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

§ 6-303—Driving while license suspended or revoked

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

(b) Upon receiving a record of conviction of any driver for violating subsection (a) or any law or ordinance regulating the operation of motor vehicles where the offense was committed at a time when such person's license was suspended or revoked, the department may extend the period of suspension or revocation for an additional period of one year from and after the date upon which the period of suspension or revocation would otherwise have terminated.

§ 6-304—Permitting unauthorized minor to drive

No person shall cause or knowingly permit such person's child or ward under the age of 18 years to drive a motor vehicle upon any

highway when such minor is not authorized to drive or in violation of any of the provision of this chapter.

§ 6-305—Permitting unlicensed person to drive

No person shall authorize or knowingly permit a motor vehicle owned by such person or under such person's control to be driven upon any highway by any person who is not authorized hereunder or who is not licensed for the type or class of vehicles to be driven or in violation of any of the provisions of this chapter.

ARTICLE IV—COMMERCIAL DRIVER TRAINING SCHOOLS

§ 6-401—License required

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

§ 6-402—Definitions

As used in this article:

(a) "Commercial driver training school" or "school" means any business or nonprofit enterprise for the education and training of persons, either practically or theoretically or both, in the driving of motor vehicles for which a consideration or tuition is charged.

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

§ 6-403—Exemptions

Any driver education course or training which is approved by the (State board of education) or given at an accredited college or university is exempt from the provisions of this article, but an instructor employed by such a school or institution is exempt only to the extent such instructor's activities are conducted as an agent of the school or institution.⁴⁹

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

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

(b) Each application for an original or renewal school license shall be accompanied by a fee of _____ dollars, and each application for an original or renewal instructor license shall be accompanied by a fee of _____ dollars. Such fees shall not be refunded in the event any license is refused, suspended or revoked.

§ 6-405—Authority of commissioner to adopt regulations

(a) The commissioner shall adopt regulations necessary to carry out the provisions of this article.

(b) The regulations shall state the requirements for a school license, including requirements concerning manner and form of application, location, place of business, facilities, records, equipment, courses and standards of instruction, instructors, previous

⁴⁹ If driver education courses or training at private high schools are not subject to approval by the state board of education or if such courses or training are given at institutions that are not accredited, the enacting jurisdiction may wish to consider expanding this section to exempt such schools or institutions.

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

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

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

(a) The department may refuse to issue or renew, or may suspend or revoke a license issued under this article, in any case where it finds the applicant or licensee has violated or failed to comply with any of the provisions of this chapter or the regulations adopted by the commissioner.

(b) Upon suspending, revoking, or refusing to issue or renew a license, the department shall immediately notify the applicant or licensee stating the reasons for such action and affording reasonable opportunity for a hearing. No such suspension or revocation shall become effective until the licensee has been afforded a reasonable opportunity for a hearing. Upon the conclusion of such hearing, the department shall take such action as may be appropriate.

(c) A suspended or revoked license shall be returned immediately to the department by the licensee.

§ 6-407--Penalties

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

Article V-Commercial Driver's License Act⁵⁰

§6-500 Definition of words and phrases

Notwithstanding the definition set forth elsewhere in this code, for purposes of the Commercial Driver's License Act (CDLA), the words and phrases listed below shall have the meanings ascribed to them as follows:

1. "Alcohol Concentration" means either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.
2. "Commercial Driver License" or "CDL" means a license issued in accordance with the requirements of this code to an individual which authorizes that individual to drive a class of commercial motor vehicle or vehicles.
3. "Commercial Driver" means any person who drives, operates, or is in actual physical control of a commercial motor vehicle, or who is required to hold a commercial driver license.
4. "Commercial Driver License Information System" (CDLIS) means the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.
5. "Commercial Driver Instruction Permit" means permit issued pursuant to § 6-510.
6. "Commercial Motor Vehicle" means a motor vehicle designed or used to transport passengers or property if:
 - (a) The vehicle has a Gross Vehicle Weight Rating (GVWR) of 26,001 pounds or more, including any vehicle which has a towed unit having a GVWR of 10,001 pounds or more; or
 - (b) The vehicle is designed to transport 16 or more persons, including the driver; or
 - (c) The vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 CFR Part 172, subpart F.
7. "Controlled Substance" shall have the same meaning as defined in the Controlled Substances Act of this State or other similar law, consisting of all substances defined as illegal under the laws of this state, and shall also include any other drug or combination of other drugs to a degree which renders a person incapable of safely driving.⁵¹

⁵⁰ The purpose of this Article is to implement the federal Commercial Motor Vehicle Safety Act of 1986 (CMVSA)(Title XII of Public law 99-570) and reduce or prevent commercial motor vehicle accidents, fatalities and injuries. This CMVSA is remedial in nature, and should be liberally construed to promote the public's health, safety and welfare. To the extent that this CMVSA conflicts with any other provisions of this code, the CMVSA shall prevail. Where the CMVSA is silent, the general provisions of this code shall apply. This text is substantially the same as the American Association of Motor Vehicle Administrators' (AAMVA) Model Uniform Commercial Driver License Act, with the exception that the sequence has been changed.

⁵¹ Where the term "controlled substance" or "cannabis" is defined in the criminal code of the state, it would be appropriate in the above section to refer by number to the pertinent sections of those laws or code. Drafter should review section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6) and Schedules I through V of 221 CFR Part 1308, as they may be revised from time to time.

8. "Conviction" means that a court of original jurisdiction has made an adjudication of guilt. An unvacated forfeiture of bail or collateral deposit to secure a defendant's appearance in court, a plea of nolo contendere accepted by the court, the payment of a fine or court costs, a plea of guilty, or a finding of guilt on a traffic violation charge shall be the equivalent to a conviction, regardless of whether the penalty is rebated, suspended, or probated. For purposes of this Article only, an authorized administrative tribunal shall constitute a court.

9. "Disqualification" means a status imposed by the Federal Highway Administration or this department under the authority of the CMVSA which requires withdrawal of the privilege to drive a commercial motor vehicle and prohibits issuance of a CDL during the duration of this status.

10. "Drive" means to operate, or be in actual physical control of a vehicle.

11. "Driven" means to have operated or been in physical control of a vehicle.

12. "Driver" means every person who drives or is in actual physical control of a vehicle.

13. "Employer" means any person (including the United States, a state, or a political subdivision of a state) who owns or leases a commercial motor vehicle, or assigns a person to drive such a vehicle.

14. "Foreign Jurisdiction" means any jurisdiction other than a state of the United States.

15. "Gross Combination Weight Rating" (GCWR) means the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.

16. "Gross Vehicle Weight Rating" (GVWR) means the value specified by the manufacturer as the loaded weight of a single vehicle.

17. "Hazardous Material" has the same meaning as that found in 49 U.S.C. §5102(definitions).

18. "Nonresident CDL" means a commercial driver's license issued by a state to an individual who resides in a foreign jurisdiction.⁵²

19. "Out-of-service order" means a declaration by an authorized law enforcement officer of a federal, state, provincial, Mexican or local jurisdiction, that a driver, commercial motor vehicle, or a motor carrier, is prohibited from operating until stated conditions are met.

20. "Serious Traffic Violation"⁵³ means a conviction, when driving a commercial motor vehicle, of:

(a) A violation of excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or

(b) A violation relating to reckless driving, as defined under state or local law, including charges of driving a commercial motor vehicle in willful or wanton disregard for the safety of persons or property; or

⁵² See § 6-508(d).

⁵³ Drafter should cross-reference to appropriate state statutes.

- (c) A violation relating to improper or erratic traffic lane changes; or
- (d) A violation relating to following the vehicle ahead too closely; or
- (e) A violation of any state or local law related to motor vehicle traffic control, other than a parking violation, arising in connection with a fatal accident; or
- (f) Any other violation of a state law or local ordinance relating to motor vehicle traffic control, other than parking or vehicle weight or equipment defect, which the department determines by regulation to be serious.

21. "State" means a state of the United States and the District of Columbia.

22. "Tank Vehicle" means any motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to a vehicle or the chassis. However, this definition does not include tanks having a rated capacity of less than 1,000 gallons.

23. "Third Party Tester" means an entity that has been approved by the department, including an agency of this or another state, an employer, a private driver training facility, or other private institution, or a department, agency or instrumentality of local government to administer the skills tests specified in § 6-509.

§ 6-501—Other words and phrases

For the purpose of this Article, words and phrases which have not been defined in § 6-500 shall have the same meanings ascribed to them as in 49 CFR, subpart A, Sec. 383.5.

§ 6-502—Permitted only one driver's license

No person who drives a commercial motor vehicle on the highways shall have more than one driver's license, except during the 10-day period beginning on the date such person is issued a CDL.

§ 6-503—Reporting of traffic violations to the Department

Any driver holding a commercial driver license issued by this state who is convicted in another state of violating any state law or local ordinance relating to motor vehicle traffic control except parking violations shall notify the Department of such violation within 30 days of the date of conviction in a manner specified by the Department.

§ 6-504—Reporting of traffic violations to the employer

Any driver holding a commercial driver license issued by this state, who is convicted of violating any state or local law relating to motor vehicle traffic control in this or any other state, other than parking violations, shall notify such driver's employer in writing of the conviction within thirty days of the date of conviction.

§ 6-505—Other reporting requirements-notification of suspensions, revocations, and cancellations

Any driver whose commercial driver license is suspended, revoked, or canceled by any state, or who loses the privilege to drive a commercial motor vehicle in any state for any period, including being disqualified from driving a commercial motor vehicle or being subject to an out of service order, shall notify such driver's employer of that fact before the end of the business day following the day the driver received notice of that fact.

§ 6-506—Duty to report certain previous employment to potential employer

(a) Any person who applies to be a commercial motor vehicle driver shall provide the employer, at the time of the application, with the following information for the ten years preceding the date of application:

1. A list of the names and addresses of the applicant's previous employers for which the applicant was a driver of a commercial motor vehicle;
2. The dates between which the applicant drove for each employer; and
3. The reason for leaving that employer.

The applicant shall certify that all information furnished is true and complete. An employer may require an applicant to provide additional information.

§ 6-507—Employer responsibilities

(a) Each employer shall require the applicant to provide the information specified in § 6-506.

(b) No employer shall knowingly allow, permit, or authorize a driver to drive a commercial motor vehicle during any period in which such employee:

1. Has a commercial driver license to drive suspended, revoked, or canceled by any state; or
2. Has been disqualified from driving a commercial motor vehicle for any period; or
3. Has been placed "out of service"; or
4. Has more than one driver license except during the ten-day period beginning on the date the employee is issued a driver license.

§ 6-508 Commercial Driver's License (CDL) required

(a) Except as expressly permitted by this Article, or when driving pursuant to the issuance of a commercial driver instruction permit and accompanied by the holder of a CDL valid for the vehicle being driven, no person shall drive a commercial motor vehicle on the highways of this state unless the person has been issued, and is in the immediate possession of, a CDL or commercial driver instruction permit bearing all applicable endorsements valid for type or classification of a commercial vehicle being driven.

(b) No person shall drive a commercial motor vehicle on the highways of this state while such person's license to drive or permit is suspended, revoked, or canceled, nor while subject to disqualification or while subject to or in violation of an out of service order;

(c) A commercial driver's license may not be issued to a person who has a commercial driver license issued by any other state unless the person first surrenders all such licenses, which must be returned to the issuing state(s) for cancellation.

(d) No person who has been a resident of this state for 30 days or more may drive a commercial motor vehicle under the authority of a commercial driver license issued by another jurisdiction.

(e) The department may issue a Nonresident CDL⁵⁴ to a resident of a foreign jurisdiction if the United States Secretary of Transportation has not determined that the commercial motor vehicle testing and licensing standards in the foreign jurisdiction meet the testing standards established in 49 CFR Part 383. The word "Nonresident" must appear on the face of the Nonresident CDL. An applicant must surrender any Nonresident CDL issued by another state. Prior to issuing a Nonresident CDL, the department must establish the practical capability of revoking, suspending, or canceling the Nonresident CDL and disqualifying that person with the same conditions applicable to the commercial driver license issued to a resident of this state.

§ 6-509-Commercial driver license qualification standards

(a) Testing

1. General. No person may be issued a commercial driver license unless that person is a resident of this state and has passed a knowledge and skills test for driving a commercial motor vehicle which complies with minimum federal standards established by federal regulation enumerated in 49 CFR Part 383, subparts F, G, and H, and has satisfied all other requirements of the CMVSA in addition to other requirements imposed by state law or federal regulation.

2. Third Party Testing. The department may authorize a person, including an agency of this or another state, an employer, a private driver training facility, or other private institution, or a department, agency, or instrumentality of local government to administer the skills tests specified by this Section, provided:

(A) The test is the same which would otherwise be administered by the state; and

(B) The third party has entered into an agreement with this state which complies with requirements of 49 CFR Part 383.75.

3. Waiver of Skills Test. The department may waive the skills test specified in this section for a commercial driver license applicant who meets the requirements of 49 CFR Part 383.77.

⁵⁴ Drafter should note that, effective December 29, 1988, the Administrator determined that commercial drivers' licenses issued by Canadian provinces and Territories in conformity with the Canadian National Safety Code are in accordance with the standards of this part. Therefore, under the single license provision of § 383.21, a driver holding a commercial driver's license issued under the Canadian National Safety Code is prohibited from obtaining a Nonresident CDL or any other type of driver's license from a State or other jurisdiction in the United States.

§ 6-510-Commercial Driver Instruction Permit⁵⁵

(a) A commercial driver instruction permit may be issued to any person who holds a valid noncommercial Class A, B, or C driver license, who has passed the vision and written tests required for that class driver license.

(b) The commercial driver instruction permit may not be issued for a period exceeding six months. Only one renewal or re-issuance may be granted within a two-year period. Unless otherwise disqualified, the holder of a commercial driver instruction permit may drive a commercial motor vehicle only when accompanied by the holder of a commercial driver license valid for the type of vehicle driven and who occupies a seat adjacent to the individual for the purpose of giving instruction in driving the commercial motor vehicle.

§ 6-511-Application for Commercial Driver's License (CDL)

(a) In addition to the requirements specified in § 6-107 of this Chapter the application for a commercial driver license or commercial driver instruction permit shall include the following:

1. a physical description of the applicant, including height, (weight, color of eyes, and hair color);
2. the applicant's social security number, unless the application is for a nonresident CDL;
3. certifications including those required by 49 CFR Part 383.71 (a);
4. consent to release driver record information for purposes required by this chapter.

(b) Any person who falsifies information or certifications required under subsection (a) of this section is subject to suspension, revocation, or cancellation of such person's commercial driver license for a period of at least 60 consecutive days.

(c) Applicant Record Check. Before issuing a commercial driver license, the department shall obtain driving record information through the Commercial Driver License Information System, the National Driver Register, and from each state in which the person has been licensed.

(d) Notification of License Issuance. Within ten days after issuing a commercial driver license or commercial driver license instruction permit, the department shall notify the Commercial Driver License Information System of that fact, providing all information required to ensure identification of the person.

§ 6-512-Commercial Driver License (CDL) Content

(a) Content of License. The commercial driver license shall be marked "Commercial Driver License" or "CDL", and shall be to the maximum extent practicable tamper proof. It shall include but not be limited to the following information:

1. The name and residential address of the person;
2. The person's color photograph;

⁵⁵ Optional.

3. A physical description of the person including sex, height, (weight, eye, and hair color);
4. Date of birth;
5. (Except for Nonresident CDL's), the person's social security number or any number or identifier deemed appropriate by the department;
6. The person's signature;
7. The class or type of commercial motor vehicle or vehicles which the person is authorized to drive together with any endorsements or restrictions;
8. The name of this state; and
9. The dates between which the license is valid.

§ 6-513—License renewal procedures

In addition to the requirements of § 6-116 of this Chapter, every person applying for renewal of a commercial driver license shall complete the appropriate application form required by § 6-511 providing updated information and required certifications. If the applicant wishes to retain a hazardous materials endorsement, the written test for a hazardous materials endorsement shall be taken and passed.

§ 6-514 Disqualification and cancellation⁵⁶

(a) Disqualification Offenses. Any person is disqualified⁵⁷ from driving a commercial motor vehicle for a period of not less than one year if convicted of a first violation of:

1. Driving or being in the actual physical control of a commercial motor vehicle under the influence of alcohol; or
2. Driving or being in the actual physical control of a commercial motor vehicle under the influence of any other drug or combination of drugs to a degree which render the person incapable of safely driving; or
3. Driving or being in the actual physical control of a commercial motor vehicle under the combined influence of alcohol and any other drug or drugs to a degree which renders the person incapable of safely driving; or
4. Driving or being in the actual physical control of a commercial motor vehicle while the alcohol concentration of the person's blood or breath is 0.04 or more as defined by this code; or
5. Leaving the scene of an accident when that person is driving a commercial motor vehicle; or
6. Using a commercial motor vehicle in the commission of any felony; or
7. Refusal to submit to a test or tests to determine the driver's alcohol concentration or presence of other drugs while driving a commercial motor vehicle.⁵⁸

⁵⁶ Drafter should cross-reference to appropriate state statutes.

⁵⁷ Although this Article does not specifically address administrative procedures for sanctioning commercial drivers subject to its provisions, such persons must receive all due process rights accorded persons charged with similar offenses under federal and state constitutions, as well as those administrative procedures established by this code.

If any of the above violations occurred while transporting a hazardous material required to be placarded, the person shall be disqualified for a period of not less than three years.

(b) A person is disqualified for life for a second conviction of any of the offenses specified in paragraph (a), or any combination of those offenses, arising from 2 or more separate incidents.

(c) The department may issue regulations establishing guidelines, including conditions, under which a disqualification for life under paragraph (b) may be reduced to a period of not less than ten years.⁵⁹

(d) A person is disqualified from driving a commercial motor vehicle for life who uses a commercial motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or the possession with intent to manufacture, distribute or dispense a controlled substance.

(e) A person is disqualified from driving a commercial motor vehicle for a period of not less than 60 days if convicted of 2 serious traffic violations committed in a commercial motor vehicle, arising from separate incidents occurring within a 3 year period. A person will be disqualified from driving a commercial motor vehicle for a period of not less than 120 days if convicted of 3 serious traffic violations, committed in a commercial motor vehicle arising from separate incidents occurring within a 3 year period.

(f) Any person convicted of violating an out-of-service order shall be disqualified as follows, unless subject to the provisions of paragraph (g) of this section:

(1) A person is disqualified from driving a commercial motor vehicle for a period of ninety days if convicted of a first violation of an out-of-service order.

(2) A person is disqualified for a period of one year if convicted of a second violation of an out-of-service order arising from separate incidents during any ten year period.

(3) A person is disqualified for a period of three years if convicted of a third or subsequent violation of an out-of-service order arising from separate incidents during any ten year period.

(g) Any person convicted for violating an out-of-service order while transporting hazardous materials or while operating a commercial motor vehicle designed or used to transport sixteen or more passengers including the driver, shall be disqualified as follows:

(1) A person is disqualified for a period of one hundred eighty days if convicted of a first violation of an out-of-service order.

(2) A person is disqualified for a period of two years if convicted of a second or subsequent violation of an out-of-service order arising from separate incidents during any ten year period.

⁵⁸ Drafter should note that most states do not consider "refusal" a criminal offense. Therefore, it should be clarified that "refusal to submit to a test" is not criminal in nature.

⁵⁹ The reduction in the lifetime disqualification is not available to persons disqualified under § 6-514(d). For the offenses listed in § 6-514(a), disqualification for life can be reduced to 10 years by the department in conformance with the requirements of 49 CFR §383.51 (b)(3)(v). A driver whose lifetime disqualification is reduced to 10 years, who is subsequently convicted of another offense as listed in § 6-514(a), shall be permanently disqualified for life and ineligible for any reduction in the lifetime disqualification.

(h) After suspending, revoking, or canceling a commercial driver license or a commercial driver instruction permit, the department shall update the driver's records to reflect that action within 10 days. After suspending or revoking the driving privilege of any person who has been issued a CDL or commercial driver instruction permit from another jurisdiction, the department shall notify the licensing authority of the state which issued the CDL or commercial driver instruction permit within 10 days.

§ 6-515-Classifications, endorsements, and restrictions

Commercial driver licenses may be issued with the following classifications, endorsements, and restrictions; the holder of a valid commercial driver license may drive all vehicles in the class for which that license is issued, and all lesser classes of vehicles except motorcycles.

(a) Classifications

1. Class A. Any combination of vehicles with a Gross Vehicle Weight Rating GVWR. of 26,001 pounds or more, provided the GVWR of any vehicle being towed is in excess of 10,000 pounds.

2. Class B. Any single vehicle with a GVWR of 26,001 pounds or more, and any such vehicle towing a vehicle not in excess of 10,000 pounds.

3. Class C. Any single vehicle, or combination of vehicles, that meets neither the definition of Class A nor that of Class B as contained in this section, but that either is designed to transport 16 or more passengers including the driver, or is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations 49 CFR Part 172, subpart F.

(b) Endorsements and Restrictions

1. "H" Authorizes the driver to drive a vehicle transporting hazardous materials as defined in § 6-500(15) of this code.

2. "K" Restricts the driver to vehicles not equipped with air brakes.

3. "T" Authorizes driving double and triple trailers.

4. "P" Authorizes driving vehicles carrying passengers.

5. "N" Authorizes driving tank vehicles as defined in § 6-500(19) of this code.

6. "X" Represents a combination of hazardous materials "H" and tank vehicle "N" endorsements.

§ 6-516-Prohibited alcohol offenses for commercial motor vehicle drivers⁶⁰

⁶⁰ While the Federal Highway Administration rules implementing the CMVSA require states to prohibit the following alcohol offenses for commercial motor vehicle drivers as a prerequisite to the imposition of sanctions established in this Article, neither the CMVSA nor federal rules require that these offenses be criminal in nature. Model state CDL legislation drafted by the American Association of Motor Vehicle Administrators recommends that these offenses be civil in nature, but that states have the option of making

(a) Notwithstanding any other provisions of this code, a person may not drive a commercial motor vehicle within this state while having any measurable or detectable amount of alcohol in such person's system.

(b) A person who drives a commercial motor vehicle within this state while having any measurable or detectable amount of alcohol in such person's system or who refuses to submit to an alcohol test under § 6-517 of this Chapter, must be placed out of service for 24 hours.

(c) In addition to any other sanctions which may be imposed under this code, any person who drives a commercial motor vehicle within this state with an alcohol concentration of 0.04 or more shall be disqualified from driving a commercial motor vehicle under § 6-514 of this Chapter.

§ 6-517—Implied consent requirements for commercial motor vehicle drivers

(a) A person who drives a commercial motor vehicle within this state is deemed to have given consent, subject to administrative procedures established in this code, to take a test or tests of that person's blood, breath or urine for the purpose of determining that person's alcohol concentration or the presence of other drugs.

(b) A test or tests may be administered at the direction of a law enforcement officer who, after stopping or detaining the commercial motor vehicle driver, has probable cause to believe that driver was driving a commercial motor vehicle while having alcohol or drugs in such driver's system.

(c) A person requested to submit to a test or tests as provided in Subsection (a) above must be warned by the law enforcement officer requesting the test or tests that a refusal to submit to the test or tests will result in that person being immediately placed out-of-service for a period of 24 hours and may result in being disqualified from operating a commercial motor vehicle for a period of not less than 12 months.

(d) If the person refuses testing, or submits to a test which discloses alcohol concentration of 0.04 or more, the law enforcement officer must submit a sworn report to the department certifying that the test was requested pursuant to Subsection (a) and that the person refused to submit to testing, or submitted to a test which disclosed an alcohol concentration of 0.04 or more.

(e) Upon receipt of the sworn report of a law enforcement officer submitted under Subsection (d), the department must disqualify the driver from driving a commercial motor vehicle under § 6-514 of this Chapter.⁶¹

them criminal if required by state law or procedure. In either event, offenders must receive all due process rights accorded persons charged with similar offenses under existing state law.

⁶¹ Although this Article does not specifically address administrative procedures for sanctioning commercial drivers subject to its provisions, such persons must receive all due process rights accorded persons charged with similar offenses under federal and state constitutions, as well as those administrative procedures established by this code.

§ 6-518—Notification of traffic convictions

Within ten days after receiving a report of the conviction of any nonresident holder of a commercial driver license for any violation of state law or local ordinance relating to motor vehicle traffic control other than parking violations committed in a commercial motor vehicle, the department must notify the driver licensing authority in the licensing state of the conviction.

§ 6-519—Driving record information to be furnished⁶²

Notwithstanding any other provision of law, the department shall furnish full information regarding a commercial driver's driving record to the driver licensing administrator of any other state, province or territory of Canada or Mexico who requests such information; to any employer or prospective employer (upon request and payment of a fee of \$___); and (to insurers upon request and payment of a fee of \$___).

§ 6-520—Reciprocity

(a) Notwithstanding any other law, a person may drive a commercial motor vehicle in this state if the person has a valid commercial driver license or commercial driver instruction permit issued by any state in accordance with the minimum federal standards which is not suspended, revoked, or canceled; and if the person is not disqualified from driving a commercial motor vehicle or subject to an out of service order.

(b) The department must give all out of state convictions full faith and credit and treat them for sanctioning purposes under this code as if they occurred in this state.

§ 6-521 Penalties for violating out-of-service orders

(a) Notwithstanding any other provision of law, any driver who violates or fails to comply with an out-of-service order is subject to a civil penalty of one thousand dollars, in addition to disqualification under section § 6-514 of this Chapter.

(b) Any employer who violates an out-of-service order, or who knowingly requires or permits a driver to violate or fail to comply with an out-of-service order, is subject to a civil penalty of twenty-five hundred dollars.

⁶² Drafter should review any federal regulations, agreements, or treaties made with other countries regarding reciprocal exchange of driving record information.

CHAPTER 7

Vehicle Insurance and Financial Responsibility

ARTICLE I—COMPULSORY INSURANCE

§ 7-101—Vehicles must be insured

(a) An owner shall not permit the operation of an uninsured vehicle upon a highway or upon property open to use by the public unless hereinafter expressly exempted.

(b) A person shall not knowingly drive an uninsured vehicle upon a highway or upon property open to use by the public unless hereinafter expressly exempted.

(c) For the purposes of this article, "uninsured vehicle" shall mean a vehicle of a type required to be registered under this code for which a vehicle insurance policy meeting requirements of the laws of this State and of the (commissioner of insurance) is not in effect.

§ 7-102—Registration without insurance prohibited; suspension authorized⁶³

(a) The department shall not issue or renew the registration for any vehicle not covered by a vehicle insurance policy meeting requirements of the laws of this State and of the (commissioner of insurance) unless hereinafter expressly exempted.

(b) Upon a showing by its records or other sufficient evidence that the required insurance has not been provided or maintained for a vehicle, the department may suspend its registration under § 3-704 until the owner of the vehicle has provided evidence satisfactory to the department of current compliance with the requirements of this article.

§ 7-103—Exempt vehicles⁶⁴

The following vehicles and their drivers are exempt from this article:

1. A vehicle owned by the United States Government, any state or political subdivision;

⁶³ The provisions of this article, especially §§ 7-102, 7-104, 7-105, establish a system of enforcing compulsory insurance by requiring evidence of coverage at the time of vehicle registration, at any time when new insurance coverage is terminated soon after the policy was issued, and at any other time when the department deems necessary or desirable. This is intended to provide the flexibility for an effective but not overly burdensome method of enforcement. It is certainly not the only method which might be utilized. Some states do not require proof at the time of registration and do not require any reports of termination of coverage, relying instead upon various spots checking methods such as sampling or requiring evidence of insurance from drivers cited for violations or involved in accidents.

⁶⁴ These provisions are designed to work with either a liability system or a no-fault system. If a no-fault system is employed, consideration should be given to exempting motorcycles. Motorcyclists are typically not at fault in accidents in which they are involved, but are often seriously injured. Hence, they bear an unreasonably heavy burden if required to carry no-fault insurance. However, there is no reason to exempt motorcycles from compulsory liability insurance

2. A vehicle for which cash, securities or a bond in the amount of _____ has been deposited or filed with the department upon such terms and conditions providing the same benefits available under a required vehicle insurance policy as shall be prescribed by the (commissioner or commissioner of insurance);

3. A vehicle owned by a self-insurer certified as provided in § 7-501;

4. An implement of husbandry or special mobile equipment which is only incidentally operated on a highway or property open to use by the public;

5. A vehicle operated upon a highway only for the purpose of crossing such highway from one property to another;

6. A commercial vehicle registered or proportionally registered in this and any other jurisdiction provided such vehicle is covered by a vehicle insurance policy complying with the laws of any other jurisdiction in which it is registered;

7. A vehicle moved solely by human or animal power; or

8. A vehicle owned by a nonresident and not registered in this state.

§ 7-104—Evidence of insurance

(a) The department may require the owner of a vehicle to provide evidence of the existence of a vehicle insurance policy on a form or in a manner approved by the department.

(b) Upon request of an insured or upon request by the department, an insurer shall verify the existence of a vehicle insurance policy on a form or in a manner approved by the department.

§ 7-105—Termination of insurance

Upon termination of a new vehicle insurance policy within 180 days of the inception date of the coverage, the insurer shall notify the department upon a form or in a manner approved by it immediately following the date after which the policy will not be reinstated to maintain continuous coverage in force⁶⁵.

⁶⁵ If general insurance laws do not require a termination notice by the insurer to the insured, this requirement should be added. Requiring insurance companies to report terminations of new coverage which occur within 180 days of the coverage inception date is one of several possible approaches to enforcement of compulsory insurance. It is intended to detect those persons who purchase insurance only in order to obtain proof of insurance to register a vehicle, and then allow the insurance to lapse. As of 1991, 18 of the states with compulsory insurance use this enforcement approach.

ARTICLE II—FINANCIAL RESPONSIBILITY—SECURITY FOLLOWING ACCIDENT

§ 7-201—Application of article

The provisions of this article requiring deposit of security and suspensions for failure to deposit security shall apply to the owner and driver of any vehicle of a type subject to registration under this code which is involved in an accident within this State which has resulted in bodily injury or death of any person or damage to the property of any one person in excess of (\$____), when there is a reasonable probability that a judgment may be rendered against the person required to post security if the issue is brought before a court of competent jurisdiction.

§ 7-202—Security required; notices; disposition⁶⁶

(a) The department shall determine the amount of security necessary to satisfy any judgment required of any person up to the maximum limits set forth in § 7-206 upon the basis of the accident reports or other pertinent and reliable information received from motorists and others submitted as required by chapter 10 of this code and shall give notice as provided in § 2-314 to each person of its determination of the amount required to be deposited. When requested by a person involved in an accident or that person's insurance agent or company, the department shall advise whether the information received was sufficient to invoke a security deposit demand and the amount required to be deposited.

(b) The department may reduce or increase the amount of security ordered in any case if in its judgment the amount previously ordered is inappropriate. The department shall give notice as provided in § 2-314 to each person affected by such adjustment of security. If the security previously ordered has been deposited, the deposit shall be adjusted accordingly.

(c) The security deposited in accordance with this section shall be distributed:

1. For the payment of any settlement of a claim arising out of the accident at the discretion of the department; or

2. For the payment of a judgment or judgments rendered against the person required to make the deposit for damages arising out of the accident.

(d) Any deposit in excess of a judgment against such person shall be returned provided there are no suits pending, judgments outstanding, or unsatisfied claims arising out of the same accident.

(e) Any security remaining on deposit after (two) years from the date of the deposit shall be returned to the person who made it upon presentation of satisfactory evidence to the department that:

⁶⁶ The accident reporting requirements of the Uniform Vehicle Code are located in chapter 10. A state adopting these financial responsibility provisions should reference its own accident reporting requirements here. If the state does not have accident reporting provisions comparable to those in chapter 10, especially § 10-107, it should adopt appropriate accident reporting requirements as part of the financial law.

1. No action for damages arising out of the accident for which deposit was made is pending against any person on whose behalf the deposit was made; or

2. There is no existing unpaid judgment rendered against any person on whose behalf the deposit was made.

(f) The provisions of this section shall not be construed to limit the return of any deposit of security under any other provision of this chapter authorizing a return.

§ 7-203-Failure to deposit security-suspensions

Should any person required under § 7-202 to deposit or increase security fail to do so within (60) days after notice of the security requirement has been given, the department shall immediately take suspension action under § 7-210.

§ 7-204-Exceptions to requirement of security

Notwithstanding the provisions of § 7-201, the security and suspension requirements shall not apply:

1. To the owner or driver if either had in effect at the time of the accident security meeting the requirements of § 7-206 or § 7-306;

2. To the owner or driver of a vehicle if at the time of the accident the vehicle was being operated by or leased to the United States, this State or one of its political subdivisions, or a municipality;

3. To the owner or driver of a vehicle if at the time of the accident the vehicle was being operated by or under the direction of a police officer in the performance of official duties; or

4. Unless there is a reasonable probability that a judgment may be rendered against the person who is being required to post security if the issue is brought before a court of competent jurisdiction.

§ 7-205-Release from liability

(a) A person shall be relieved of the requirement for deposit of security if he or she is released from liability by all other persons injured or damaged in the accident.

(b) A covenant not to sue shall relieve the parties thereto as to each other from the security requirements.

(c) If the department has evaluated the injuries or damage to any minor in an amount not more than (\$_____) the department may accept, for the purposes of this article only, evidence of a release from liability executed by a natural guardian or a legal guardian on behalf of the minor without the approval of any court or judge.

(d) The requirements for a security deposit shall be waived if there is no outstanding suit or unsatisfied judgment within (two) years of the date of the accident.

§ 7-206-Requirements of policy or bond

(a) No policy or bond shall be effective unless issued by an insurance or surety company authorized to do business in this State, except as provided in subsection (b) of this section, and unless the policy or bond is subject to a limit, exclusive of interest and costs, of not less than (\$_____) because of bodily injury or death of one person in any one accident, to a limit of not less than (\$_____) because of bodily injury or death of two or more persons in any one accident, and to a limit of not less than (\$_____) because of injury to or destruction of property of others in any one accident.

(b) If an insurance or surety company is not authorized to do business in this State, it must execute a power of attorney authorizing the commissioner to accept service on its behalf of notice or process in any action upon a policy or bond arising out of the accident.

(c) The department may rely upon the accuracy of the information in a required report of an accident as to the existence of insurance or a bond unless or until the department has reason to believe the information is erroneous.

(d) An owner's or operator's policy of liability insurance shall be as defined by law.

§ 7-207-Right to hearing; notice; request for hearing; waiver; scope of hearing

(a) Any owner or driver who is required to post security under this article is entitled to a hearing before the commissioner or a designated representative before a determination of the amount of security required becomes final and before the suspension of the person's drivers license or registration. The hearing shall be held in the county most convenient for the parties and witnesses, as determined by the department.

(b) If a hearing is desired by the owner or driver, the request must be submitted in writing to the department within 30 days of giving notice of the security requirement which is being contested but if the person is physically unable to make the request within that time, it must be made within 30 days of the date on which the person becomes physically able to do so. Failure to do so waives the right to a hearing.

(c) The commissioner shall give at least 30 days written notice of the hearing to all interested parties. The notice must contain a brief explanation of the proceedings to be taken and the possible consequences of an adverse determination.

(d) The hearing shall determine:

1. Whether the owner or driver is subject to the security requirements of this article;
2. Whether the amount of security deposit required of the owner or driver under the provisions of § 7-202 is appropriate; and
3. Whether there is a reasonable probability that a judgment may be rendered against the owner or driver.

§ 7-208—Agreement for payment of damages

(a) Any two or more of the persons involved in or affected by an accident may at any time enter into a written agreement for the payment of an agreed amount with respect to all claims of these persons because of bodily injury, death, or property damage arising from the accident. The agreement may provide for payment in installments.

(b) To the extent provided by any written agreement, the department shall not require the deposit of security and shall terminate any prior order of suspension. If security has previously been deposited in accordance with § 7-202, the department shall immediately return such security to the depositor.

(c) On determination by the department that a person is in default on any payment under an agreement and that the parties are unable to reach an accommodation, the department shall take suspension action under § 7-210.

§ 7-209—Application to nonresidents, unlicensed drivers, unregistered vehicles, and accidents in other states

(a) If the owner or driver of a vehicle of a type subject to registration in this State is involved in an accident and has no license or registration in this State, the driver shall not be allowed a license, nor shall the owner be allowed to register any vehicle in this State, until the requirements of this chapter have been met.

(b) When a nonresident's operating privilege is suspended under § 7-210, the department shall transmit a certified copy of the record of the action to the appropriate official in the state in which the nonresident resides or is licensed or both.

(c) Upon notification that the operating privilege of a resident of this State has been suspended or revoked in any other state for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, the department shall suspend the license of the resident driver and the registration of the motor vehicle involved in the accident, if known. The suspension shall continue until the resident furnishes evidence of compliance with the law of the other state relating to the deposit of security.

§ 7-210—Suspension of license and registration

(a) Whenever the department determines that a person has failed to deposit or maintain security as required by this article or has defaulted on an agreement under § 7-208, the department shall immediately suspend the license of that person to operate a motor vehicle and the registration of all vehicles owned by that person.

(b) The suspension of license and registration shall remain in effect until:

1. Security is deposited as required under this chapter;
2. The person in default has corrected the default to the satisfaction of the other party; or
3. At least one year has elapsed following the effective date of the suspension and the department has received satisfactory

evidence that there is no outstanding suit or unsatisfied judgment arising out of the accident.

ARTICLE III—FINANCIAL RESPONSIBILITY—PROOF FOR THE FUTURE

§ 7-301—Application of article

The provisions of this article requiring the deposit of proof of financial responsibility for the future shall apply to any person:

(a) Who has been convicted of one or more of the following offenses under this code:

1. Any offense requiring the revocation of a license under § 6-206;

2. Driving a motor vehicle upon a highway of this state while the privilege to do so is suspended or revoked, in violation of § 6-303;

3. Operating or knowingly permitting the operation upon a highway of this state of a motor vehicle the registration of which has been canceled, suspended, or revoked;

(b) Who has failed to pay a judgment arising out of ownership, maintenance, or use of a vehicle subject to registration under this code;

(c) Who has failed to file and maintain security as required under § 7-202; or

(d) Whose drivers license has been suspended or revoked.

§ 7-302—Definitions

The following words and phrases when used in this article mean:

(a) Certified motor vehicle liability policy: An owner's or operator's policy of liability insurance, certified in accordance with § 7-307 as proof of financial responsibility for the future, and issued, except as otherwise provided in § 7-307, by an insurer duly authorized to transact business in this state. An owner's or operator's policy shall be as defined by law.

(b) Excess or Additional Coverage: Any policy which grants the coverage required for a motor vehicle liability policy also may grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy. Excess or additional coverage shall not be subject to the provisions of this chapter. With respect to a policy which grants excess or additional coverage, the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section.

(c) Proof of financial responsibility for the future: Wherever used in this article the terms "proof" or "proof of financial responsibility" shall be synonymous with the term "proof of financial responsibility for the future." The methods of giving proof specified in § 7-306 shall be required as proof of financial responsibility for the future. Such proof shall provide liability coverage for accidents arising out of the ownership, maintenance, or use of a motor vehicle of a type subject to registration in amounts specified in § 7-206 occurring subsequent to the effective date of the proof.

(d) Judgment: The term "judgment" shall have the same meaning as specified in § 7-401.

§ 7-303—Action of department when proof required

When the department determines that a person is subject to the proof requirements of this article under § 7-301, the department shall give notice as provided in § 2-314 that the person is required to deposit proof of financial responsibility for the future with the department.

§ 7-304—Failure to deposit proof—suspensions

(a) Should any person required under § 7-301 to deposit proof of financial responsibility for the future fail to do so within (60) days after notice of the proof requirement has been given, the department shall immediately suspend the license of that person to operate a motor vehicle and the registration of all vehicles owned by that person.

(b) The suspension of license and registration shall remain in effect until:

1. Proof is deposited and maintained as required under this article; or

2. Proof is no longer required under § 7-314.

(c) No driver's license shall be issued and no motor vehicle shall be registered in the name of the person during the period of the suspension.

§ 7-305—Action in respect to nonresidents

(a) When the department suspends or revokes a nonresident's operating privilege because of a conviction, the privilege shall remain suspended or revoked unless that person gives and maintains proof of financial responsibility.

(b) If the defendant named in any certified copy of a judgment reported to the department is a nonresident, the department shall transmit, by any suitable means including electronic transmission, a copy of the judgment or a statement of facts relative to the judgment to the motor vehicle administrator in the state where the defendant is a resident or is licensed.

§ 7-306—Methods of giving proof

Proof may be given by filing any of the following:

1. A certificate of insurance under § 7-307;
2. A bond under § 7-308;
3. A certificate of deposit of money or securities under § 7-309; or
4. A certificate of self-insurance under § 7-310.

§ 7-307—Proof by certificate of insurance

(a) Proof may be furnished by filing with the department the written certificate of an insurer authorized to do business in this State that there is in effect a motor vehicle liability policy for the

benefit of the person required to furnish proof. The certificate shall specify the certificate effective date and by appropriate reference all vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle. The department may authorize the filing of such certificates by any appropriate means, including by electronic transmission.

(b) If an insurer is not authorized to do business in this state, the department may accept a written certificate provided that the certificate otherwise conforms with the provisions of this chapter and the insurer complies with the following conditions with respect to the policies certified:

1. The insurer executes a power of attorney authorizing the commissioner to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this State; and

2. The insurer agrees in writing that such policies shall be deemed to conform with the laws of this state.

(c) If an insurer not authorized to transact business in this State but qualified to furnish proof, defaults in any undertakings or agreements, the department shall not accept as proof any certificate of the insurer so long as the default continues.

§ 7-308—Proof by bond

(a) Proof may be evidenced by the bond of a surety company authorized to transact business in this State, or a bond with at least two individual sureties each owning real estate in this State and together having equities equal in value to at least twice the amount of the bond. The real estate shall be scheduled in the bond as approved by a judge of a court of record and the bond shall be conditioned for payment on the amounts specified in this chapter. The bond shall be filed with the department and shall not be canceled except after 10 days written notice to the department.

(b) A bond shall constitute a lien in favor of the State upon the scheduled real estate of any surety upon the filing of notice to that effect by the department in the office of the proper court of the county or city where such real estate is located. The lien shall exist in favor of any holder of a final judgment against the person who has filed the bond, for damages because of bodily injury or death of any person, or for damage because of injury or destruction of property resulting from the ownership, maintenance, use, or operation of a vehicle of a type subject to registration under the laws of this State after the bond is filed.

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

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

§ 7-309—Proof by certificate of deposit

(a) Proof may be evidenced by a certificate of the (state treasurer) that the person named therein has deposited (\$_____) in cash or securities which may be legally purchased by savings banks or trust funds of a market value of (\$_____). The (state treasurer) shall not accept any deposit and issue a certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

(b) A deposit shall be held by the (state treasurer) to satisfy any execution on a judgment issued after the deposit was made against the person making the deposit for damages because of bodily injury to or destruction of property resulting from the ownership, maintenance, use, or operation of a vehicle of a type subject to registration under the laws of this State. Money or securities so deposited shall not be subject to attachment or execution unless the attachment or execution arises out of a suit for damages.

§ 7-310—Proof by certificate of self-insurance

(a) Any person in whose name more than 25 vehicles are registered in this State may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the department as provided in this subsection.

(b) The department may upon the application of a person issue a certificate of self-insurance when it is satisfied that the person has and will continue to have the ability to satisfy a judgment.

(c) On not less than 30 days' notice and on a hearing pursuant to the notice, the department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within 30 days after the judgment has become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

§ 7-311—Owner may give proof for others

The owner of a motor vehicle may give proof on behalf of such person's employee or a member of the immediate family or household of the owner.

§ 7-312—Substitution of proof

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

§ 7-313—Other proof may be required

Whenever any proof filed under the provisions of this article no longer fulfills the purposes for which it is required, the department shall require other proof in accordance with this article and shall suspend the license and registration pending the filing of other proof.

§ 7-314—Duration of proof; when proof may be canceled or returned

(a) The requirement of proof shall terminate in either of the following situations:

1. After three years from the date the proof was required if during the preceding three year period the department has not received notice of a conviction which would require the suspension or revocation of the license or registration of the person by or for whom the proof was furnished; or

2. In the event of the death of the person on whose behalf the proof was filed or permanent incapacity of that person to operate a motor vehicle.

(b) The department shall not consent to the cancellation of any bond or the return of any money or securities if any action for damages covered by the proof is pending or any judgment is unsatisfied, or if the person who has filed a bond or deposited money or securities has within one year preceding the request been involved as a driver or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit from the applicant as to the nonexistence of such action, or that the applicant has been released from all liability, or has been finally adjudicated not to be liable, shall be sufficient evidence in the absence of evidence to the contrary.

§ 7-315—Notice of termination of a motor vehicle liability policy

An insurer may not terminate a motor vehicle liability policy unless the insurer files with the department a notice of termination within 10 days after the effective date of the termination. A motor vehicle liability policy subsequently procured shall on the effective date of its certification terminate the insurance previously certified.

§ 7-316—Forged proof

Any person who forges or without authority signs any evidence of proof of financial responsibility for the future, or who files or offers for filing any evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall be guilty of a misdemeanor.

§ 7-317 - Change of Residency

Any person whose license or registration has been suspended pursuant to this Article who leaves this state and becomes a resident of another state, shall not be subject to the proof of future financial responsibility requirements of this Article, and any suspension for noncompliance with these requirements shall be withdrawn. If such person again becomes a resident of this state, he or she shall once more be subject to the financial responsibility requirements of this Article, and the state may take appropriate action to ensure compliance with these requirements.

ARTICLE IV—FINANCIAL RESPONSIBILITY—NONPAYMENT OF JUDGMENT

§ 7-401—Meaning of "judgment"

For the purpose of this article, the term "judgment" shall mean any enforceable judgment which has become final by expiration without appeal within the time an appeal might have been perfected, or which has become final by final affirmation on appeal rendered by a court of competent jurisdiction of any state or of the United States upon a cause of action arising out of the ownership, maintenance or use upon a highway or property open to use by the public of any vehicle of a type subject to registration under the laws of this state, for damages, including damages for care and loss of services because of bodily injury to or death of any person, or for damages because of injury to or destruction of property including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

§ 7-402—When courts to report nonpayment of judgments

Whenever any person fails within (30) days to satisfy any judgment, it shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this state to forward to the department immediately a certified copy of such judgment (and a certificate of facts relative to such judgment, upon a form provided by the department, which certificate shall be prima facie evidence of the facts therein stated.)

§ 7-403—Further action with respect to nonresidents

If the defendant named in any certified copy of a judgment or a certificate of facts relative to such judgment is a nonresident, the department shall transmit a certified copy of the judgment or a certificate of facts relative to such judgment to the motor vehicle administrator in the state where the defendant is a resident.

§ 7-404—Suspension for nonpayment of judgments

Upon receipt of a certified copy of a judgment or a certificate of facts relative to such judgment pursuant to § 7-402, the department shall forthwith suspend the license and registration and any nonresident's operating privilege of any person against whom such judgment was rendered, except as hereinafter otherwise provided in this chapter.

§ 7-405—Exception in relation to government vehicles

The provisions of § 7-404 shall not apply with respect to any such judgment arising out of an accident caused by the ownership or operation, with permission, of a vehicle owned or leased to the United States, this State or any political subdivision of this State, or a municipality thereof.

§ 7-406-Exception when insurer liable or insolvent

(a) No license, registration, or nonresident's operating privilege of any person shall be suspended under the provisions of this chapter if the department shall find that an insurer was obligated to pay the judgment upon which suspension is based, at least to the extent and for the amounts specified in § 7-408, but has not paid such judgment for any reason. A finding by the department that an insurer is obligated to pay a judgment shall not be binding upon such insurer and shall have no legal effect whatever except for the purpose of administering this section. Whenever in any judicial proceedings it shall be determined by any final judgment, decree, or order that an insurer is not obligated to pay any such judgment notwithstanding any contrary finding previously made by it, the department shall forthwith suspend the license and registration and any nonresident's operating privilege of any person against whom such judgment was rendered, except as hereinafter provided.

(b) The department shall not suspend a license, registration, or nonresident's operating privilege of any person if the insurance applicable to such person or the vehicle being operated by such person was placed with an insurer which was authorized to do business in this State and which went into liquidation subsequent to the accident involving the owner or driver and prior to settlement of the claim therefor, so that no benefit accrued to the owner or driver by reason of its having provided such insurance.

§ 7-407-Suspension to continue until judgments paid

License, registration, or nonresident's operating privilege shall remain suspended and shall not be renewed, nor shall any license or registration be thereafter issued in the name of such person, including any person not previously licensed, unless and until every judgment is stayed, satisfied in full, lapsed without being revived, or to the extent provided, subject to the exceptions stated in §§ 7-406 and 7-409.

§ 7-408-Payments sufficient to satisfy judgments

(a) For the purpose of this article only, judgments herein referred to shall be deemed satisfied:

1. When (\$_____) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury or death of one person as the result of any one accident; or

2. When subject to such limit of (\$_____) because of bodily injury or death of one person, the sum of (\$_____) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury or death of two or more persons as the result of any one accident; or

3. When (\$_____) has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.

(b) Payments made in settlements of any claims because of bodily injury, death, or property damage arising from such accident shall be credited in reduction of the amounts provided for in this section.

§ 7-409—Installment payment of judgments; default

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

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

§ 7-410—Action if breach of agreement

In the event the judgment debtor fails to pay any installment as specified by order, upon notice of default the department shall suspend the license, registration, or nonresident's operating privilege of the judgment debtor until judgment is satisfied, as provided in this article; except that after default the judgment debtor, after giving due notice to the judgment creditor, may apply again to the court which allowed installment payments within 30 days after the default for resumption of the privilege of payments by installments, if past-due installments are first paid.

ARTICLE V—MISCELLANEOUS PROVISIONS⁶⁷

§ 7-501—Self-insurers

(a) Upon condition of providing the same benefits available under a required vehicle insurance policy, any person in whose name more than 25 vehicles are registered in this State may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the department as provided in subsection (b) of this section.

(b) In its discretion the department may issue a certificate of self-insurance when it is satisfied that such person is possessed and will continue to be possessed of ability to pay the same benefits available under a required vehicle insurance policy. Such certificate may be issued authorizing a person to act as a self-insurer for either property damage or bodily injury, or both.

(c) Upon not less than five days notice and a hearing pursuant to such notice, the department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any valid claim within 90 days of its submission or any judgment within 30 days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

§ 7-502—Right of appeal to court⁶⁸

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

⁶⁷ The Uniform Vehicle Code formerly contained provisions establishing an assigned risk and claims plan and requiring the availability of uninsured motorists coverage. These provisions were dropped from the code because they are more appropriate to a state's insurance code, and most state laws contain such provisions there. If a state adopting these provisions of chapter 7 does not have laws in its insurance code on these subjects, it should investigate whether such provisions are needed.

⁶⁸ Section §7-502 should be omitted in those states where the existing law provides for some method of judicial review of administrative orders which would be applicable to orders or acts of the commissioner under this law. In states where existing statutes providing judicial review of administrative orders may be interpreted to apply only to administrative action authorized by statutes existing at the time of enactment of such administrative review act, § 7-502 should be amended to provide for the application of such judicial review statute to this act. In those states where no proceeding for court review is provided, the text of § 7-502 should be so drafted as to be consistent with constitutional and other requirements in the particular state.

§ 7-503—Chapter not to prevent other process

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

§ 7-504—Effect of discharge in bankruptcy

A discharge in bankruptcy or by any other insolvency law following the rendering of any such judgment shall relieve the judgment debtor from the requirements of this chapter except that the requirement to deposit proof of financial responsibility for the future under article III of this chapter is not affected by any such discharge of the judgment.

§ 7-505—Transfer of registration to defeat purpose of code prohibited

(a) If an owner's registration has been suspended, the registration shall not be transferred nor the vehicle to which such registration was issued be registered in any other name until the department is satisfied that the transfer of registration is proposed in good faith and not for the purpose or the effect of defeating the purposes of this chapter.

(b) Nothing in this section shall in any way affect the rights of any lienholder, conditional vendor, chattel mortgagee or lessor of a vehicle registered in the name of another as owner who becomes subject to the provisions of this chapter.

(c) The department shall suspend the registration of any vehicle transferred in violation of the provisions of this section.

§ 7-506—Past application of chapter

This chapter shall not apply with respect to any accident or judgment arising from it or violation of the motor vehicle laws of this State occurring prior to the effective date of this chapter.

§ 7-507—Informative publication

(a) The department shall develop and regularly make available to vehicle registrants written information explaining this chapter, including an easily understandable recitation of rights and responsibilities.

(b) The department shall prepare and submit a report on the implementation and enforcement of this chapter to the legislature every (three) years following adoption of this code. At a minimum the report shall include: an estimate of the number of uninsured motorists in this state; the number of motorists whose drivers licenses have been suspended for failure to comply with the compulsory insurance, financial security, nonpayment of judgments, and future proof provisions; the number of uninsured cases settled and the aggregate monies collected and distributed under the financial security provisions; the number of motorists for whom future proof filings have

been made and a categorical breakdown of those filings by the type of conduct which triggered the future proof requirement. The department may elect to collect and report on other facets of the program as well. The report shall be considered public information and shall be made available to interested persons for a reasonable fee.

CHAPTER 8

Owners of For-Rent Vehicles

§ 8-101-Renting motor vehicle to another

(a) No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed as required under this code, or in the case of a nonresident then duly licensed under the laws of the state or country of such latter person's residence.

(b) No person shall rent a motor vehicle to another until the renter or renter's agent has inspected the license of the person to whom the vehicle is to be rented, and compared and verified the signature thereon with the signature of such person to be written in renter's or agent's presence.

(c) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the renter's license, and the date and place when and where said license was issued. Such record shall be open to inspection by any police officer or officer or employee of the department.

CHAPTER 9

Civil Liability

ARTICLE I—LIABILITY OF GOVERNMENT AGENCIES AND NONPROFIT ORGANIZATIONS

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

(a) This State and every county, incorporated city, town or village and every other public corporation within this State shall be liable for civil damages on account of bodily injury or death of any person or damage to property resulting from the operation of a motor vehicle by any officer, agent or employee of such public entity or corporation when acting within the scope of such person's office, agency or employment to the same extent that liability is imposed by law on such operator. The liability of any said public entity or corporation and its officers, agent or employee shall be joint and several.

(b) Any person having a claim against any public entity or corporation under this section may present the same to such public entity or corporation in the same manner as other claims are presented, and if such claim is not acted upon within 30 days after said presentation or is rejected in whole or in part, then the person may sue such public entity or corporation in a court of competent jurisdiction in the manner prescribed by law for the commencement and maintenance of such a suit against a private individual.

(c) Any such public entity or corporation may insure against the liability imposed by this section with any insurance carrier duly authorized to transact business in this State, and the premium for such insurance shall be a proper charge against the general fund of such public entity or corporation.

§ 9-102—Liability of nonprofit corporations, associations and organizations

A nonprofit corporation, association or organization shall not be immune from liability for bodily injury, death or damage resulting from the negligent or wrongful operation of a vehicle by such nonprofit corporation, association or organization, or by its agents, employees or servants acting within the scope of their agency or employment.

ARTICLE II--IMPUTED AND COMPARATIVE NEGLIGENCE

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

(a) Any negligence or willful misconduct of a person operating a motor vehicle with the express or implied permission of the owner shall be imputed to the owner for all purposes of civil damages, and the owner shall be liable for civil damages caused by such negligence or willful misconduct to the extent that liability is imposed by law on such operator subject to the limit in amount of \$20,000 for bodily injury or death of one person in any one accident and, subject to the limit as to one person, the amount of \$40,000 for bodily injury or death of all persons as a result of any one accident and \$10,000 for damage to property of others as a result of any one accident.

(b) The foregoing limits as to liability shall not apply with respect to the liability of an owner for the negligence or willful misconduct of an agent or servant operating a motor vehicle in the scope of such agent's or servant's employment.

(c) This section shall not impose liability upon the owner of a motor vehicle when the vehicle is being operated by the keeper of a garage, repair shop or service station or by the employees of such keeper in the course of storing, servicing or repairing such vehicle, or when the vehicle is being operated by any bailee, pledgee, mortgagee or other lienholder of such vehicle.

(d) An owner subject to liability under this section may settle and pay any bona fide claims for damages under this section, whether the judgment is reduced or not, and to that extent discharge the liability imposed upon the owner under this section.

(e) An owner so subject to liability under this section shall be subrogated to all bona fide claims for damages reduced to judgment to the extent that the owner has paid or discharged the same and upon such subrogation may recover from such operator the total amount so paid by the owner.

(f) This section shall not be deemed to relieve the operator of a motor vehicle from any liability imposed upon the operator by law.

§ 9-202--Contributory and comparative negligence

Contributory negligence shall not bar recovery in an action by any person arising out of the ownership, maintenance or use of any vehicle to recover damages for negligence resulting in death or injury to persons or property, but any damages allowed may be diminished in proportion to the amount of negligence attributable to the person recovering.⁶⁹

⁶⁹ The National Conference of Commissioners on Uniform State Laws approved the Uniform Comparative Fault Act in 1977. This Act is the result of careful Consideration over a period of five years. Enactment of that Act would make adoption of the UVC 9-202 unnecessary.

ARTICLE III—PROCESS ON NONRESIDENT

§ 9-301—Service of process on nonresident⁷⁰

(a) The acceptance by a nonresident of any right or privilege conferred upon nonresident by the laws of this State to operate a motor vehicle within this State, or the operation by a nonresident or nonresident's duly authorized agent or employee of a motor vehicle within this State, or in the event such nonresident is the owner of a motor vehicle then also the operation of such vehicle within this State by any persons with such owner's express or implied permission, shall be deemed equivalent to an appointment by such nonresident of the commissioner or any successor in office to be that person's lawful attorney upon whom may be served all lawful processes in any action or proceeding against that nonresident growing out of any accident or collision resulting from the operation of a motor vehicle upon any highway or elsewhere throughout this State by such owner.

(b) Operation of a motor vehicle within this State shall be signification of the agreement of the nonresident that any such process against nonresident which is served in the manner herein provided shall be of the same legal force and validity as if served on the nonresident personally.

(c) Service of such process shall be made by leaving a copy of the summons and complaint with a fee of \$2 with the commissioner or in the commissioner's office, and such service shall be sufficient service on the nonresident subject to compliance with the other provisions of this section. The plaintiff shall likewise and at the same time file with the commissioner or in the commissioner's office a bond in the sum of (\$500) with sureties to be approved by the commissioner, conditioned that upon the failure of the plaintiff to prevail in the action the plaintiff shall reimburse the defendant for the expenses necessarily incurred by such person in defending the action in this State.

(d) The plaintiff or plaintiff's attorney shall forthwith send a notice of such service and a copy of the summons and complaint by registered mail to the defendant, or in the alternative such notice and copy of the summons and complaint may be served personally upon the defendant wherever found outside of this State by any duly constituted public officer qualified to serve process in the jurisdiction where such personal service is made.

(e) Proof of compliance with subsection (d) shall be made in the event of service by mail by affidavit of the plaintiff or plaintiff's attorney showing said mailing, to which shall be attached the return receipt of the United States post office bearing the signature of the defendant, which affidavit and receipt shall be appended to the original summons which shall be filed with the court of jurisdiction within the time allowed by law for the return of such summons; or in the event of personal service outside this State by the return of any duly constituted public officer qualified to serve process in the jurisdiction where the defendant is found, showing such service to have been made at least 15 days before the return day of the

⁷⁰ The validity of the method of service described in this section has been sustained by the Supreme Court of the United States in *Hes v. Pawloski*, 274 U.S. 352 (1927).

process, which return shall be so appended to the original summons which shall be so filed as aforesaid.

(f) The court in which the action is pending may order such continuance as may be necessary to afford the defendant a reasonable opportunity to defend the action.

(g) The commissioner shall keep a record of all processes so served upon the commissioner. That record shall show the day and hour of service.

(h) The provisions of this section also shall apply to any resident who departs from this State subsequent to an accident or collision and remains absent for _____ days continuously, whether such absence is intended to be temporary or permanent.

ARTICLE IV-CHILDREN

§ 9-401-Negligence of children

A violation of any provision of this code by a child under the age of 14 shall not constitute negligence per se although a violation may be considered as evidence of negligence.

CHAPTER 10

Accidents and Accident Reports

§ 10-101-Provisions of chapter apply throughout State

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

§ 10-102-Accidents involving death or personal injury

(a) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until such driver has fulfilled the requirements of § 10-104. Every such stop shall be made without obstructing traffic more than is necessary.

(b) Any person failing to stop or to comply with the requirements of this section shall be punished by imprisonment for not less than 30 days nor more than one year, or by fine of not less than \$100 nor more than \$5,000, or by both such fine and imprisonment.

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

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

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

(a) The driver of any vehicle involved in an accident resulting in injury or death of any person or damage to any vehicle or other property which is driven or attended by any person shall give the driver's name and address, the registration number and owner of the vehicle the driver is operating; and shall upon request and if available exhibit his or her driver's license or to any person injured in such accident or to the driver or occupant of or person attending any vehicle or other property damaged in such accident. He or she also shall give such information and upon request exhibit such license or permit to any police officer at the scene of the accident or who is investigating the accident. He or she also shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying of such person to a physician, surgeon or hospital for medical treatment if it is apparent

that such treatment is necessary or if such assistance is requested by the injured person.

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

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

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

§ 10-106—Immediate notice of accident

(a) The driver of a vehicle which has become disabled as a result of an accident resulting in injury or death of any person immediately shall give notice of such accident to the nearest available office of a duly authorized police authority. For purposes of this section, a disabled vehicle shall not include a bicycle or any other vehicle moved by human power.

(b) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in subsection (a) and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.

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

(a) The driver of a vehicle which is involved in an accident resulting in bodily injury to or death of any person or total damage to all property to an apparent extent of (\$200) or more shall within 10 days after such accident forward a written report of such accident to the department unless the accident was investigated and reported by a police officer in accordance with § 10-112.

(b) The department may require the filing of a supplemental report by any driver or vehicle owner required by this section to file a written report whenever the original report is insufficient in the opinion of the department. The department may require a supplemental report to include an estimate of damage from a repair garage or an insurance adjuster qualified to do business in this State.

(c) A written accident report is not required under this chapter from any person who is physically incapable of making a report during the period of such incapacity.

(d) Whenever the driver is physically incapable of making a written report of an accident as required in this section and such driver is not the owner of the vehicle, the owner of the vehicle involved in such accident shall file an accident report within 10 days after the accident.

(e) All written reports and supplemental reports, required in this section to be forwarded to the department by drivers or owners of vehicles involved in accidents, shall be without prejudice to the individual so reporting and shall be for the confidential use of the department or other state agencies having use for the records for accident prevention purposes, except that the department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his or her presence at such accident. The department shall disclose whether any person or vehicle was covered by a vehicle insurance policy and the name of the insurer upon payment of a fee not to exceed \$_____.

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

§ 10-108-False reports

A person shall not give information in oral or written reports as required in this chapter knowing or having reason to believe that such information is false.

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

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

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

The state bureau of vital statistics (or other state agency keeping records of deaths) shall on or before the 10th day of each month report in writing to the department the death of any person

resulting from a vehicle accident, giving the time and place of the accident and the circumstances relating thereto.

§ 10-111-Garages to report

The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident resulting in injury, death or property damage exceeding \$200, or by having been struck by a bullet, shall report to the local police department if such garage is located within a municipality, or otherwise to the office of the county sheriff or the nearest office of the State police) within 24 hours after such motor vehicle is received by the garage or repair shop, giving the identifying number, registration number, and the name and address of the owner or driver of such vehicle.

§ 10-112-Police to report

(a) Every law enforcement officer who investigates a vehicle accident shall forward a written report of such accident to the department within 10 days after his or her investigation of the accident.

(b) Such written reports required to be forwarded by law enforcement officers and the information contained therein shall not be privileged or held confidential.

§ 10-113-Accident report forms

(a) The department shall prepare and upon request supply to police departments, sheriffs, and other appropriate agencies or individuals, forms for written accident reports as required in this chapter, suitable with respect to the persons required to make such reports and the purposes to be served. The written reports shall require sufficiently detailed information to disclose with reference to a vehicle accident, the cause, conditions then existing, and the persons and vehicles involved. Reports for use by drivers and owners also shall require information relating to financial responsibility.

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

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

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

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

With respect to accidents occurring in a local jurisdiction, by ordinance any local authority may require the driver of a vehicle involved in an accident or the owner of such vehicle, to file with the designated municipal department a written report of such accident or a

copy of any report herein required to be filed with the department. All such reports shall be for the confidential use of the municipal department and subject to the provisions of § 10-107 of this code.

§ 10-116—Chemical tests in fatal crashes

(a) When an accident results in the death of any driver or pedestrian within four hours of the accident, the medical examiner (or official performing like functions) shall withdraw blood or another bodily substance from the deceased driver or pedestrian so the amount of alcohol or the presence of other drugs in such person's blood can be determined. When possible, the withdrawal shall occur within eight hours of death.

(b) Subsection (a) shall not require withdrawing blood or any other bodily substance from a pedestrian who was less than 16 years of age at the time of such person's death.

(c) The medical examiner or official performing like functions or an approved laboratory shall analyze the blood or other substance to determine the amount of alcohol or the presence of other drugs in the dead driver's or pedestrian's blood.

(d) The results of the analysis required by this section shall be reported to the department and may be used by state and local officials only for statistical purposes that do not reveal the identity of the deceased person. Nothing in this subsection shall restrict the tests as evidence in criminal or civil proceedings.

(e) Withdrawal of blood or another bodily substance and its analysis shall comply with requirements of the (State department of health).

CHAPTER 11

Rules of the Road

ARTICLE I—OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

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

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

1. Where a different place is specifically referred to in a given section.

2. The provisions of article IX (and chapter 10)⁷¹ shall apply upon highways and elsewhere throughout the State.

§ 11-102—Required obedience to traffic laws

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

OPTIONAL (b) Any person who violates section 11-809, 11-901, 11-902, 11-907, or 11-908 shall be guilty of a misdemeanor.⁷²

OPTIONAL (c) Any person who violates any other section in this chapter shall be guilty of an infraction.⁷²

§ 11-103—Obedience to authorized persons directing traffic

(a) No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer, firefighter, flagger at highway construction or maintenance site, or uniformed adult school crossing guard invested by law with authority to direct, control or regulate traffic.

(b) A police officer at the scene of an accident shall have the authority to control crowds of persons, restore order, open lanes of traffic by causing vehicles to be moved, direct traffic, investigate the cause of the accident, and control the clearing of the scene. All persons at the scene, including but not limited to firefighters, ambulance drivers, paramedics, tow truck operators, and other emergency service personnel, shall obey lawful orders of a police officer.

⁷¹ States which have adopted § 10-101 should not enact the reference to Chapter 10.

⁷² If the enacting state wishes to provide that most rules of the road violations are not misdemeanors, the word "violation" should be used in subsection (a) in place of the word "misdemeanor," and subsections (b) and (c) should be adopted. These states also should adopt OPTIONAL 17-101.1 to provide a penalty for violation that are infractions. If the enacting state prefers that all traffic law violations be misdemeanors, the word "misdemeanor" should be used in (a) and subsections (b) and (c) should not be adopted.

(c) When flaggers at highway construction or maintenance sites are directing traffic, they shall use devices and procedures conforming to the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways.

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

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

§ 11-105—Persons working on highways—exceptions

Unless specifically made applicable, the provisions of this chapter except those contained in article IX shall not apply to persons, motor vehicles and equipment while actually engaged in work upon a highway but shall apply to such persons and vehicles when traveling to or from such work.

§ 11-106—Authorized emergency vehicles

(a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

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

1. Park or stand, irrespective of the provisions of this chapter;
2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
3. Exceed the maximum speed limits so long as life or property are not thereby endangered;
4. Disregard regulations governing direction of movement or turning in specified directions.

(c) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of an audible signal meeting the requirements of § 12-401 (d) and visual signals meeting the requirements of § 12-214 of this code, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a special visual signal visible from in front of the vehicle.

(d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of the driver's reckless disregard for the safety of others.

ARTICLE II—TRAFFIC CONTROL DEVICES

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

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

(b) No provision of this code for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

(c) Whenever official traffic-control devices are placed or held in position approximately conforming to the requirements of this code, such devices shall be presumed to have been so placed or held by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(d) Any official traffic-control device placed or held pursuant to the provisions of this code and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this code, unless the contrary shall be established by competent evidence.

§ 11-202—Traffic-control signal legend

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

(a) Green indication

1. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

2. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to

pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.⁷³

3. Unless otherwise directed by a pedestrian-control signal as provided in § 11-203, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(b) Steady yellow indication⁷⁴

1. Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.

2. Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in § 11-203, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(c) Steady red indication

1. Vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection, and shall remain standing until an indication to proceed is shown except as provided in subsection (c)3.

2. Vehicular traffic facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow, and unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication permitting the movement indicated by such red arrow is shown except as provided in subsection (c)3.

3. Except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping as required by subsection (c)1 or subsection (c)2. After stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. Such driver shall yield the right of way to pedestrians within the intersection or an adjacent crosswalk.

⁷³ It is recommended that the display of a turning green arrow alone or with another indication should indicate that during this display the turning movement is not interfered with by oncoming traffic, which simultaneously should face a red signal.

⁷⁴ It is recommended that the color yellow be used only before red. If yellow is used following the red, traffic facing the signal has a tendency to start before the green signal appears, causing interference with cross traffic clearing the intersection.

4. Unless otherwise directed by a pedestrian-control signal as provided in § 11-203, pedestrians facing a steady circular red or red arrow signal alone shall not enter the roadway.

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

§ 11-203—Pedestrian-control signals⁷⁵

Whenever special pedestrian-control signals exhibiting the "Walk" or "Don't Walk" or symbols of a "walking person" or "upraised palm" are in place, such signals shall indicate as follows:

(a) *Flashing or Steady Walk or Walking Person*—Any pedestrian facing the signal may proceed across the roadway in the direction of the signal and every driver of a vehicle shall yield the right of way to such pedestrian.

(b) *Flashing or Steady Don't Walk or Upraised Palm*—No pedestrian shall start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed crossing on the walk signal shall proceed to a sidewalk or safety island while the don't walk or upraised palm signal is showing.

§ 11-204—Flashing signals

(a) Whenever an illuminated flashing red or yellow light is used in a traffic signal or with a traffic sign it shall require obedience by vehicular traffic as follows:

1. *Flashing red (stop signal)*—When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

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

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

⁷⁵ In states where pedestrian-control signals using the "Wait" legend are still in use, authorization for them should be continued in the law until they are replaced.

§ 11-205-Lane use control signals

When lane use control signals are placed over individual lanes, the signals shall indicate and apply to drivers of vehicles as follows:

(a) *Green indication*-Vehicular traffic may travel in any lane over which a green signal is shown.

(b) *Steady yellow indication*-Vehicular traffic is thereby warned that a lane control change is being made.

(c) *Steady red indication*-Vehicular traffic shall not enter or travel in any lane over which a red signal is shown.

(d) *Flashing yellow indication*-Vehicular traffic may use the lane only for the purpose of approaching and making a left turn.

§ 11-206-Display of unauthorized signs, signals, or markings

(a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control device or any railroad sign or signal.

(b) No person shall place or maintain nor shall any public authority permit upon any highway commercial advertising on any official traffic control device except for business signs included as a part of official motorist service panels or roadside area information panels approved by the (State highway commission).

(c) This section shall not be deemed to prohibit the erection of signs upon private property adjacent to highways giving useful directional information and of a type that cannot be mistaken for official signs.

(d) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

§ 11-207-Interference with official traffic control devices

Without lawful authority, no person shall attempt to or in fact alter, twist, deface, injure, knock down, remove or interfere with the effective operation of any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

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

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

(a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

2. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided any person driving to the left of the center of the highway shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

3. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

4. Upon a roadway restricted to one-way traffic.

(b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road, alley, or driveway. The intent of this subsection is to facilitate the overtaking of slowly moving vehicles by faster moving vehicles.

(c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (a)2. This subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

§ 11-302--Passing vehicles proceeding in opposite directions

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

§ 11-303—Overtaking a vehicle on the left

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

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left of the vehicle being overtaken and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

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

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

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under one or more of the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;

2. Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement shall not be made by driving off the roadway.

§ 11-305—Limitations on overtaking on the left

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

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

(a) No vehicle shall be driven on the left side of the roadway under the following conditions:

1. When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such

distance as to create a hazard in the event another vehicle might approach from the opposite direction;

2. When approaching within 100 feet of or traversing any intersection or railroad grade crossing unless otherwise indicated by official traffic control devices;

3. When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.

(b) The foregoing limitations shall not apply upon a one-way roadway, nor under the conditions described in § 11-301 (a)2, nor to the driver of a vehicle turning left into or from an alley, private road, or driveway.

§ 11-307—No-passing zones

(a) The (State highway commission) and local authorities are authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left side of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones; and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

(b) Where signs or markings are in place to define a no-passing zone as set forth in paragraph (a) no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone.

(c) This section does not apply under the conditions described in § 11-301(a)2, nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

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

(a) The (State highway commission) and local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic-control devices.

(b) Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic-control devices.

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

§ 11-309—Driving on roadways laned for traffic

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

(a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the

driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making or completing a left turn; or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

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

(d) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway, and drivers of vehicles shall obey the directions of every such device.

§ 11-310—Following too closely

(a) The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(b) Whenever conditions permit, the driver of any truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another truck or motor vehicle drawing another vehicle, shall leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a truck or motor vehicle drawing another vehicle from overtaking and passing any vehicle or combination of vehicles.

(c) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

§ 11-311—Driving on divided highways

(a) Whenever any highway has been divided into two or more roadways by leaving an intervening space, a physical barrier, or a clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers.

(b) No vehicle shall be driven over, across or within any such dividing space, barrier or section; except a vehicle may be driven through an opening in such physical barrier or dividing section or space or at an established cross-over or intersection unless specifically prohibited by public authority.

(c) The driver of a vehicle may turn left across a paved dividing space unless prohibited by an official traffic-control device.

§ 11-312-Restricted access

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

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

(a) The (State highway commission) by resolution or order entered in its minutes, and local authorities by ordinance, may regulate or prohibit the use of any controlled-access roadway (or highway) within their respective jurisdictions by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

(b) The (State highway commission) or the local authority adopting any such prohibition shall erect and maintain official traffic-control devices on the controlled-access highway on which such prohibitions are applicable and when in place no person shall disobey the restrictions stated on such devices.

ARTICLE IV—RIGHT OF WAY

§ 11-401—Vehicle approaching or entering intersection

(a) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

(b) The right of way rule declared in paragraph (a) is modified at through highways and otherwise as stated in this chapter.

§ 11-402—Vehicle turning left

The driver of a vehicle intending to turn to the left shall yield the right of way to any vehicle approaching from the opposite direction which is so close as to constitute an immediate hazard.

§ 11-403—Stop signs and Yield signs

(a) Preferential right of way may be indicated by stop signs or yield signs as authorized in § 15-109 of this code.

(b) Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways. Such driver shall yield the right of way to pedestrians within an adjacent crosswalk.

(c) The driver of vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions, and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. Such driver shall yield the right of way to pedestrians within an adjacent crosswalk. If such a driver after driving past a yield sign is involved in a collision with a vehicle in the intersection or junction of roadways or with a pedestrian in an adjacent crosswalk, such

collision shall be deemed prima facie evidence of the driver's failure to yield right of way.

(d) Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign located at a railroad crossing shall stop at the clearly marked stop line, but if none, before entering the crosswalk on the near side of the crossing, or if none, then within 50 feet but not less than 15 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for signals indicating the approach of a train or other vehicle, and shall not proceed until it is safe to do so. After stopping as required herein and proceeding when it is safe to do so, the driver shall cross only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing such crossing, and the driver shall not manually shift gears while crossing the track or tracks.

(e) The driver of a vehicle approaching a yield sign located at a railroad crossing shall, in obedience to such sign, slow down to a speed reasonable for the existing conditions, and if required for safety to stop, shall stop at the clearly marked stop line, but if none, before entering the crosswalk on the near side of the crossing, or if none, then within 50 feet but not less than 15 feet from the nearest rail of such railroad, and while so stopped shall listen and look in both directions along such track for any approaching train or other vehicle and for signals indicating the approach of a train or other vehicle, and shall not proceed until it is safe to do so.

If a full stop for safety is not required, the driver shall yield the right of way to any train or other vehicle within the crossing or approaching so closely as to constitute an immediate hazard during the time such driver is moving across or within the crossing. If such driver is involved in a collision with a train or other vehicle in the crossing after driving past the yield sign, such collision shall be deemed prima facie evidence of the driver's failure to yield right of way.

After stopping or slowing as required herein and proceeding when it is safe to do so, the driver of any vehicle shall cross only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing such crossing, and driver shall not manually shift gears while crossing the track or tracks.

§ 11-404-Vehicle entering roadway

The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right of way to all vehicles approaching on such roadway.

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

(a) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of § 12-401(d)

and visual signals meeting the requirements of § 12-214 of this code, or of a police vehicle properly and lawfully making use of an audible signal only:

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

2. Upon the approach of an authorized emergency vehicle, the operator of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.⁷⁶

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

§ 11-406-Highway construction and maintenance

(a) The driver of a vehicle shall yield the right of way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any highway construction or maintenance area indicated by official traffic-control devices.

(b) The driver of a vehicle shall yield the right of way to any authorized vehicle obviously and actually engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of § 12-223.

⁷⁶ Subparagraph (a)2 should be omitted in states where no streetcars are in operation.

ARTICLE V—PEDESTRIANS' RIGHTS AND DUTIES

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

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

(b) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in §§ 11-202 and 11-203.

(c) At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter.

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

(a) When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to yield to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

(c) Paragraph (a) shall not apply under the conditions stated in § 11-503 (b).

(d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

§ 11-503—Crossing at other than crosswalks

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

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

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and when authorized to cross diagonally, pedestrians shall cross only in

accordance with the official traffic-control devices pertaining to such crossing movements.

§ 11-504—Drivers to exercise due care

Notwithstanding other provisions of this chapter or the provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person propelling a human powered vehicle and shall give an audible signal when necessary, and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person.

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

Whenever practicable, pedestrians shall move upon the right half of crosswalks.

§ 11-506—Pedestrians on highways

(a) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on the shoulder, as far as practicable from the edge of the roadway.

(c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and if on a two-way roadway, shall walk only on the left side of the roadway.

(d) Except as otherwise provided in this chapter, any pedestrian upon a roadway shall yield the right of way to all vehicles upon the roadway.

§ 11-507—Pedestrians soliciting rides or business

(a) No person shall stand in a roadway for the purpose of soliciting a ride.

(b) No person shall stand on a highway for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle.

(c) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any parked vehicle or any vehicle about to be parked on a street or highway.

§ 11-508—Driving through safety zone prohibited

No vehicle shall at any time be driven through or within a safety zone.

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

The driver of a vehicle crossing a sidewalk shall yield the right of way to any pedestrian and all other traffic on the sidewalk.

§ 11-510—Pedestrians yield to authorized emergency vehicles

(a) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of § 12-401(d) and visual signals meeting the requirements of § 12-214 of this code, or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian shall yield the right of way to the authorized emergency vehicle.

(b) This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian.

§ 11-511—Blind pedestrian right of way

The driver of a vehicle shall yield the right of way to any blind pedestrian carrying a visible white cane or accompanied by a guide dog.

§ 11-512—Pedestrians under influence of alcohol or drugs

A pedestrian who is under the influence of alcohol or any drug to a degree which renders such pedestrian a hazard shall not walk or be upon a highway except on a sidewalk.

§ 11-513—Bridge and railroad signals

(a) After a bridge operation signal has been given, no pedestrian shall enter or remain upon the bridge or approach thereto beyond the bridge signal, gate or barrier.

(b) No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

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

§ 11-601—Required position and method of turning

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

(a) *Right turns* — Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(b) *Left turns* — The driver of a vehicle intending to turn left shall approach the turn in the extreme left lane lawfully available to traffic moving in the direction of travel of such vehicle. Whenever practicable, the left turn shall be made to the left of the center of the intersection so as to leave the intersection or other location in the extreme left lane lawfully available to traffic.

(c) The state highway commission and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles, and when such devices are so placed no driver shall turn a vehicle other than as directed and required by such devices.

(d) *Two-way left turn lanes* — Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic-control devices:

1. A left turn shall not be made from any other lane.
2. A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U turn when otherwise permitted by law.

§ 11-602—Limitations on U-turns

(a) The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with other traffic.

(b) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.

§ 11-603—Starting a parked vehicle

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

§ 11-604—Turning movements and required signals

(a) No person shall turn a vehicle or move right or left upon a roadway unless and until such movement can be made with reasonable safety nor without giving an appropriate signal.

(b) For vehicles equipped with mechanical or electrical turn signals, a signal of intention to turn or move right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(d) The signals required on vehicles by §11-605(b) shall not be flashed on one side only of a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

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

(a) Any stop or turn signal when required shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in paragraph (b).

(b) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single vehicle and to any combination of vehicles.

(c) The signals required on vehicles by subsection (b) shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

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

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

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

Notwithstanding the foregoing provisions, a person operating a bicycle may give a right turn signal by extending the right hand and arm horizontally and to the right side of the bicycle.

ARTICLE VII—SPECIAL STOPS REQUIRED

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

(a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad, and shall not proceed until it is safe to do so. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
2. A crossing gate is lowered or when a human flagger gives or continues to give a signal of the approach or passage of a railroad train;
3. A railroad train approaching within approximately 1,500 feet of the highway crossing emits a signal audible from such distance, or such railroad train by reason of its speed or nearness to such crossing is an immediate hazard;
4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

§ 11-702—Certain vehicles must stop at all railroad grade crossings

(a) Except as provided in subsection (b), the driver of any vehicle described in regulations issued pursuant to subsection (c), before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad and, while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train and shall not proceed until it is safe to do so. After stopping as required, upon proceeding when it is safe to do so, the driver of the vehicle shall cross only in a gear of the vehicle that will not require manually changing gears while traversing such crossing, and the driver shall not manually shift gears while crossing the track or tracks.

(b) This section shall not apply at:

1. Any railroad grade crossing at which traffic is controlled by a police officer or human flagger;
2. Any railroad grade crossing at which traffic is regulated by a traffic-control signal;
3. Any railroad grade crossing protected by crossing gates or an alternately flashing light signal intended to give warning of the approach of a railroad train;

4. Any railroad grade crossing at which an official traffic control device gives notice that the stopping requirement imposed by this section does not apply.

(c) The (commissioner or other appropriate State official or agency) shall adopt such regulations as may be necessary describing the vehicles which must comply with the stopping requirements of this section. In formulating such regulations the (commissioner or other appropriate State official or agency) shall give consideration to the number of passengers carried by the vehicle and the hazardous nature of any substance carried by the vehicle in determining whether such vehicle shall be required to stop. Such regulations shall correlate with and so far as possible conform to the most recent regulation of the United States Department of Transportation.⁷⁷

§ 11-703—Moving heavy equipment at railroad grade crossings

(a) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of 10 or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

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

(c) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop not less than 15 feet nor more than 50 feet from the nearest rail of the railroad tracks, and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(d) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagger or otherwise of the immediate approach of a railroad train or car. If a flagger is provided by the railroad, movement over the crossing shall be under the flagger's direction.

§ 11-704—Emerging from alley, driveway or building

The driver of a vehicle emerging from an alley, building, private road, or driveway within a business or residence district shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, building entrance, private road, or driveway, or in the event there is no sidewalk area, shall

⁷⁷ This regulation can be found in 49 Code of Federal Regulations 392.10.

stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

§ 11-705—Overtaking and passing school bus

(a) The driver of a vehicle meeting or overtaking from either direction any school bus meeting the color and identification requirements of § 12-222(a), (b) and (c) of this code stopped on the highway shall stop before reaching such school bus when there is in operation on that school bus the flashing red lights specified in § 12-222(a). The driver shall not proceed until such school bus resumes motion or the flashing red lights are no longer actuated.

(b) The red visual signals meeting the requirements of § 12-222(a) of this code shall be actuated by the driver of the school bus only whenever such vehicle is stopped on the highway for the purpose of receiving or discharging school children. A school bus driver shall not actuate said special visual signals:

1. In business districts and on urban arterial streets designed by the (State highway commission) or local authorities;

2. At intersections or other places where traffic is controlled by traffic-control signals or police officers; or

3. In designated school bus loading areas where the bus is entirely off the roadway.

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

ARTICLE VIII—SPEED RESTRICTIONS

§ 11-801—Basic rule

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

§ 11-802—Maximum limits

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

1. Thirty miles per hour in any urban district;
2. Fifty-five miles per hour in other locations.

The maximum speed limits set forth in this section may be altered as authorized in §§ 11-803 and 11-804.

§ 11-803—Establishment of State speed zones

Whenever the (State highway commission) shall determine upon the basis of an engineering and traffic investigation that any maximum speed specified in § 11-802 is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the State highway system, the (commission) may specify a reasonable and safe maximum limit, which shall be effective when appropriate signs giving notice thereof are erected. Such a maximum speed limit may be effective at all times or at such times as are indicated by appropriate signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

§ 11-804—When local authorities may and shall alter maximum limits

(a) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under this article is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:

1. Decreases the limit at intersections; or
2. Increases the limit within an urban district but not to more than 55 miles per hour; or
3. Decreases the limit outside an urban district, but not to less than 35 miles per hour.

(b) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this code for an urban district.

(c) Any altered limit shall be effective at all times, or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

(d) Any alteration of maximum limits on State highways or extensions thereof in a municipality by local authorities shall not be effective until such alteration has been approved by the (State highway commission).

(e) Not more than six such alterations as hereinabove authorized shall be made per mile along a street or highway, except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than 10 miles per hour.

§ 11-805—Minimum speed regulation

(a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(b) Whenever the (State highway commission) or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway impede the normal and reasonable movement of traffic, the (commission) or such local authority may establish a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law, and that limit shall be effective when posted upon appropriate fixed or variable signs.

§ 11-806—Special speed limitation on motor-driven cycles

No person shall operate any motor-driven cycle at any time mentioned in § 12-201 at a speed greater than 35 miles per hour unless such motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of 300 feet ahead.

§ 11-807—Special speed limitations

(a) No person shall drive a vehicle which is towing a house trailer at a speed greater than a maximum of 45 miles per hour.

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

(c) The (State highway commission) and local authorities on highways under their respective jurisdictions may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this chapter, the (commission) or local authority shall establish the maximum speed of vehicles which such structure can safely withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained before each end of such structure.

(d) Upon the trial of any person charged with a violation of this section, proof of the determination of the maximum speed by the (commission) and the existence of the signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

§ 11-808-Charging violations and rule in civil actions

(a) In every charge of violation of any speed regulation in this article, the complaint and the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven and the maximum speed applicable within the district or at the location.

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

§ 11-809-Racing on highways

(a) No person shall drive any vehicle in any race, speed competition, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record; and no person shall in any manner participate in any such race, competition, contest, test or exhibition.

(b) Drag race is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

(c) Racing is defined as the use of one or more vehicles in an attempt to: outgain, outdistance, or prevent another vehicle from passing; to arrive at a given destination ahead of another vehicle or

vehicles; or to test the physical stamina or endurance of drivers over long distance driving routes.

(d) Any person convicted of violating this section shall be punished as provided in § 17-101(b).

(e) This section does not apply to persons riding bicycles.

ARTICLE IX -- DUI AND OTHER SERIOUS TRAFFIC OFFENSES⁷⁸

§ 11-901-Unlawful to consume alcoholic beverages while driving a motor vehicle or to possess an open container of alcoholic beverage within the passenger area of a motor vehicle while on highway

(a) It is unlawful for a person to consume an alcoholic beverage while driving a vehicle on a public highway.

(b) Except as otherwise provided in this subsection, it is unlawful for a person to possess an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is on a public highway. This prohibition does not apply to a motor vehicle being used primarily for the transportation of persons for compensation or to the living quarters of a house coach, house trailer, or recreational vehicle nor does it apply to a vehicle operated by a chauffeur in his or her for-hire capacity.

(c) Violations of this section are punishable by a fine of not more than (\$500), or imprisonment for not more than (30) days, or both such fine and imprisonment.

§ 11-902-Driving under the influence of alcohol or drugs; under the extreme influence of alcohol; alcohol and drug abuse evaluation and treatment

(a) A person shall not drive any vehicle while:

1. the alcohol concentration in such person's blood or breath is 0.08 or more;

2. the alcohol concentration in such person's blood or breath as measured within (two) hours of the time of driving is 0.08 or more;

3. under the influence of alcohol;

4. under the influence of any drug or combination of drugs to a degree which renders such person incapable of safely driving; or,

5. under the combined influence of alcohol and any drug or drugs to a degree that renders such person incapable of safely driving.

(b) Under the extreme influence of alcohol: a person shall not drive any vehicle while:

1. the alcohol concentration in such person's blood or breath is (0.16)⁷⁹ or more; or,

2. the alcohol concentration in such person's blood or breath as measured within (two) hours of the time of driving is (0.16) or more.

(c) A person convicted of violating subsection (a) shall be punished as follows:

⁷⁸ This article covers serious traffic offenses: sections 11-901 through 11-908 are related to driving under the influence; sections 11-909 through 11-911 relate to reckless driving, homicide by vehicle, and fleeing or attempting to elude a police officer.

⁷⁹ States may wish to change this number; the National Committee recommends that the minimum BAC for extreme influence be twice the minimum BAC for driving under the influence.

1. For a first offense, a person shall be sentenced to imprisonment for not less than (ten) days or more than (one) year or to pay a fine of not less than (\$250) nor more than (\$1,000) or to both such imprisonment and fine. The department shall suspend the person's license for (180) days.

2. For a second or subsequent conviction within (five) years, a person shall be sentenced to imprisonment for not less than (90) days nor more than (one year) and shall pay a fine of not less than (\$500) nor more than (\$1,000). The department shall revoke the person's license for (one year)⁸⁰.

(d) A person convicted of violating subsection (b) shall be punished as follows:

1. For a first offense a person shall be sentenced to imprisonment for not less than (30) days and not more than (one year) with at least (30) consecutive days in jail without the benefit of probation or suspension of the sentence and shall pay a fine of not less than (\$500) nor more than (\$1000). The department shall revoke the person's license for (one year)⁸¹.

2. For a second or subsequent offense within (five) years, a person shall be sentenced to imprisonment for not less than (120) days and not more than (one) year with at least (60) days to be served consecutively without the benefit of probation or suspension and shall pay a fine of not less than (\$1,000) nor more than (\$2,000). The department shall revoke the person's license for (two)⁸² years.

(e).

1. Before sentencing any person convicted of violating either subsections (a) or (b), the court shall conduct or order an appropriate examination or examinations to determine whether the person needs or would benefit from treatment for alcohol or other drug abuse.

2. In addition to the penalties imposed under subsections (c) and (d) and after receiving the results of the examination in subparagraph (1) under this subsection, or upon a hearing and

⁸⁰ States concerned about the hardship that might result from a one-year license revocation could enact the following (or another hardship) provision: Notwithstanding any other provision of law, after 30 days following a license suspension or revocation the department may issue a limited license to the driver if no prior limited license has been issued within the preceding 12 months and there has been no prior license suspension or revocation. In issuing a limited license, the department may impose the conditions and limitations that in its judgment are necessary to the interests of the public safety and welfare. The license may be limited to the operation of a particular vehicle (or vehicles) or to a particular class (or classes) of vehicle, and to time of operation. The limited license issued by the department shall indicate the limitations imposed, and the driver operating under a limited license shall have the license in his or her possession at all times when driving a motor vehicle.

⁸¹ See footnote 80.

⁸² This is an exception from the general UVC practice authorizing revocation of the license for one year. States concerned about the hardship that might result from a two-year license revocation could enact the hardship provision enumerated in footnote 10.

determination that the person is an habitual user of alcohol or other drugs, the court may order supervised treatment on an outpatient basis, or upon additional determinations that the person constitutes a danger to self or others and that adequate treatment facilities are available, the court may order such person committed for treatment at a facility or institution approved by the (state department of health).

3. Any person subject to this subsection may be examined by a physician of such person's own choosing. The court shall consider the results of any such examination.

4. Upon application for a driver's license by any person under an order of commitment or supervised treatment pursuant to subparagraph (2) under this subsection, the results of the examination referred to in subparagraph (1) of this subsection and a report of the progress of the treatment ordered shall be forwarded by the applicant to the department for consideration by the health advisory board.

5. The department may after receiving the advice of the health advisory board issue a license to such person with conditions and restrictions that are consistent with the progress of the person's rehabilitation and the protection of the public.

(f) A court may order a person convicted of a violation of either subsections (a) or (b), who has had his or her license restored, to only operate motor vehicles that are equipped with a certified ignition interlock device.

(g) The fact that any person charged with violating either subsections (a) or (b) is or has been legally entitled to use alcohol or any drug shall not constitute a defense against any charge of violating this section.

(h) A sentencing judge may permit any jail sentence or any portion of a jail sentence imposed for violating either subsections (a) or (b) and punished under either subsections (c) or (d) to be served under a home detention program.

(i) A person convicted of violating either subsections (a) or (b) may be ordered by the court to perform community service, to pay restitution to any victims, and to pay the costs associated with an incarceration, a home detention program, an alcohol-drug abuse evaluation or a treatment program.

§ 11-903-Chemical and other tests

(a) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person driving under the influence of alcohol or drugs, evidence of the concentration of alcohol or drugs in a person at the time alleged, as determined by analysis of the person's blood, urine, breath or other bodily substance, shall be admissible by any party to such action or proceeding. Where such a test is made the following provisions shall apply:

1. Chemical analyses of the person's blood, urine, breath, or other bodily substance to be considered valid under the provisions of this section shall have been performed according to methods approved

by the (state department of health) and by an individual possessing a valid permit issued by the (state department of health) for this purpose. The (state department of health) is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, and to issue permits that shall be subject to termination or revocation at the discretion of the (state department of health).

2. When a person submits to a blood test at the request of a law enforcement officer, only a qualified person⁸³ may withdraw blood for the purpose of determining the alcoholic or drug content therein. This limitation shall not apply to the taking of breath specimens.

3. Upon the request of the person who submitted to a chemical test or tests at the request of a law enforcement officer, the results of such test or tests shall be made available to the person or such person's attorney.

(b) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by a person driving under the influence of alcohol, if the concentration of alcohol in the person's blood or breath at the time alleged as shown by analysis of the person's blood or breath was less than 0.08, such fact shall not give rise to any presumption that the person was not under the influence of alcohol, but may be considered with other competent evidence in determining that issue. This provision shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of drugs.

(c) If a person under arrest refuses to submit to a chemical test under the provisions of this section, evidence of such refusal shall be admissible by any party in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was driving under the influence of alcohol or drugs.

§ 11-904-Implied Consent and Administrative License Suspension, including duties of the officer and opportunity for a hearing

(a) Any person who operates a vehicle upon the highways of this State shall be deemed to have given consent to a test or tests of such operator's blood or breath, for the purpose of determining the operator's alcohol concentration, and to a test or tests of such operator's blood, urine, or other bodily substances for purpose of detecting the presence of drugs. The test or tests shall be administered at the direction of a law enforcement officer who has arrested that person for, or has probable cause to believe, that the person has operated a vehicle under the influence of alcohol and/or drugs or other controlled substances, or in the case of a person under the age of 21 years, that such person has operated a vehicle while having any measurable amount of alcohol in his or her system.

⁸³ The state shall determine the definition of qualified person.

(b) Any person who is dead, unconscious or who is otherwise in a condition rendering one incapable of refusal, shall be deemed not to have withdrawn the consent provided by paragraph (a) of this section and the test or tests may be administered, subject to the provisions of section 11-903.

(c) A person requested to submit to a test as provided above shall be warned by the law enforcement officer requesting the test that a refusal to submit to or the failure to complete the test will result in the immediate suspension of such person's license to operate a motor vehicle for (one year).

(d) If the person refuses testing or fails to complete it, or submits to a test required under subsection (a) which discloses an alcohol concentration of 0.08 or more, or if the officer otherwise makes the determination based on probable cause that the person operated a vehicle under the influence of alcohol and/or drugs or other controlled substances, on behalf of the Department of Motor Vehicles the officer directing administration of the test or making such determination shall serve on the person immediate notice of the Department's intention to suspend the person's license to operate a motor vehicle. Such officer also shall submit a sworn report to the Department certifying one of the following:

1. the test was requested pursuant to subsection (a) and the person refused to submit to testing or failed to complete it;

2. the person submitted to a test that disclosed an alcohol concentration of 0.08 or more;

3. the officer made an arrest based on probable cause that the person operated a vehicle under the influence of alcohol or drugs or other controlled substances.

(e) Upon receipt of the sworn report of a law enforcement officer submitted under subsection (d), the department shall suspend the driver's license of the person for a period of:

1. (one year) for refusal to take the requested test or the failure to complete it;

2. (180 days) if the person submitted to testing required under subsection (a) which disclosed an alcohol concentration of 0.08 or more;

3. (180 days) if the officer made the arrest based on probable cause that the person operated a vehicle under the influence of alcohol and/or drugs or other controlled substances.

(f) On behalf of the department, the law enforcement officer submitting the sworn report under subsection (d) shall serve immediate notice of the suspension on the person, and the suspension shall be effective (30) days after the date of service. If the person has a valid license, the officer shall take the driver's license of the person and issue a temporary license valid for the notice period. The officer shall send the license to the department along with the sworn report under subsection (d). If approved by the Department of Motor Vehicles, a citation or notice of suspension issued by the officer also may serve as the temporary license certificate.

In cases where the law enforcement officer has not served notice, the department shall give reasonable notice as provided in section (*insert reference to appropriate state notice provision*) and the suspension shall be effective (30) days after the date of service. If the address shown in the law enforcement officer's report differs from that shown on the department records, the notice shall be mailed to both addresses.

(g) A license suspension under this section shall become effective (30) days after the date of service of the notice of suspension. Any person whose license is suspended under this section may make a written request for a hearing. The request shall state the grounds upon which the person seeks to have the suspension rescinded. The filing of the request shall not stay the suspension. The hearing shall be held within (20) days after filing of the request in the county in which the alleged offense occurred, unless the person and the department agree to a different location. The hearing shall be recorded and be conducted by the department's designated agent.⁸⁴ The hearing may be conducted upon a review of the law enforcement officer's own reports, provided however that the person may subpoena the officer. The department may issue subpoenas to compel the attendance of witnesses. The scope of the hearing shall be limited to the issues of:

1. whether the law enforcement officer requested the test;
2. whether the person was warned as required by subsection (c);
3. whether the person was driving a vehicle;
4. whether the person refused to submit to the testing or failed to complete it; and
5. whether a properly administered test or tests disclosed an alcohol concentration of 0.08 or more.

§ 11-905-Zero tolerance - Applicable to persons under age 21; implied consent to testing; administrative license revocation for refusal to submit to chemical test or having BAC of .02 or more; notice to persons under the age of 21 years prior to licensure; duties of officer if test refused or failed.

(a) Notwithstanding any other provision of law, it is unlawful for a person under the age of 21 years who has an alcohol concentration of 0.02 or more, as measured by a preliminary alcohol screening test or a test authorized by section 11-903, to drive a vehicle. The penalty for a person under the age of 21 years driving with an alcohol concentration of 0.02 or more is suspension of the driving privilege for (180 days).

(b) If a law enforcement officer detains a person under 21 years of age who is driving a vehicle, and the officer has reasonable cause to believe that the person has any measurable amount of alcohol

⁸⁴ Alternatively, states may wish to have the hearing conducted by a judge, using an administrative standard, at the defendant's initial hearing on the criminal charge.

in his or her system and a preliminary alcohol screening device is immediately available, the officer shall request that the person take a preliminary alcohol screening test to determine the possible presence and amount of alcohol in the person. If a preliminary alcohol screening is not immediately available, the officer may request that the person submit to chemical testing of his or her blood or breath pursuant to the requirements of sections 11-903.

(c) Any person under the age of 21 years who drives a vehicle, or his or her parent or guardian on behalf of such person under age 21, is deemed to have given consent to a preliminary alcohol screening test or any test authorized by section 11-903 or 11-904 for the purpose of determining the presence of alcohol in the person, if such person was lawfully detained for an alleged violation of subsection (a). Any person under age 21 who is dead, unconscious or who is otherwise in a condition rendering such person incapable of refusal, shall be deemed to have provided the consent authorized by this subsection and the test or tests may be administered.

(d) A person under the age of 21 years requested to submit to a test as provided by this section shall be told by the law enforcement officer requesting the test that a refusal to submit to or the failure to complete a preliminary alcohol screening test or a test authorized by section 11-903 or 11-904, as requested by the officer, will result in the suspension of such person's license to operate a motor vehicle for (one year).

(e) If the person refuses to take or fails to complete the preliminary alcohol screening test, or refuses to take or fails to complete a chemical test if a preliminary alcohol screening device is not immediately available, or if the person takes the preliminary alcohol screening test and that test reveals a blood alcohol concentration of 0.02 percent or more, or if the person takes a chemical test pursuant to the provisions of section 11-903 revealing a blood alcohol concentration of 0.02 or more, the officer shall proceed as follows:⁸⁵

1. Acting on behalf of the Department, the officer shall serve the person with a notice of an order of suspension of the person's driving privilege.

⁸⁵ The intention of the drafters is to provide the law enforcement officer with an expedited procedure for suspending and seizing the license of persons under the age of 21 who have been drinking. On behalf of the department of motor vehicles, section 11-905 authorizes the officer to serve a person under age 21 with a notice of suspension and to take possession of that person's license after such person either refuses to take or to complete the preliminary alcohol screening test, or takes the preliminary alcohol screening test and that test reveals a blood alcohol concentration of 0.02 or more. The drafters believe that whenever a person under the age of 21 takes a preliminary alcohol test and that test reveals a blood alcohol level of 0.02 or more, that section 11-905 (rather than section 11-904) should be utilized to immediately seize and suspend that person's license, even when that person's BAC registers 0.08 and above. The drafters believe that establishing this procedure as the typical approach to underage drinking will make zero tolerance enforcement easier and therefore more prevalent; and pursuing this administrative approach would not preclude pursuing additional criminal actions under the provisions of section 11-902.

2. The officer shall take possession of any driver's license issued by this State which is held by the person. On behalf of the Department, when the officer takes possession of a valid driver's license, the officer shall issue a temporary driver's license. The temporary driver's license may be an endorsement on the notice of the order of suspension and shall be valid for 30 days from the date of issuance.

3. Within 5 business days after the day the notice of suspension is served, the officer shall forward to the Department a copy of the completed notice of order of suspension, the driver's license if taken into possession pursuant to paragraph (2), and any other reports which may be required by law or regulation.

(f) Before issuing a driver's license or permit to any person under 21 years of age, the Department of Motor Vehicles shall inform the applicant of, and the applicant shall sign a statement acknowledging notification of, the following information:

1. It is unlawful for anyone under the age of 21 to drive with an alcohol concentration of 0.02 or greater, as measured by a preliminary alcohol-screening test or other chemical test.

2. The penalty for driving with an alcohol concentration of 0.02 or greater is a suspension of the driving privilege for (180 days).

3. For a person under the age of 21, a refusal to take or a failure to complete a preliminary alcohol screening test or other chemical test for the purpose of determining the person's level of alcohol concentration shall result in a (one year) suspension of the driving privilege.

(g) A license suspension under this section shall become effective (30) days after the date of service of the notice of suspension. Any person whose license is suspended under this section may make a written request for a hearing. The request shall state the grounds upon which the person seeks to have the suspension rescinded. The filing of the request shall not stay the suspension. The hearing shall be held within 20 days after filing of the request in the county in which the alleged offense occurred, unless the person and the department agree to a different location. The hearing shall be recorded, and be conducted by the department's designated agent. The hearing may be conducted upon a review of the law enforcement officer's own reports; provided, however, that the person may subpoena the officer. The department may issue subpoenas to compel the attendance of witnesses. The scope of the hearing shall be limited to the issues of:

1. whether the law enforcement officer requested the test;
2. whether the person was warned as required by subsection (d);
3. whether the person was driving a vehicle;
4. whether the person refused to submit to the testing or failed to complete it;

5. whether a properly administered test or tests disclosed an alcohol concentration of 0.02 or more.

(h) Notwithstanding any other provision of law, the Department of Motor Vehicles of this state may require anyone under the age of 21 years who has had his or her license suspended pursuant to this section, as one requirement to have the license reissued, to attend a course or participate in counseling designed to discourage those under the age of 21 years from drinking alcohol.

§ 11-906-Preliminary Alcohol Screening Test

When a law enforcement officer has articulable grounds to suspect that a person may have been violating section 11-902, or that a person under age 21 may have been driving with a measurable alcohol concentration, the officer may request that the suspect submit to a preliminary alcohol screening test of the suspect's breath to determine such person's alcohol concentration using a device approved for that purpose by the (State Department of Health). Nothing in this section precludes the officer from further requesting or requiring additional testing pursuant to any section of this Act or any other provision of law.

§ 11-907-Chemical test of drivers in serious personal injury or fatal crashes

Notwithstanding the provisions of any other law, when the driver of a vehicle is involved in a crash resulting in death or serious personal injury of another person, and there is reason to believe that the driver was driving under the influence of alcohol or drugs, the driver may be compelled by a police officer to submit to a test or tests of his or her blood, breath or urine to determine the person's alcohol concentration or the presence of other drugs.

§ 11-908 - Limits on Plea Bargaining

When the prosecution agrees to a plea of guilty or nolo contendere to a charge of a violation other than 11-902(a), in satisfaction of or as a substitute for an original charge or a violation of 11-902(a), the prosecution shall state for the record a factual basis for the satisfaction or substitution, including whether or not there had been consumption of any alcoholic beverage or ingestion or administration of any other drug, or both, by the defendant in connection with the offense.

§ 11-909-Reckless driving

(a) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(b) Every person convicted of reckless driving shall be punished

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

§ 11-910 - Homicide by vehicle

(a) Whoever shall unlawfully and unintentionally cause the death of another person, while engaged in a violation of any state law or municipal ordinance applying to the operation or use of a vehicle or to the regulation of traffic, shall be guilty of homicide by vehicle when such violation is the proximate cause of that death.

(b) Any person convicted of homicide by vehicle shall be fined not less than \$500 nor more than \$2,000, or shall be imprisoned in the county jail not less than three months nor more than one year, or may be so fined and so imprisoned, or shall be imprisoned in the penitentiary for a term not less than one year nor more than five years.

§ 11-911-Fleeing or attempting to elude a police officer

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

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

ARTICLE X—STOPPING, STANDING AND PARKING

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

(a) Outside a business or residence district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the roadway when it is practicable to stop, park or so leave such vehicle off the roadway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such highway.

(b) This section, § 11-1003 and § 11-1004 shall not apply to the driver of any vehicle which is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position.

§ 11-1002—Officers authorized to remove vehicles

(a) Whenever any police officer finds a vehicle in violation of any of the provisions of § 11-1001 the officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move it off the roadway.

(b) Any police officer is hereby authorized to remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway, or in any tunnel, in such position or under such circumstances as to obstruct the normal movement of traffic.

(c) Any police officer is hereby authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:

1. Report has been made that such vehicle has been stolen or taken without the consent of its owner, or
2. The person or persons in charge of such vehicle are unable to provide for its custody or removal, or
3. When the person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay.

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

(a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

1. Stop, stand, or park a vehicle:

A. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

B. On a sidewalk;

C. Within an intersection;

D. On a crosswalk;

E. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;

F. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

G. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

H. On any railroad tracks;

I. On any controlled-access highway;

J. In the area between roadways of a divided highway, including crossovers;

K. On highways and elsewhere throughout the state in any parking space designated by the International Access Symbol without displaying an authorized disabled parking registration plate, removable windshield placard, or temporary removable windshield placard as defined in §3-901.

L. At any place where official traffic-control devices prohibit stopping.

2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

A. In front of a public or private driveway;

B. Within 15 feet of a fire hydrant;

C. Within 20 feet of a crosswalk at an intersection;

D. Within 30 feet of any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway;

E. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance (when properly signposted);

F. At any place where official traffic control devices prohibit standing.

3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:

A. Within 50 feet of the nearest rail of a railroad crossing;

B. At any place where official traffic control devices prohibit parking.

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

§ 11-1004—Additional parking regulations

(a) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked

with the right-hand wheels parallel to and within 12 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(b) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within 12 inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(c) Local authorities may permit angle parking on any roadway, except that angle parking shall not be permitted on any Federal-aid or State highway unless the (State highway commission or State highway engineer) has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(d) The (State highway commission) with respect to highways under its jurisdiction may place official traffic control devices prohibiting, limiting, or restricting the stopping, standing or parking of vehicles on any highway where in its opinion such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand or park any vehicle in violation of the restrictions indicated by such devices.

§ 11-1005-Disabled Parking with International Symbol of Access

(a) Disabled parking registration plates, removable windshield placards, or temporary removable windshield placards, in accordance with Section 3-901, et seq. displaying the International Symbol of Access, shall be the only recognized means of identifying vehicles permitted to utilize parking spaces reserved for persons with disabilities.

(b) Removable windshield placards and temporary removable windshield placards shall be displayed in such a manner that they may be viewed from the front and rear of the vehicle by hanging from the front windshield rearview mirror of a vehicle utilizing a parking space reserved for persons with disabilities. When there is no rearview mirror, the placard shall be displayed on the dashboard.

(c) Disabled parking registration plates, removable windshield placards, and temporary removable windshield placards, issued by the authority of other states and countries for the purpose of identifying vehicles permitted to utilize parking spaces reserved for persons with disabilities shall be recognized and accorded all rights and privileges as such identification devices issued under the authority of this state.

ARTICLE XI-MISCELLANEOUS RULES

§ 11-1101-Unattended motor vehicle

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

§ 11-1102-Limitations on backing

(a) The driver of a vehicle shall not back the vehicle unless such movement can be made with safety and without interfering with other traffic.

(b) The driver of a vehicle shall not back the vehicle upon any shoulder or roadway of any controlled-access highway.

§ 11-1103-Driving upon sidewalk

No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. This section shall not apply to any vehicle moved exclusively by human power nor to any motorized wheelchair.

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

(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

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

(c) No person shall drive a vehicle while a child or any other person or an animal is so positioned as to be between the body of the driver and the steering wheel.

§ 11-1105-Opening and closing vehicle doors

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

§ 11-1106—Riding in house trailers

No person or persons shall occupy a house trailer while it is being moved upon a highway.

§ 11-1107—Driving on mountain highways

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

§ 11-1108—Coasting prohibited

(a) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears or transmission of such vehicle in neutral.

(b) The driver of a truck or bus when traveling upon a down grade shall not coast with the clutch disengaged.

§ 11-1109—Following fire apparatus prohibited

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or stop within 500 feet of any fire apparatus stopped in answer to a fire alarm.

§ 11-1110—Crossing fire hose

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private road or driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command.

§ 11-1111—Putting glass, etc., on highway prohibited

(a) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle.

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

(c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

§ 11-1112—Stop when traffic obstructed

No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle such driver is operating without obstructing the passage of other vehicles, pedestrians or railroad trains, notwithstanding any traffic-control signal indication to proceed.

§ 11-1113—Snowmobile operation limited

(a) No person shall operate a snowmobile on any controlled-access highway.

(b) No person shall operate a snowmobile on any other highway except when crossing the highway at a right angle, when use of the highway by other motor vehicles is impossible because of snow, or when such operation is authorized by the authority having jurisdiction over the highway.

§ 11-1114—Railroad trains not to block crossings

No person or government agency shall operate any train in such a manner as to prevent vehicular use of any roadway for a period of time in excess of five consecutive minutes except:

1. When necessary to comply with signals affecting the safety of the movement of trains;
 2. When necessary to avoid striking any object or person on the track;
 3. When the train is disabled;
 4. When the train is in motion and engaged in switching operations;
 5. When there is no vehicular traffic waiting to use the crossing;
- or
6. When necessary to comply with a governmental safety regulation.

§ 11-1115—Eye protection devices

Every person operating a motor vehicle that is not equipped with a windshield in position to deflect objects which would hit such person's face shall wear an eye-protection device of a type approved by the commissioner. This section shall not apply to a person operating a motorcycle.

§ 11-1116—Rights and duties—motorized wheelchairs

Every person operating a motorized wheelchair shall have all of the rights and all of the duties applicable to a pedestrian contained in Chapter 11 except to those provisions which by their nature can have no application.

§ 11-1117-Funeral and other processions

(a) No driver of a vehicle (or operator of a streetcar) shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this section. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

(b) Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

(c) A funeral composed of a procession of vehicles shall be identified as such by the display, visible through the windshield or upon the outside of each vehicle, of a pennant, placard, or other identifying marking, and by turning on the headlights of each vehicle in the procession.

§ 11-1118-Carrying passengers unsecured in rear

(a) No person, driving a truck with a gross weight of (10,000) pounds or less, commonly known as a pickup truck, or driving a flatbed motortruck of any weight, shall transport any minor under the age of (18) in the back of the truck; and no minor under the age of (18) years shall ride in the back of the truck.

(b) Subdivision (a) does not apply if any of the following conditions are met:

1. The space in the back of the truck is enclosed to a height of 46 inches extending vertically from the floor.

2. The vehicle has installed any means of preventing the minor from being discharged from the back.

3. The minor in the back of the truck is secured to the vehicle in a manner that will prevent the minor from being thrown, falling, or jumping from the vehicle.

(c) This section does not apply to the transportation of employees, as that term is defined in the pertinent labor code of the state; and nothing in this section permits transportation of employees in a manner inconsistent with state or federal laws or regulations.

**ARTICLE XII—OPERATION OF BICYCLES, OTHER HUMAN-POWERED VEHICLES, AND
MOPEDS**

§ 11-1201—Effect of regulations

(a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this article.

(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this article.

§ 11-1202—Traffic laws apply to persons on bicycles and other human powered vehicles

Every person propelling a vehicle by human power or riding a bicycle shall have all of the rights and all of the duties applicable to the driver of any other vehicle under chapters 10 and 11, except as to special regulations in this article and except as to those provisions which by their nature can have no application.

§ 11-1203—Riding on bicycles

No bicycle shall be used to carry more persons at one time than the number for which it is designed or equipped, except that an adult rider may carry a child securely attached to adult rider in a back pack or sling.

§ 11-1204—Clinging to vehicles

(a) No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself or herself to any (streetcar or) vehicle upon a roadway.

(b) This section shall not prohibit attaching a bicycle trailer or bicycle semitrailer to a bicycle if that trailer or semitrailer has been designed for such attachment.

§ 11-1205—Position on roadway

(a) Any person operating a bicycle or a moped upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

1. When overtaking and passing another bicycle or vehicle proceeding in the same direction.
2. When preparing for a left turn at an intersection or into a private road or driveway.
3. When reasonably necessary to avoid conditions including but not limited to: fixed or moving objects; parked or moving vehicles; bicycles; pedestrians; animals; surface hazards; or substandard width

lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and a motor vehicle to travel safely side by side within the lane.

4. When riding in the right-turn-only lane.

(b) Any person operating a bicycle or a moped upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable.

§ 11-1206--Riding two abreast

Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

§ 11-1207--Carrying articles

No person operating a bicycle shall carry any package, bundle or article which prevents the use of both hands in the control and operation of the bicycle. A person operating a bicycle shall keep at least one hand on the handlebars at all times.

§ 11-1208--Left turns

(a) A person riding a bicycle or a moped intending to turn left shall follow a course described in § 11-601 or in subsection (b).

(b) A person riding a bicycle or a moped intending to turn left shall approach the turn as close as practicable to the right curb or edge of the roadway. After proceeding across the intersecting roadway to the far corner of the curb or intersection of the roadway edges, the bicyclist or moped driver shall stop, as much as practicable out of the way of traffic. After stopping the bicyclist or moped driver shall yield to any traffic proceeding in either direction along the roadway the bicyclist had been using. After yielding, and complying with any official traffic control device or police officer regulating traffic on the highway along which he or she intends to proceed, the bicyclist or moped driver may proceed in the new direction.

(c) Notwithstanding the foregoing provisions, the state highway commission and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and direct that a specific course be traveled by turning bicycles or mopeds, and when such devices are so placed, no person shall turn a bicycle or a moped other than as directed and required by such devices.

§ 11-1209--Bicycles and human powered vehicles on sidewalks

(a) A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right of

way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

(b) A person shall not ride a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, where such use of bicycles is prohibited by official traffic-control devices.

(c) A person propelling a vehicle by human power upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances.

§ 11-1210—Bicycle parking

(a) A person may park a bicycle on a sidewalk unless prohibited or restricted by an official traffic control device.

(b) A bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

(c) A bicycle may be parked on the roadway at any angle to the curb or edge of the roadway at any location where parking is allowed.

(d) A bicycle may be parked on the roadway abreast of another bicycle or bicycles near the side of the roadway at any location where parking is allowed.

(e) A person shall not park a bicycle on a roadway in such a manner as to obstruct the movement of a legally parked motor vehicle.

(f) In all other respects, bicycles parked anywhere on a highway shall conform with the provisions of article X regulating the parking of vehicles.

§ 11-1211—Bicycle racing

(a) By agreement with the approving authority, participants in an approved bicycle highway racing event may be exempted from compliance with any traffic laws otherwise applicable thereto, provided that traffic control is adequate to assure the safety of all highway users.

(b) Bicycle racing on a highway shall not be unlawful when a racing event has been approved by state or local authorities on any highway under their respective jurisdictions. Approval of bicycle highway racing events shall be granted only under conditions which assure reasonable safety for all race participants, spectators and other highway users, and which prevent unreasonable interference with traffic flow which would seriously inconvenience other highway users.

§ 11-1212—Mopeds in bicycle lanes

Upon any roadway where motor vehicles are permitted, a person may drive a moped in any lane designated for the use of bicycles.

ARTICLE XIII--SPECIAL RULES FOR MOTORCYCLES

§ 11-1301--Traffic laws apply to persons operating motorcycles

Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this code, except as to special regulations in this article and except as to those provisions of this code which by their nature can have no application.

§ 11-1302--Riding on motorcycles

(a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

(b) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

(c) No person shall operate a motorcycle while carrying any package, bundle, or other article which prevents such person from keeping both hands on the handlebars.

(d) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

§ 11-1303--Operating motorcycles on roadways laned for traffic

(a) All motorcycles, other than mopeds, are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.

(b) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken. This subsection shall not apply to a motorcyclist passing a bicycle, to the driver of a moped, nor to a police officer in the performance of the officer's duties.

(c) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles. This subsection shall not apply to police officers in the performance of their duties.

(d) Motorcycles shall not be operated more than two abreast in a single lane.

§ 11-1304--Clinging to other vehicles

No person riding upon a motorcycle shall attach himself or herself, or the motorcycle to any other vehicle (or streetcar) on a roadway.

§ 11-1305-Footrests and handlebars

(a) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.

(b) No person shall operate any motorcycle with handlebars more than 15 inches in height above that portion of the seat occupied by the operator.

§ 11-1306-Equipment for motorcycle riders

(a) No person shall operate or ride upon a motorcycle unless such person is wearing protective headgear which complies with standards established by the commissioner.

(b) No person shall operate a motorcycle unless such person is wearing an eye-protective device of a type approved by the commissioner, except when the motorcycle is equipped with a windscreen.

(c) This section shall not apply to persons riding within an enclosed cab or on a golf cart.

(d) The commissioner is hereby authorized to approve or disapprove protective headgear and eye-protective devices, and to issue and enforce regulations establishing standards and specifications for the approval thereof. The commissioner shall publish lists of all protective headgear and eye-protective devices by name and type which have been so approved.

§ 11-1307-Headlamps on motorcycles during operation

(a) No person shall operate a motorcycle unless the headlamps are lighted at all times during operation. Motorcycles may be driven to the nearest repair facility for headlamp repair except during hours of darkness.

(b) Except at times when headlamps are required to be lighted as provided by § 12-201, the headlamps of motorcycles may be modulated whenever the motorcycle is in operation during daylight hours.

(c) Subsection (a) shall not apply to motorcycles manufactured prior to _____ (date).

ARTICLE XIV—STREETCARS⁸⁶

§ 11-1401—Traffic laws apply to operators of streetcars

Every operator of a streetcar upon any roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter and chapter 10, except regulations and provisions which by their nature can have no application.

§ 11-1402—Passing streetcar on left

(a) The driver of a vehicle shall not overtake and pass upon the left nor drive upon the left side of any streetcar proceeding in the same direction, whether such streetcar is actually in motion or temporarily at rest, except:

1. When so directed by a police officer;
2. When upon a one-way street; or
3. When upon a street where the tracks are so located as to prevent compliance with this section.

(b) The driver of any vehicle when permitted to overtake and pass upon the left of a streetcar which has stopped for the purpose of receiving or discharging any passenger shall reduce speed and may proceed only upon exercising due caution for pedestrians and shall accord pedestrians the right of way when required by other sections of this chapter.

§ 11-1403—Passing streetcar on right

The driver of a vehicle overtaking upon the right any streetcar stopped or about to stop for the purpose of receiving or discharging any passenger shall stop such vehicle at least five feet to the rear of the nearest running board or door of such streetcar and thereupon remain standing until all passengers have boarded such car or upon alighting have reached a place of safety, except that where a safety zone has been established, a vehicle need not be brought to a stop before passing any such streetcar but may proceed past such car at a speed not greater than is reasonable and proper and with due caution for the safety of pedestrians.

§ 11-1404—Driving on streetcar tracks

(a) The driver of any vehicle proceeding upon any streetcar track in front of a streetcar upon a street shall remove such vehicle from the track as soon as practical after signal from the operator of the streetcar.

(b) When a streetcar has lawfully entered and is crossing an intersection, no driver of a vehicle shall drive upon or across the car

⁸⁶ This article should be omitted in states where no streetcars are in operation.

tracks within the intersection in front of the streetcar when there is a possibility of a collision.

(c) Upon overtaking and passing a streetcar, the driver of a vehicle shall not turn in front of such streetcar so as to interfere with or impede its movement.

ARTICLE XV-VICTIMS OF A TRAFFIC-RELATED OFFENSES⁸⁷

§ 11-1501-Definitions

(a) "Catastrophic injury" means an injury to any person which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(b) "Victim" means a person who has been catastrophically injured as a result of a traffic-related offense committed by another person, or the spouse, parent, child, sibling or representative of a person killed or catastrophically injured as a result of a traffic-related offense committed by another person.

§ 11-1502-Rights of victims

Victims shall have the following rights:

(a) To speedy prosecution of the offense. In any criminal justice proceeding, the police, the prosecutor, and the court shall take appropriate action to ensure speedy prosecution of the defendant. Victims shall be informed by the prosecuting attorney of any motions which would result in delay of the prosecution and be allowed to object in writing.

(b) Upon request by the victim, to be informed by the police investigating the case of the status of the investigation, and by the prosecuting attorney prior to any critical decisions concerning the case including the charging decision, diversion, dismissal, or other disposition.

(c) To be present at any time the defendant has the right to be present during all criminal justice proceedings related to an offense unless the court determines that exclusion is necessary to protect the confidentiality of juvenile or similar proceedings. If a victim is unable to attend the court proceedings, the court may designate a representative of the victim who has the same right to be present as the victim would have had.

(d) To make victim impact statements to the court including information about the financial, emotional, psychological, and physical effects of the crime on the victim, the circumstances surrounding the crime, the manner in which it was perpetrated, and the victim's opinion of any recommended sentence of the convicted offender. A victim may present an impact statement to the court either orally or in writing.

(e) To an order of restitution if the order is authorized by the laws of this state.

⁸⁷ Drafter should cross-reference or harmonize these provisions pertaining to victims' rights with other similar statutory requirements.

§ 11-1503—Law Enforcement Agency

(a) At the time of the initial contact between any law enforcement agency and the victim, the law enforcement agency investigating the case shall provide the victim a written statement of rights which shall include the following information:

1. A statement and explanation of the victim's rights as enumerated by Section 11-1502 of this code;
2. The availability of victim assistance, medical and emergency services;
3. The availability of victim compensation benefits, including the name, office address, and telephone number of the contact person(s) responsible for administering the program; and
4. The office addresses and telephone numbers of appropriate victim support and services groups.

(b) As soon as available, the police shall provide to the victim the following:

1. The office address and telephone number of the prosecutor's office;
2. The case number and the names, office addresses, and telephone numbers of the law enforcement officers assigned to investigate the case; and
3. If known, whether the suspect has been taken into custody, and if taken into custody, whether released and any conditions attached to the release.

§ 11-1504—Prosecutor

(a) Upon request by the victim for information concerning the criminal court proceedings, a prosecuting attorney shall inform the victim of the following:

1. A statement and explanation of the victim's rights as enumerated by Section 11-1502.
2. The actual assignment of the case, including case number, and the court to which it is assigned;
3. The date, time, and location of any criminal proceedings relative to the offense;
4. The availability of crime victim compensation benefits, including the name, office address, and telephone numbers of contact persons responsible for administering the program;
5. The availability of any transportation services to court proceedings;
6. Whether the defendant has a right to review the pre-sentence reports and impact statements;
7. Whether the defendant has the right to attend and make a statement at the sentencing hearing;
8. The time and place of any hearing for the reconsideration of the sentence imposed; and
9. The right to receive information from corrections officials concerning imprisonment and release.

10. If the defendant appeals, the prosecutor shall inform the victim of the status of the case on appeal and the decision of the appellate court upon disposition.

(b) The prosecutor shall notify the victim in writing of the date, time, and location of the sentencing hearing and advise the victim of the opportunity to present a victim's impact statement or to appear at the sentencing proceeding.

§ 11-1505—Probation Department

The Probation Department, in preparing any pre-sentence report on the defendant, must attempt to consult with the victim and must include a written victim impact statement as part of the pre-sentence report if the victim chooses to submit one. If the victim cannot be located or declines to cooperate, the probation officer must include a notation to that effect in the report.

§ 11-1506—Court

The Court shall orally inform victims present at the sentencing hearing of their right to present victim impact statements.

**Article XVI - - "Safe Streets Act" - Vehicle Immobilization resulting
from continuing to drive when the driver's license is suspended or
revoked for DWI or DUI**

§ 11-1601-Vehicle Immobilization

(a) For purposes of this Article, vehicle "immobilization" means rendering a motor vehicle inoperable. The Department is authorized to immobilize a motor vehicle utilizing, at its discretion, any of the following methods:

1. taking possession of the vehicle as provided in state or local impoundment procedures;
2. immobilizing the vehicle on private property designated by the vehicle owner by any method approved by the Department; or
3. taking possession of the vehicle's registration & tags.

(b) A motor vehicle is subject to immobilization for (30) days if it is driven on a highway in this state by a driver:

1. whose driver's license is suspended or revoked pursuant to a conviction under section 6-207, section 11-902 or section 11-903;
2. who is driving in violation of the terms of a limited license imposed as a condition of reinstatement of a license suspended or revoked under section 6-207, section 11-902 or section 11-903.

(c) A motor vehicle is subject to immobilization for (60) days if it is driven on a highway in this state by a driver:

1. whose driver's license is suspended or revoked pursuant to a second conviction within the previous [five] years under section 6-207, section 11-902 or section 11-903; or
2. who is driving in violation of the terms of a limited license imposed as a condition of reinstatement of a license suspended or revoked for the second time within the previous [five] years under section 6-207, section 11-902 or section 11-903;

(d) Notwithstanding subsections (b) and (c), with the written consent of the registered owner(s) a vehicle immobilized pursuant to subsection (b) or (c) may be released with an installed compulsory ignition interlock system meeting the requirements of section (2), for the period of time specified for vehicle immobilization, to any person who:

- (1) demonstrates that he or she:
 - (i) currently resides in the household of the registered owner(s) of such vehicle and resided in that household at the time of immobilization; and
 - (ii) that the vehicle is the only vehicle available to that person's household which may be operated with a private passenger vehicle license;
- (2) submits proof that he or she is properly licensed and that the immobilized vehicle is properly registered; and
- (3) submits proof of payment of the cost of installation and regulated monitoring of that vehicle interlock system for one year, and payment of any towing, storage or administrative charges resulting from the immobilization of that vehicle.

§ 11-1602-Certification of ignition interlock systems

(a) The [Department of Motor Vehicles]⁸⁸ shall certify or cause to be certified vehicle ignition interlock devices required by this Article, publish a list of approved devices, and conduct or regulate the operation of a vehicle ignition interlock program, including imposing charges on the motorist for compulsory system installation and monitoring.

(b) No model of vehicle ignition interlock device shall be certified unless it meets the accuracy requirements and specifications provided in the guidelines adopted by the National Highway Traffic Safety Administration.

(c) The [Department of Motor Vehicles] shall utilize information from an independent laboratory to certify ignition interlock devices on or off the premises of the manufacturer or manufacturer's agent, in accordance with the guidelines. The cost of certification shall be borne by the manufacturers of interlock ignition devices. If the certification of a device is suspended or revoked, the manufacturer of the device shall be responsible for, and shall bear the cost of, the removal of the device and the replacement of a certified device of the manufacturer or another manufacturer.

(d) All manufacturers of vehicle ignition interlock devices that meet the requirements of the National Highway Traffic Safety Administration and are certified in a manner approved by the [Department of Motor Vehicles], who intend to market the devices in this state, first shall apply to the [Department of Motor Vehicles] on forms provided by that department. The application shall be accompanied by a fee in an amount not to exceed the amount necessary to cover the costs incurred by the [Department of Motor Vehicles] in carrying out this section.

(e) The [Department of Motor Vehicles] shall ensure that standard forms and procedures are developed for documenting decisions and compliance, and communicating results to relevant agencies and parties.

(f) The [Department of Motor Vehicles] may delegate a private contractor to act as the agent of the state in carrying out any of the requirements of this section.

§ 11-1603-Use of a Vehicle by an Unlicensed Driver: Owner's Duty

No owner of a motor vehicle may knowingly allow another person to drive the vehicle upon a highway unless the owner determines that the person possesses a valid driver's license that authorizes the person to operate the vehicle. For purposes of this section, an owner is required only to make a reasonable effort or inquiry to determine whether the prospective driver possesses a valid driver's license before allowing him or her to operate the owner's vehicle. An owner is not required to

⁸⁸ States should substitute the appropriate agency throughout Section 11-1602 should the responsible agency in their state differ from the above.

inquire of the department whether the prospective driver possesses a valid driver's license.

§ 11-1604-Immobilization Exceptions and Safeguards

(a) If a driver is unable to produce a valid driver's license on the demand of a police officer enforcing the provisions of the Motor Vehicle Code, the vehicle may be immobilized for up to thirty days, regardless of ownership, unless the police officer is reasonably able, by other means, to verify that the driver is properly licensed. Prior to immobilizing a vehicle, a police officer shall attempt to verify the license status of a driver who claims to be properly licensed but is unable to produce the license on demand of the police officer.

(b) A police officer shall not immobilize a vehicle pursuant to this section if the license of the driver expired within the preceding 30 days and the driver otherwise would have been properly licensed.

(c) A police officer may exercise discretion in a situation where the driver without a valid license is an employee in the course of employment driving a vehicle registered to the employer. A police officer also may exercise discretion in a situation where the driver without a valid license is the employee of a bona fide business establishment or is a person otherwise controlled by such an establishment and it reasonably appears that an owner of the vehicle, or an agent of the owner, relinquished possession of the vehicle to the business establishment solely for servicing or parking of the vehicle or other reasonably similar situations, and where the vehicle was not to be driven except as directly necessary to accomplish that business purpose. In that event, if the vehicle can be returned to or be retrieved by the business establishment or registered owner, the police officer may release and not immobilize the vehicle.

(d) If the driver of a vehicle immobilized pursuant to subsection (a) was a registered owner of the vehicle at the time of impoundment, the impounding agency shall authorize release of the vehicle if, within three days of such immobilization, the driver of the vehicle at the time of immobilization presents his or her valid driver's license, including a valid temporary driver's license or permit, to the responsible agency. The vehicle shall then be released to a registered owner of record at the time of immobilization, or an agent of that owner authorized in writing, upon payment of towing and storage charges related to the immobilization, and any reasonable administrative charges, providing that the person claiming the vehicle is properly licensed and the vehicle is properly registered.

§ 11-1605-Consumer Protection

(a) A vehicle immobilized pursuant to the circumstances described in subsection 11-604 (c) shall be released to a registered owner whether or not the driver of the vehicle at the time of such immobilization presented a valid driver's license. No processing

charges shall be imposed on such registered owner if he or she properly redeems the vehicle within 15 days of its immobilization.

(b) Any owner of a vehicle who suffers any loss due to vehicle immobilization may recover the amount of the loss from the culpable driver whose actions caused the immobilization. If possession of a vehicle has been tendered to a business establishment in good faith, and an unlicensed, suspended or revoked driver employed or otherwise directed by that business establishment committed the violation which caused the vehicle to be immobilized, a registered owner of the vehicle may recover damages for the loss of use of the vehicle from the business establishment.

(c) Within 10 days of a vehicle immobilization, a registered or legal owner of record at the time the vehicle was immobilized may request a hearing to determine the validity of that vehicle immobilization.

(1) The responsible agency, if requested to do so not later than 10 days after the date the vehicle was immobilized, shall provide the opportunity for a hearing to determine the validity of the vehicle immobilization to the persons who were the registered or legal owners of the vehicle at the time of its immobilization.

(2) The post immobilization hearing shall be conducted not later than two days after the date it was requested. The responsible agency may authorize its own officer or employee to conduct the hearing if the hearing officer is not the same person who directed the storage of the vehicle. Failure of either the registered or legal owner to request a hearing as provided in paragraph (1) or to attend a scheduled hearing shall satisfy the post immobilization hearing requirement.

(3) The responsible agency employing the person who directed the vehicle immobilization is responsible for all costs incurred for any towing, storage or administrative charges if it is determined that the vehicle was improperly immobilized.

(4) Towing and storage charges for any vehicle immobilized pursuant to this Act shall not exceed the normal towing and storage rates for other vehicle towing and storage conducted by the towing company or agency in the normal course of business.

(5) The burden of proof in the hearing shall be on the immobilizing agency, by a preponderance of the evidence. All questions that may arise shall be decided and all other proceedings shall be conducted as in an ordinary civil action. A judgment upholding vehicle immobilization does not require as a condition precedent the conviction of a defendant for the offense which made the vehicle subject to immobilization.

§ 11-1606-Disposition of Abandoned Vehicles

Any immobilized vehicle unclaimed under this act which is determined to be abandoned under the laws of this state may be disposed of at the discretion of the [Department of Motor Vehicles].

§ 11-1607-Administration

(a) The [Department of Motor Vehicles] may prescribe standard forms and procedures for implementation of this Article to be used by jurisdictions throughout the state.

(b) In computing any period of time prescribed or allowed by this Article, if the time period to be computed is 15 days or less, Saturdays, Sundays and holidays shall not be counted. If the time period to be computed is greater than 15 days, Saturdays, Sundays and holidays shall be counted.

Optional-§11-608-Notice of License suspension or revocation

(a) It shall be conclusively presumed that a person has knowledge of the suspension or revocation if notice has been sent by certified mail by the department to the most recent address officially reported by the person pursuant to procedures established by the department, and the return receipt has been signed and returned to the department. It is the responsibility of every license holder to report changes of address to the department within [10 days] of the change of address.

(b) 1. In the event the certified mail is not delivered, the department shall attempt to provide personal service by using a process server for service of any person whose driving privilege was suspended or revoked.

2. At the time of license reinstatement, the department shall recover an amount equal to its total cost of providing notices pursuant to this subsection, in addition to any fines or fees otherwise authorized by law.

CHAPTER 12

Equipment of Vehicles

ARTICLE I—SCOPE AND EFFECT OF REGULATIONS; EQUIPMENT APPROVAL

§ 12-101—Scope and effect of regulations

(a) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter or in regulations issued by the department, or which is equipped in any manner in violation of this chapter or those regulations or for any person to do any act forbidden or fail to perform any act required under this chapter or those regulations.

(b) Nothing in this chapter or regulations of the department shall prohibit equipment required by the United States Department of Transportation nor the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter or those regulations.

(c) The provisions of this article apply to all vehicles. The other provisions of this chapter and regulations of the department with respect to equipment required on vehicles shall not apply to implements of husbandry, road machinery, road rollers, farm tractors, motorcycles, motor-driven cycles, or any vehicles moved solely by human power, except as specifically made applicable.

(d) If any provision of this chapter is determined by the department to be in conflict with a superseding federal law or regulation, the department shall report the conflict to (the appropriate committees or officials of the legislature) and may adopt a regulation to replace the provision.

§ 12-102—Permit exceptions

(a) The department may issue a permit which will allow operation of a vehicle in violation of the provisions in this chapter or in violation of departmental regulations.

(b) The permit shall be carried by the driver or in the vehicle and shall be displayed upon demand of a magistrate or police officer.

(c) In issuing such permits, the department may limit the time, manner or duration of operation and may otherwise prescribe conditions of operation that are necessary to protect the safety of highway users or efficient movement of traffic. These conditions shall be stated on the permit and a person shall not violate them.

§ 12-103—Standards for vehicle equipment

(a) The department may adopt standards for vehicle equipment as necessary or desirable in order to protect the public from unreasonable risk of death or personal injury from vehicular accidents, or in order to enable state enforcement of federal safety standards for vehicle equipment.

(b) As used in this chapter, the term "vehicle equipment" includes:

1. Any system, part or component as originally manufactured or sold;
2. Any system, part or component manufactured or sold for replacement or improvement of a similar item, or as an accessory or addition to the vehicle; and
3. Any device, article or apparel manufactured or sold to safeguard vehicle or highway users from the risks of vehicular accidents.

(c) Where the U.S. Department of Transportation has issued a current Federal Motor Vehicle Safety Standard applicable to a particular item of vehicle equipment, a standard adopted by the department applicable to the same aspect of performance of that item of vehicle equipment shall be identical to the federal standard.

(d) Where there is no Federal Motor Vehicle Safety Standard applicable to the same aspect of performance of the item of vehicle equipment, a standard adopted by the department shall conform to the greatest extent feasible with any other relevant standards issued or endorsed by recognized domestic standard-setting organizations.

(e) The department may adopt standards by reference provided the department makes copies of the standards available to any person requesting them.

§ 12-104—Authority and duties of the department

(a) The department shall determine, concurrent with the first sale or thereafter within the state, whether any item of vehicle equipment for which a standard has been adopted under § 12-103 is in compliance with the applicable standard. The department may provide for the review of the submissions of manufacturers to determine compliance. The department is authorized to purchase items of vehicle equipment on the open market for the purpose of compliance testing.

(b) Nothing in this section shall prevent the department from establishing a requirement for state approval as a condition of the sale or the offer for sale of any item of vehicle equipment for which no Federal Motor Vehicle Safety Standard has been adopted.

(c) The department may establish standards and approve testing laboratories and facilities for any test report or other vehicle equipment manufacturer proof of compliance submissions required by the department under the provisions of this chapter.

(d) In performing its functions under this section, the department is authorized to enter into cooperative arrangements with other states and with the American Association of Motor Vehicle Administrators or

other suitable agency in order to minimize duplications of effort and to facilitate compliance by manufacturers and sellers with the requirements of this section.

(e) The department is authorized to adopt such rules and regulations as may be necessary to carry out the provisions of this chapter.

§ 12-105-Identification of manufacturer required

When any item of vehicle equipment regulated under this chapter is sold, either the item or its individual package shall bear the manufacturer's trade mark or brand name unless it complies with identification requirements of the United States Department of Transportation.

§ 12-106-Submissions by manufacturers

The department may require, concurrent with or after the first sale of an item of vehicle equipment within the state, that a vehicle equipment manufacturer or seller submit proof of compliance with standards adopted under § 12-103 signed by a responsible official of the manufacturer, or the manufacturer or seller may submit test data from a laboratory approved under § 12-104 adequate to determine compliance with standards adopted under § 12-103. The department at any time may request from the manufacturer or seller a copy of the test or other supporting data showing proof of compliance with standards adopted under § 12-103 and additional evidence that due care was established in maintaining compliance during production. Test data may be submitted directly to the department, or to the American Association of Motor Vehicle Administrators or other suitable agency as may be designated by the department for the purpose of reviewing such data and notifying the vehicle equipment manufacturer of equipment compliance. The department may require by regulation that proof of compliance be periodically updated and resubmitted to insure continuing compliance.

§ 12-107-Determination of noncompliance

(a) Whenever the department has reason to believe that an item of vehicle equipment being sold in the state fails to comply with the requirements of this chapter, the department shall give notice of its intention to conduct a compliance hearing to the manufacturer of the item and to the principal person or persons known to be selling the item within the state.

(b) If at the expiration of () days following such notice the department is not satisfied that the item sold complies with the requirements of this chapter, the department shall conduct a hearing on the question of the compliance of the regulated item. Following the hearing, the department shall make a determination of noncompliance if it finds that the item of vehicle equipment does not comply with a standard issued under § 12-103, or that any submissions required by the department under §§ 12-104 and 12-106 with respect to the item have not

been made or have not been adequate, or that the identification requirements of § 12-105 with respect to the item have not been met.

(c) Following a determination of noncompliance, the department shall give written notice of that determination to the manufacturer and to the principal person or persons who are known to have sold the item of equipment within the state. The department may enforce the determination of noncompliance through criminal prosecutions or through civil process to enjoin future sales of the item.

(d) A person shall not sell or offer for sale any item of vehicle equipment found by the department to not comply with the requirements of this chapter. Each sale of a non complying item of vehicle equipment constitutes a separate offense.

(e) Any person aggrieved by the determination of noncompliance may seek judicial review of the department's action according to the provisions of (the state Administrative Procedures Act); provided that a petition for judicial review shall not automatically stay the determination of noncompliance pending the review, but the court may grant a stay upon a finding that the petitioner probably will prevail and that the petitioner will suffer irreparable injury if a stay is not granted.

ARTICLE II—LIGHTS AND OTHER LIGHTING EQUIPMENT

§ 12-201—When lighted lamps are required

Every vehicle upon a highway within this State at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead, shall display lighted head and other lamps and illuminating devices as respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles, and further that stop lights, turn signals and other signaling devices shall be lighted as prescribed for the use of such devices.

§ 12-202—Visibility distance and mounted height of lights

(a) Whenever requirement as to the distance lights and devices shall render objects visible or within which such lights or devices shall be visible, said provisions shall apply during the times stated in § 12-201 in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

(b) Whenever requirement is hereinafter declared as to the mounted height of lights or devices it shall mean from the center of the light or device to the level ground upon which the vehicle stands when such vehicle is without a load.

§ 12-203—Headlights on motor vehicles

Every motor vehicle shall be equipped with at least two headlights with at least one on each side of the front of the motor vehicle. The headlights shall comply with the requirements and limitations specified in regulations by the department.

§ 12-204—Taillights

(a) Every motor vehicle, trailer, semi-trailer and pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two taillights mounted on the rear, which shall comply with regulations issued by the department; provided the department may by regulation allow one taillight on any vehicle equipped with only one when it was made.

(b) Either a taillight or a separate light shall be so constructed and placed as to illuminate with a white light the rear registration plate. This light shall comply with requirements of the department.

§ 12-205-Reflectors

Every motor vehicle, trailer, semi trailer and pole trailer shall carry on the rear, either as part of the taillights or separately, two or more red reflectors meeting the requirements of the department.

§ 12-206-Stoplights and turn signals

(a) Every motor vehicle, trailer, semi-trailer and pole trailer shall be equipped with two or more stoplights meeting the requirements of the department; provided the department may by regulation allow one stoplight on any vehicle equipped with only one when it was made.

(b) Every motor vehicle, trailer, semi-trailer and pole trailer shall be equipped with electric flashing turn signal lights meeting the requirements of the department.

§ 12-207-Additional lighting requirements for certain vehicles

The department by regulation may require trucks, buses, motor homes, motor vehicles with truck-campers, trailers, semi trailers and pole trailers to have additional lights and reflectors.

§ 12-208-Obstructed lights not required

Whenever motor and other vehicles are operated in combination during the time that lights are required, any light need not be illuminated if by reason of its location on a vehicle of the combination it would be obscured by another vehicle of the combination.

§ 12-209-Lights or flags on projecting load

When the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in § 12-201, two red lights, two red reflectors located so as to indicate maximum width, and on each side one red light located so as to indicate maximum overhang. At all other times on any such vehicle, red flags not less than 12 inches square shall be displayed marking the extremities of such load at each point where a lamp would otherwise be required by this section. Lights and reflectors required in this section shall comply with requirements of the department.

§ 12-210-Lights on parked vehicles

(a) Every vehicle shall be equipped with one or more parking lights which shall comply with requirements of the department.

(b) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal

persons and vehicles within a distance of 1,000 feet upon such street or highway, no lights need be displayed upon such parked vehicle.

(c) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is insufficient light to reveal any person or object within a distance of 1,000 feet upon such highway, such vehicle so parked or stopped shall display parking lights meeting the requirements of the department.

(d) Illuminated headlights on a parked vehicle shall be depressed or dimmed.

§ 12-211-Lights, reflectors and emblems on farm tractors and implements of husbandry

(a) Every farm tractor and every self-propelled implement of husbandry shall be equipped with vehicular hazard warning lights of a type described in § 12-215, visible from a distance of not less than 1,000 feet to the front and rear in normal sunlight, which shall be displayed whenever any such vehicle is operated upon a highway.

(b) Every farm tractor and every self-propelled implement of husbandry manufactured or assembled after _____ (date) shall at all times mentioned in § 12-201 be equipped with lights and reflectors as follows:

1. At least two headlights meeting the requirements of the department.

2. At least one rear red light mounted as far to the left of the center of the vehicle as practicable shall be visible when lighted from a distance of not less than 1,000 feet.

3. At least two red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of head lamps.

(c) On every combination of farm tractor and towed farm equipment or towed implement of husbandry, the farm tractor shall be equipped as required in subsections (a) and (b), and the towed unit shall at all time mentioned in § 12-201 be equipped with lamps and reflectors as follows:

1. If the towed unit or its load extends more than four feet to the rear of the tractor or obscures any light thereon, that unit shall be equipped on the rear with at least one red light visible when lighted from a distance of not less than 1,000 feet to the rear and mounted as far to the left of the center of the towed unit as practicable; and at least two red reflectors visible from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of head lamps.

2. If the towed unit of such combination extends more than four feet to the left of the center line of the tractor, that unit shall be equipped on the front with an amber reflector visible from all distances within 600 feet to 100 feet to the front when directly in front of lawful lower beams of headlights. As nearly as practicable,

this reflector shall be so positioned to indicate the extreme left projection of the towed unit.

3. If the towed unit or its load obscures either of the vehicle hazard warning lights on the tractor, the towed unit shall be equipped with vehicle hazard warning lights described in subsection (a).

(d) As nearly as practicable, the two red reflectors required in the foregoing subsections shall be so positioned as to show from the rear the extreme width of the vehicle or combination carrying them. Provided that all other requirements are met, reflective tape or paint may be used in lieu of the reflectors required by subsection (c).

(e) After _____ (date), every farm tractor and every self-propelled implement of husbandry designed for operation at speeds not in excess of 25 miles per hour shall at all times be equipped with a slow moving vehicle emblem mounted on the rear except as provided in subsection (f).

(f) After _____ (date), every combination of farm tractor described in subsection (e) and any towed farm equipment or towed implement of husbandry, shall at all times be equipped with a slow moving vehicle emblem as follows:

1. Where the towed unit or any load thereon obscures the slow moving vehicle emblem on the farm tractor, the towed unit shall be equipped with a slow moving vehicle emblem. In such cases, the towing vehicle need not display the emblem.

2. Where the slow moving vehicle emblem on the farm tractor unit is not obscured by the towed unit or its load, then either or both may be equipped with the required emblem but it shall be sufficient if either has it.

(g) The emblem required by subsections (e) and (f), and its mounting and position on the vehicle, shall be approved by the commissioner.

(h) No person shall use the slow-moving vehicle emblem except as required in this section and in § 12-212 nor display the emblem on a vehicle traveling at a speed in excess of 25 miles per hour.

§ 12-212-Lamps on other vehicles and equipment

(a) Every vehicle, including animal-drawn vehicles and vehicles referred to in § 12-101(c), not specifically required by the provisions of other sections in this chapter to be equipped with lights or other lighting devices, shall at all times specified in § 12-201 of this code be equipped with at least one light displaying a white light visible from a distance of not less than 1,000 feet to the front of the vehicle, and also shall be equipped with two lights displaying red light visible from a distance of not less than 1,000 feet to the rear of the vehicle, or as an alternative, one light displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 500 to 100 feet to the rear when illuminated by the lawful lower beams of headlights.

(b) After _____ (date), every animal-drawn vehicle shall at all times be equipped with a slow-moving vehicle emblem complying with § 12-211(g);

§ 12-213-Spotlights

Any motor vehicle may be equipped with not to exceed two spotlights and every lighted spotlight shall be so aimed and used that no part of the high intensity portion of the beam will strike the windshield, or any windows, mirror, or occupant of another vehicle in use.

§ 12-214-Authorized emergency vehicles

(a) In addition to any other equipment required by this code, every authorized emergency vehicle shall be equipped with signal lights which shall be capable of displaying flashing, rotating or oscillating beams of red and white light (or) (flashing, rotating or oscillating red lights).⁸⁹ These lights shall be visible 180 degrees around the front of the vehicle and shall be approved by the commissioner.

(b) A police vehicle when used as an authorized emergency vehicle may but need not be equipped with the lights specified herein.

§ 12-215-Vehicular hazard warning signals

(a) Any vehicle may be equipped with lights for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing.

(b) Every vehicle shall be equipped with the vehicular hazard warning signal lights required for that vehicle at the time the vehicle was manufactured by standards of the United States Department of Transportation.

(c) After (date), every bus, truck, truck-tractor, trailer, semi-trailer, or pole trailer 80 inches or more in overall width or 30 feet or more in overall length shall be equipped with lights meeting the requirements of this section.

(d) Lights allowed or required by this section shall comply with regulations issued by the department.

(e) Whenever any vehicle not described in § 12-407 is equipped with vehicular hazard warning lights and is stopped on the roadway, the driver shall immediately activate the hazard warning lights except under any of the following circumstances:

1. The vehicle is stopped within an urban district at a place where it could be lawfully parked; or
2. The vehicle is stopped lawfully to receive or discharge passengers; or

⁸⁹ Research indicates that flashing, rotating or oscillating red and white lights are the best means of informing pedestrians and drivers of the approach of an authorized emergency vehicle. The language in parentheses about red lights should be enacted by a state which prefers an all-red display and by any state needing to permit both displays until all authorized emergency vehicles have red-white lights.

3. The vehicle is making a routine stop occasioned by changes in the traffic flow or to comply with the directions of a police officer or an official traffic-control device; or

4. Other devices as described in subsections (b) to (h) of § 12-407 are in place to give warning of the presence of the vehicle.

(f) The driver of any vehicle equipped with vehicular hazard warning lights may activate such lights whenever necessary to warn the operators of following vehicles of the presence of a traffic hazard ahead of the signaling vehicle, or to warn the operators of other vehicles that the signaling vehicle may itself constitute a traffic hazard.

(g) The driver of a truck, bus, or truck tractor pulling a trailer or trailers equipped with vehicular hazard warning lights may activate such lights when that vehicle is proceeding up a grade or under other conditions requiring it to be operated at a speed less than the prevailing speed of traffic.

§ 12-216-Additional lighting equipment

(a) Any motor vehicle may be equipped with one or more back-up lights either separately or in combination with other lights, but any such back-up light or lights shall not be illuminated when the motor vehicle is in forward motion.

(b) Any vehicle may be equipped with one or more side marker lights and any light may be flashed in conjunction with turn or vehicular hazard warning signals.

(c) Lights allowed by this section shall comply with regulations issued by the department.

§ 12-217-Use of multiple-beam road-lighting equipment

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in § 12-201, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

1. Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light or composite beam, shall be deemed to avoid glare at all times, regardless of road contour and loading.

2. Whenever the driver of a vehicle approaches another vehicle from the rear, within 300 feet, such driver shall use a distribution of light other than the uppermost distribution of light.

§ 12-218—Single-beam road-lighting equipment

Single headlight systems shall be permitted on all farm tractors regardless of date of manufacture, and on other motor vehicles manufactured and sold prior to one year after the effective date of this code if they comply with requirements of the department.

§ 12-219—Alternate road-lighting equipment

Any motor vehicle may be operated under the conditions specified in § 12-201 when equipped with two illuminated lights on the front capable of revealing persons and vehicles 100 feet ahead; provided at no time shall it be operated at a speed in excess of 20 miles per hour.

§ 12-220—Number of driving lamps required or permitted

(a) At all times specified in § 12-201, at least two illuminated headlights shall be displayed, one on each side at the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(b) Whenever a motor vehicle equipped with headlights is also equipped with any auxiliary lights or a spotlight or any other light on the front thereof projecting a beam of intensity greater than 300 candlepower, not more than four lights on the front of a vehicle shall be lighted at any one time when upon a highway.

§ 12-221—Special light restrictions

(a) During the times specified in § 12-201, any illuminated light or illuminating device upon a motor vehicle, other than headlights, spotlights, auxiliary lights, flashing turn signals, vehicular hazard warning lights and school bus warning lights, which projects a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(b) Except as required in §§ 12-214 and 12-222, no person shall drive or move any vehicle or equipment upon any highway with any light or device capable of displaying a red light visible from directly in front of the center thereof.

(c) Flashing lights are prohibited except as authorized or required in §§ 12-206, 12-211, 12-214, 12-215, 12-216(b), 12-222, 12-223, 12-225, and 12-705.

(d) The alternately flashing lights described in §§ 12-214 and 12-222 shall not be used on any vehicle other than a school bus or an authorized emergency vehicle. The rotating light described in § 12-214 shall not be used on any vehicle other than an authorized emergency vehicle.

(e) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the turn signal

device, which may be red or yellow, and except that the light illuminating the license plate and the light emitted by a back-up light shall be white. This provision applies only to vehicles manufactured on or after January 1, 1979.

§ 12-222-School buses

(a) In addition to any other equipment and distinctive markings required by this code, every school bus shall be equipped with signal lights mounted as high and as widely spaced laterally as practicable, which shall display to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights shall be visible at 500 feet in normal sunlight.

(b) Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than 8 inches in height, located between the warning signal lights as high as possible without impairing visibility of the lettering and have no other lettering on the front or rear of the vehicle, except as required by Federal Motor Vehicle Safety Standard (FMVSS), 49 CFR Part 571. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or in connection with school activities all markings thereon indicating "school bus" shall be covered or concealed.

(c) Every school bus shall be painted National School Bus Glossy Yellow, in accordance with the colorimetric specification of National Institute of Standards and Technology (NIST) Federal Standard No. 595a, Color 13432, except that the hood should be either that color or lusterless black, matching NIST Federal Standard No. 595a, Color 37038. Every person registering a former school bus shall cause it to be repainted a different color readily distinguishable from National School Bus Glossy Yellow.

(d) Every school bus manufactured on or after September 1, 1992, shall be equipped with a stop signal arm that complies with Federal Motor Vehicle Safety Standard (FMVSS) No. 131, School bus pedestrian safety devices, 49 CFR §. 571.131.

(e) In addition to the lights required by subsection (a), any school bus may be equipped with yellow signal lights mounted near each of the four red lights and at the same level but closer to the vertical centerline of the bus, which shall display two alternately flashing yellow lights to the front and two alternately flashing yellow lights to the rear, and these lights shall be visible at 500 feet in normal sunlight. These lights shall be displayed by the school bus driver at least 100 feet, but not more than 500 feet before every stop at which the alternately flashing red lights required by subsection (a) will be actuated.

(f) The (commissioner) is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses consistent with and supplemental to the provisions of this code. Such standards and specifications

shall be identical to any Federal Motor Vehicle Safety Standard which regulates the same aspect of performance of the same equipment or device. Where there is no applicable Federal Motor Vehicle Safety Standard, the standards and specifications shall conform to the greatest extent feasible with any other relevant standard issued or endorsed by federal agencies or recognized standard-setting organizations.

§ 12-223—Highway construction and maintenance vehicles

(a) The (State highway commission) shall adopt specifications and rules governing the design and use of special flashing lights on vehicles engaged in highway construction or maintenance operations.

(b) The driver of any such vehicle shall comply with rules adopted under this section.

§ 12-224—Selling or using lights or equipment

(a) On and after _____ (date) no person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, semi trailer, or pole trailer or use upon any such vehicle any headlight, auxiliary, or fog light, rear light, signal light, or reflector required hereunder, or parts of any of the foregoing, which tend to change the original design or performance, unless of a type which has been submitted to and approved by the commissioner. The foregoing provisions of this section shall not apply to equipment in actual use when this section is adopted or replacement parts therefor.

(b) No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, semi-trailer or pole trailer any light or device mentioned in this section which has been approved by the commissioner unless such lamp or device bears thereon the trademark or name under which it is approved so as to be legible when installed.

(c) No person shall use upon any motor vehicle, trailer, semi-trailer or pole trailer any lights mentioned in this section unless the lights are mounted, adjusted and aimed in accordance with instructions of the commissioner.

§ 12-225—Yellow lights on service vehicles

(a) Any privately owned motor vehicle operated by a rural letter carrier or any highway contract route vehicle engaged in the delivery of mail may be equipped with two simultaneously flashing yellow lights and a sign reading "U.S. MAIL" for the purpose of warning the operators of other vehicles to exercise care in approaching, overtaking or passing. The lights shall be activated as the rural carrier stops on or adjacent to the roadway for the purpose of delivering or collecting United States mail. The lights shall be of double face or two-way type, be visible when turned on for at least 500 feet to the front and

rear of the vehicle in normal sunlight, be mounted on the highest part of the roof of the vehicle and be spaced laterally as far as practicable to each side of the vehicle. The sign and lights shall be installed so that the sign is lowered and lights turned off before the first stop on the route and following the last one.

(b) With the approval of the commissioner, any vehicle may be equipped with flashing, rotating or oscillating yellow lights for the purpose of warning of the presence of a hazard at or near the signaling vehicle. The lights shall be visible for 360 degrees around the vehicle, shall be visible for 500 feet in normal sunlight, and shall be of a type approved by the commissioner.

ARTICLE III—BRAKES

§ 12-301—Brake equipment required

(a) Every motor vehicle and every combination of vehicles shall have a service braking system which will stop the vehicle or combination within 40 feet from an initial speed of 20 miles per hour on a level, dry, smooth, hard surface or within such shorter distance as may be specified by the department.

(b) Every motor vehicle and combination of vehicles shall have a parking brake system adequate to hold the vehicle or combination on any grade on which it is operated under all conditions of loading on a surface free from snow, ice or loose material or which shall comply with performance standards issued by the department.

(c) When necessary for safe operation, the department may by regulation require additional braking systems.

(d) The department may adopt performance requirements for braking systems under this section. In formulating these requirements, the department shall consider standards of the United States Department of Transportation, recommendations of other agencies and organizations, different classes of vehicles, deceleration rates, speeds, weather, loads, terrain and all other factors bearing on safe highway operations.

ARTICLE IV-OTHER EQUIPMENT

§ 12-401-Horns and warning devices

(a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with the horn but shall not otherwise use it.

(b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.

(c) Any vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. Such a theft alarm signal device may use a whistle, bell, horn, or other audible signal but shall not use a siren.

(d) Every authorized emergency vehicle shall be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the department, but the siren shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which event the driver of the vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of the approach of the vehicle.

(e) All horns and warning devices described in this section shall comply with regulations issued by the department.

§ 12-402-Noise prevention, mufflers

(a) Every vehicle shall be equipped, maintained and operated so as to prevent excessive or unusual noise. Every motor vehicle shall at all times be equipped with a muffler or other effective noise suppressing system in good working order and in constant operation, and no person shall use a muffler cut-out, bypass or similar device.

(b) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

§ 12-403-Mirrors

(a) Every motor vehicle shall be equipped with a mirror mounted on the left side of the vehicle and so located as to reflect to the driver a view of the highway to the rear of the vehicle.

(b) Every motor vehicle except a motorcycle shall be equipped with an additional mirror mounted either inside the vehicle approximately in

the center or outside the vehicle on the right side and so located as to reflect to the driver a view of the highway to the rear of the vehicle.

(c) Every school bus shall be equipped with a mirror so located as to reflect to the driver, when seated in the bus driver's position, the presence of a pedestrian directly in front of the bus and beneath the driver's direct line of sight. The mirror and its mounting location and adjustment shall comply with regulations issued by the department.

§ 12-404-Windshields must be unobstructed and equipped with wipers

(a) No person shall drive any motor vehicle with any sign, poster, or other non-transparent material upon the front windshield, side wings, or side or rear windows of such vehicle which materially obstructs, obscures, or impairs the driver's clear view of the highway including any intersecting highway.⁹⁰

(b) No person shall drive any motor vehicle with any sign, poster, object, or other material which is suspended from the interior of the vehicle and which obstructs, obscures, or impairs the driver's clear view of the highway including any intersecting highway.

(c) The windshield on every motor vehicle shall be equipped with a windshield wiper which shall be maintained in good working order.

§ 12-405-Restrictions as to tire equipment

(a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

(b) No person shall operate or move on any highway any motor vehicle, trailer or semi-trailer having any metal tire in contact with the roadway.

(c) No tire on a vehicle moved on a highway shall have on its periphery any protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use:

1. Farm machinery with tires having protuberances which will not injure the highway;

2. Tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid.

(d) The (State highway commission) and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

⁹⁰ States whose climates may cause frequent and substantial accumulation of snow, ice or frost on windows may wish to include reference to such substances in this subsection.

(e) A person shall not operate any vehicle when one or more of the tires in use on that vehicle is in unsafe operating condition or has a tread depth less than one sixteenth inch measured in any two adjacent tread grooves at three equally spaced intervals around the circumference of the tire but such measurements shall not be made at the location of any tread wear indicator, tie bar, hump or fillet.

(f) A person in the business of selling tires shall not sell or offer for sale for highway use any tire which is in unsafe condition or which has a tread depth of less than one sixteenth inch measured as specified in subsection (e).

§ 12-406—Certain vehicles to carry flares or other devices

(a) Except as provided in subsection (b), no person shall operate any truck, bus or truck-tractor, or any motor vehicle towing a house trailer, upon any highway outside an urban district or upon any divided highway at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicles the following equipment:

1. At least three flares or three red electric lanterns or three portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than 600 feet under normal atmospheric conditions at nighttime.

No flare, fusee, electric lantern or warning flag shall be used for the purpose of compliance with the requirements of this section unless such equipment is of a type which has been submitted to and approved by the commissioner. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to be capable of reflecting red light clearly visible from all distances within 600 feet to 100 feet under normal atmospheric conditions at night when directly in front of lawful lower beams of head lamps, and unless it is of a type which has been submitted to and approved by the commissioner.

2. At least three red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried.

(b) No person shall operate at the time and under conditions stated in subsection (a) any motor vehicle used for the transportation of explosives or any cargo tank truck used for the transportation of flammable liquids or compressed gases unless there shall be carried in such vehicle three red electric lanterns or three portable red emergency reflectors meeting the requirements of subsection (a), and there shall not be carried in any said vehicle, or in any vehicle using compressed gas as a fuel, any flares, fusees or signal produced by flame.

(c) No person shall operate any vehicle described in subsections (a) or (b) upon any highway outside of an urban district or upon a divided highway at any time when lighted lamps are not required by §12-201 unless there shall be carried in such vehicle at least two red flags, not less than 12 inches square, with standards to support such flags.

§ 12-407—Display of warning lights and devices when vehicle is stopped or disabled

(a) Whenever any truck, bus, truck-tractor, trailer, semi trailer or pole trailer 80 inches or more in over-all width or 30 feet or more in over-all length is stopped upon a roadway or adjacent shoulder, the driver shall immediately actuate vehicular hazard warning signal lights meeting the requirements of § 12-215. Such lights need not be displayed by a vehicle parked lawfully in an urban district, or stopped lawfully to receive or discharge passengers, or stopped to avoid conflict with other traffic or to comply with the directions of a police officer or an official traffic-control device, or while the devices specified in subsections (b) to (h) are in place.

(b) Whenever any vehicle of a type referred to in subsection (a) is disabled or stopped for more than 10 minutes upon a roadway outside of an urban district at any time when lighted lamps are required, the driver of such vehicle shall display the following warning devices except as provided in subsection (c):

1. A lighted fusee, a lighted red electric lantern or a portable red emergency reflector shall immediately be placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

2. As soon thereafter as possible but in any event within the burning period of the fusee (15 minutes), the driver shall place three liquid-burning flares (pot torches), or three lighted red electric lanterns, or three portable red emergency reflectors on the roadway in the following order:

(i) One, approximately 100 feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane.

(ii) One, approximately 100 feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle.

(iii) One at the traffic side of the disabled vehicle not less than 10 feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with paragraph (1) of this subsection, it may be used for this purpose.

(c) Whenever any vehicle referred to in this section is disabled or stopped for more than 10 minutes within 500 feet of a curve, hill crest or other obstruction to view, the warning device in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than 100 feet nor more than 500 feet from the disabled vehicle.

(d) Whenever any vehicle of a type referred to in this section is disabled or stopped for more than 10 minutes upon any roadway of a divided highway during the time lighted lamps are required, the appropriate warning devices prescribed in subsections (b) and (e) shall be placed as follows:

One at a distance of approximately 200 feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane; one at a distance of approximately 100 feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; one at the traffic side of the vehicle and approximately 10 feet from the vehicle in the direction of the nearest approaching traffic.

(e) Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed gas is disabled, or stopped for more than 10 minutes, at any time and place mentioned in subsections (b), (c) or (d), the driver of such vehicle shall immediately display red electric lanterns or portable red emergency reflectors in the same number and manner specified therein. Flares, fusees or signals produced by flame shall not be used as warning devices for vehicles of the type mentioned in this subsection nor for vehicles using compressed gas as a fuel.

(f) The warning devices described in subsections (b) to (e) need not be displayed where there is sufficient light to reveal persons and vehicles within a distance of 1,000 feet.

(g) Whenever any vehicle described in this section is disabled, or stopped for more than 10 minutes, upon a roadway outside of an urban district or upon the roadway of a divided highway at any time when lighted lamps are not required by § 12-201, the driver of the vehicle shall display two red flags as follows:

1. If traffic on the roadway moves in two directions, one flag shall be placed approximately 100 feet to the rear and one flag approximately 100 feet in advance of the vehicle in the center of the lane occupied by such vehicle.

2. Upon a one-way roadway, one flag shall be placed approximately 100 feet and one flag approximately 200 feet to the rear of the vehicle in the center of the lane occupied by such vehicle.

(h) When any vehicle described in this section is stopped entirely off the roadway and on an adjacent shoulder at any time and place herein before mentioned, the warning devices shall be placed, as nearly as practicable, on the shoulder near the edge of the roadway.

(i) The flares, fusees, red electric lanterns, portable red emergency reflectors and flags to be displayed as required in this section shall conform with the requirements of § 12-406 applicable thereto.

§ 12-408-Vehicles transporting hazardous materials

(a) The (commissioner or other appropriate State official or agency) shall adopt such regulations as may be necessary for the safe transportation of hazardous materials. Such regulations shall duplicate or be consistent with current Hazardous Materials Regulations of the United States Department of Transportation. The (commission or

other appropriate State official or agency) is hereby authorized to adopt the Hazardous Materials Regulations by reference (and any such adoption shall be construed to incorporate amendments thereto as may be made from time to time).⁹¹

(b) Any person operating a vehicle transporting any hazardous material as a cargo or part of a cargo upon a highway shall at all times comply with regulations of the (commissioner or other appropriate State official or agency) adopted pursuant to the provisions of this section.

(c) The vehicle shall be marked or placarded at such places and in such manner as have been prescribed by regulations adopted pursuant to this section.

(d) Every such vehicle shall be equipped with fire extinguishers of a type, size and number approved by the (commissioner), filled and ready for immediate use, and placed at a convenient point on the vehicle so used.⁹²

OPTIONAL (e) Any person convicted of violating a regulation adopted pursuant to this section shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment; but if the death or bodily injury of any person results from such violation, any person convicted shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than 10 years, or by both such fine and imprisonment.

S 12-409—Air-conditioning equipment

(a) The term "air-conditioning equipment" as used or referred to in this section shall mean mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.

(b) Such equipment shall be manufactured, installed and maintained with due regard for the safety of the occupants of the vehicle and the public and shall not contain any refrigerant which is toxic to persons or which is flammable.

(c) The (department or official) may adopt and enforce safety requirements, regulations and specifications consistent with the requirements of this section applicable to such equipment which shall correlate with and, so far as possible, conform to the current recommended practice or standard applicable to such equipment approved by the Society of Automotive Engineers.

(d) No person shall have for sale, offer for sale, sell or equip any motor vehicle with any such equipment unless it complies with the requirements of this section.

⁹¹ See Federal Hazardous Materials Regulations in Parts 107, 170, 171, 172, 173, 177, 178, 180, and 397 of Title 49, Code of Federal Regulations.

⁹² A possible alternative to this section is a provision that would prohibit driving a vehicle containing any hazardous material in violation of current Hazardous Materials Regulations of the United States Department of Transportation.

(e) No person shall operate on any highway any motor vehicle equipped with any air-conditioning equipment unless the equipment complies with the requirements of this section.

§ 12-410—Television receivers

(a) No motor vehicle operated on the highways of this State shall be equipped with television-type receiving equipment so located that the viewer or screen is visible from the driver's seat.

(b) This section does not prohibit the use of television-type receiving equipment used exclusively for safety or law enforcement purposes, provided such use is approved by the (appropriate State official).

§ 12-411—Occupant protection system required

(a) All motor vehicles shall be equipped at each designated seating position with any occupant protection system required for that seating position at the time the vehicle was manufactured by standards of the United States Department of Transportation.

(b) Every owner shall maintain the occupant protection systems required by this section in proper condition and in a manner that will enable occupants to use them.

§ 12-412—Use of occupant protection system required

(a) Each driver of a motor vehicle in this state shall have a safety belt meeting applicable federal motor vehicle safety standards properly fastened about his or her body at all times when operating a motor vehicle.

(b) Alternate 1 - The driver of a motor vehicle in this state shall not operate a motor vehicle unless the driver secures or causes to be secured all passengers in a properly adjusted and fastened safety belt or child restraint system meeting applicable federal motor vehicle safety standards, and secures any passenger 12 or younger in the rear seat unless all available rear seats are in use by other passengers 12 or younger.

(c) No driver shall transport any child in a motor vehicle in this state unless the child is properly secured in a child passenger restraint system or safety belt as provided below. If the driver is neither a parent or guardian of a child and the child's parent or guardian is present in the vehicle, then the parent or guardian is responsible for complying with the provisions of this act.

1. For children younger than 4 years, regardless of weight, or weighing less than 40 pounds regardless of age, a child passenger restraint system must be used.

2. For children four years old or older weighing 40 pounds or more but younger than 16, a properly adjusted safety belt may be used.

(d) The provisions of this section do not require a vehicle occupant to be restrained in a safety belt or child restraint device if that

vehicle occupant belongs to a class of persons exempted under rules adopted by the department or if the vehicle occupant has obtained an individual exemption from the department. The Department is authorized to exempt individuals and classes of persons from compliance with this section for medical, physical, or occupational reasons, where compliance would not be possible, safe, and reasonable.

§ 12-413—Energy absorption systems

When any motor vehicle was originally equipped with bumpers or any other collision energy absorption or attenuation system, that system shall be maintained in good operational condition, and no person shall remove or disconnect, and no owner shall cause or knowingly permit the removal or disconnection of, any part of that system except temporarily in order to make repairs, replacements or adjustments.

§ 12-414—Emission control systems

(a) When any motor vehicle was originally equipped with an emission control system or when any motor vehicle is required by any law or regulation of this State to have an emission control system, that system shall be maintained in good working order and no person shall disconnect any part of that system except temporarily in order to make repairs, replacements or adjustments. No person shall modify or alter that system or its operation in any manner.

(b) No person shall knowingly operate, and no owner shall knowingly cause or permit to be operated, any motor vehicle originally equipped or required by any law or regulation of this State to be equipped with a pollution control system, while any part of that system is disconnected or while that system or its operation is modified or altered in any manner.

(c) The provisions of this section shall not apply to any disconnection, alteration, modification or replacement of a nature found by the (State department of health) to increase effectiveness of the system in controlling the emission of air pollutants.

§ 12-415—Use of earplugs restricted

(a) A person shall not drive a vehicle with earplugs in both ears or while wearing a headset covering both ears.

(b) This section shall not apply to any person using a prosthetic device which aids the hard of hearing.

§ 12-416—Possession, use, and sale of radar or other detectors, jammers

(a) Under this section, "speed measuring device" shall include, but is not limited to, devices commonly known as radar speed meters or laser speed meters.

(b) "Radar detector," "laser detector," or "electromagnetic detector" means any instrument, device, or equipment designed or intended for use in a vehicle to warn of a speed measuring instrument.

(c) "Radar jammer," "laser jammer," or "electromagnetic jammer" means any instrument, device, or equipment designed or intended for use with a vehicle or otherwise to jam or interfere with in any manner a speed measuring instrument operated by a police officer in the vicinity.

(d) No person shall sell or offer for sale in this State any radar detector, laser detector, or electromagnetic detector or radar jammer, laser jammer, or electromagnetic jammer.

(e) No person shall use or possess any radar detector, laser detector, electromagnetic detector; or radar jammer, laser jammer, or electromagnetic jammer in a vehicle on the highways of this State.

ARTICLE V—EQUIPMENT ON MOTORCYCLES AND MOTOR-DRIVEN CYCLES

§ 12-501—Headlights

Every motorcycle and every motor-driven cycle shall be equipped with at least one headlight which shall comply with the requirements of the department.

§ 12-502—Taillights

(a) Every motorcycle and motor-driven cycle shall have at least one tail light complying with regulations of the department.

(b) Either a taillight or a separate light shall be so constructed and placed as to illuminate with a white light the rear registration plate. This light shall comply with regulations of the department.

§ 12-503—Reflectors

Every motorcycle and motor-driven cycle shall be equipped on the rear, either as part of the taillight or separately, with at least one red reflector meeting the requirements of the department.

§ 12-504—Stoplights

Every motorcycle and motor-driven cycle shall be equipped with at least one stoplight meeting the requirements of the department.

§ 12-505—Brake equipment required

Every motorcycle and motor-driven cycle shall comply with the provisions of § 12-301 except that motorcycles and motor-driven cycles need not be equipped with parking brakes.

§ 12-506—Brakes on motor-driven cycles

(a) The commissioner is authorized to require an inspection of the braking system on any motor-driven cycle and to disapprove any such braking system on a vehicle which, in the opinion of the commissioner, is equipped with a braking system that is not designed or constructed as to insure reasonable and reliable performance in actual use.

(b) The commissioner may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when determined by the commissioner that the braking system thereon does not comply with the provisions of this section.

(c) No person shall operate on any highway any motor-driven cycle if the commissioner has disapproved its braking system.

§ 12-507—Other equipment

Every motorcycle and every motor-driven cycle shall comply with the requirements and limitations of § 12-401 on horns and warning devices, § 12-402 on noise prevention and mufflers, § 12-403 on mirrors, § 12-405 on tires, and § 12-414 on emission control systems.

§ 12-508—Altering mopeds to increase speed

A person shall not modify any moped to make it capable of exceeding 30 miles per hour on level ground.

ARTICLE VI—OFF-HIGHWAY VEHICLES

§ 12-601—Snowmobiles

(a) Every snowmobile 40 inches or less in width shall comply with all equipment requirements applicable to motorcycles under this code except those requirements solely applicable to motor-driven cycles.

(b) Every snowmobile more than 40 inches in width shall comply with all equipment requirements applicable to passenger cars under this code, except that snowmobiles shall not be required to be equipped with windshield wipers, seat belts or shoulder harnesses.

(c) Any person operating or riding on a snowmobile shall comply with the provisions of § 11-1306 requiring protective headgear and eye-protective devices.

(d) Snowmobiles shall at all times and under all conditions of loading, upon application of the service brake, be capable of decelerating to a stop from an initial speed of 20 miles per hour within 40 feet on substantially level packed snow.

(e) Snowmobiles shall be equipped with a parking brake adequate to hold the snowmobile on any highway grade on which it is operated on a surface of packed snow under all conditions of loading,

§ 12-602—Golf carts

Every golf cart, regardless of the number of wheels, shall comply with equipment requirements applicable to motorcycles under this code except those requirements solely applicable to motor-driven cycles.

ARTICLE VII—BICYCLES

§ 12-701—Application of chapter to bicycles

No provision in this chapter shall apply to bicycles nor to equipment for use on bicycles except as to provisions in this article or unless a provision has been made specifically applicable to bicyclists, bicycles or their equipment.

§ 12-702—Headlight and taillight required at night

Every bicycle in use at the times described in 12-201 shall be equipped with a headlight on the front emitting a white light visible from a distance of at least 500 feet to the front, and a taillight on the rear emitting a red light visible from a distance of at least 1000 feet to the rear.

§ 12-703—Rear reflector required at all times

Every bicycle shall be equipped with a red reflector of a type approved by the department which shall be visible for 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle.

§ 12-704—Side reflector or light required at night

Every bicycle when in use at the times described in § 12-201 shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for 600 feet when directly in front of lawful lower beams of head lamps on a motor vehicle, or, in lieu of such reflective material, with a lighted lamp visible from both sides from a distance of at least 500 feet.

§ 12-705—Additional lights or reflectors authorized

A bicycle or its rider may be equipped with lights or reflectors in addition to those required by the foregoing sections. These lights and/or reflectors may be LED or regular, steady or flashing, as long as they comply with the requirements or limitations of the department.

§ 12-706—Brake required

Every bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle within 15 feet from a speed of 10 miles per hour on dry, level, clean pavement.

§ 12-707—Sirens, whistles prohibited

No bicycle may be equipped with a siren or whistle. No person may use a siren or whistle when operating a bicycle.

§ 12-708—Bicycle identifying number

A person engaged in the business of selling bicycles at retail shall not sell any bicycle unless the bicycle has an identifying number permanently stamped or cast on its frame.

§ 12-709—Inspecting bicycles

At any time upon reasonable cause to believe that a bicycle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, a uniformed police officer may require the person riding the bicycle to stop and submit the bicycle to an equipment inspection, including any equipment test which may be necessary.

CHAPTER 13

Inspection of Vehicles

§ 13-101—Vehicles without required equipment or in unsafe condition

No person shall drive or move on any highway any motor vehicle, trailer, semitrailer or pole trailer, or any combination thereof, unless the equipment is in good working order and adjustment as required in this code.

§ 13-102—Inspection by officers

(a) At any time upon reasonable cause to believe that a motor vehicle, trailer, semitrailer or pole trailer, or any combination thereof, is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, uniformed police officers may require the driver of such vehicle to stop and submit such vehicle to an inspection and any tests as may be appropriate.

(b) In the event a vehicle is found to be in unsafe condition or any required part or equipment is not present or in proper repair and adjustment, the officer shall give a written notice to the driver and shall send a copy to the department. The notice shall require that the vehicle be placed in safe condition and its equipment in proper repair and adjustment as soon as practicable, specifying the particulars with reference thereto, and shall require that an official certificate of inspection and approval be obtained within 10 days.

(c) In the event any such vehicle is, in the reasonable judgment of the officer, in such condition that further operation would be hazardous, the officer may require that the vehicle not be operated under its own power or that it be driven to the nearest garage or other place of safety.

(d) Every owner or driver shall comply with the notice and secure an official certificate of inspection and approval within 10 days or the vehicle shall not be operated on the highways of this State.⁹³

⁹³ Subsections (b) to (d) of this section supplement the authority of a police officer detecting equipment violations and the notice required therein is intended to serve as an additional means of encouraging maintenance of vehicles in safe operating condition. The notice issued to the driver should describe any defects and should require repairs to be made either as soon as practicable or within such other time as may be specified therein by the officer. Depending on the nature of the defect, the notice might also mention the consequences that may result from continued operation of a vehicle that is not equipped as required by law. In any event, a certificate of inspection and approval must be obtained within 10 days.

Subsection (d) requires compliance with the notice and contemplates that the vehicle will be repaired within the time specified or not be driven on the highways; and further contemplates that a certificate of inspection and approval must be obtained within 10 days or the vehicle may not be operated on the highways even though the vehicle may already display a certificate issued under a program of periodic inspection pursuant to §§ 13-104 et seq.

Subsection (c) provides that when operation of the vehicle would be hazardous, the officer may, in addition to issuing a notice, restrict further driving by requiring that the vehicle not be moved under its own

§ 13-103—Owners and drivers to comply with inspection laws

No owner or driver shall refuse to submit a vehicle to any inspection and test that is authorized or required by the provisions of this chapter.

§ 13-104—Periodic inspection required

(a) Every motor vehicle, trailer, semitrailer or pole trailer registered in this State (except house trailers not operated upon the highways) shall be inspected periodically, but at least annually, and an official certificate of inspection and approval shall be obtained for each such vehicle. Such inspections shall be made and such certificates obtained with respect to such items of equipment as the commissioner shall designate.⁹⁴ Inspections shall be conducted in accordance with standards specified by the commissioner.

(b) The commissioner may require a portion of all registered vehicles to be inspected each calendar month or during such other period of time as commissioner shall find desirable to avoid unnecessary inconvenience and congestion at inspection stations.

(c) Any vehicle required by law to be registered or proportionally registered in this and any other jurisdiction shall be exempt from periodic inspection in this State, provided the vehicle bears a valid inspection certificate issued by such other jurisdiction within the previous six months.

(d) By regulation or reciprocal agreement with other jurisdictions, the commissioner may authorize the acceptance in this State of a certificate of inspection and approval issued in another jurisdiction having an inspection law similar to this chapter. The commissioner may extend the time within which a certificate shall be obtained by the resident owner of a vehicle which was not in this State during the time an inspection was required and may also provide by regulation for inspection of any foreign vehicle on request of the owner or operator of such vehicle.

(e) The commissioner may suspend or revoke the registration of any vehicle that the commissioner determines is mechanically unfit or unsafe to be operated or moved upon the highways, or which after notice and demand is not equipped as required in this code or for which a required certificate has not been obtained.

power or that it be driven to the nearest garage or other place of safety. In these circumstances, it is recommended that the notice indicate any such special instructions given by the officer.

⁹⁴ It is recommended that the commissioner specify the items of equipment to be inspected that will be appropriate for different types or categories of vehicles. For most motor vehicles, these items should include at least the brakes, lights, reflectors, steering, glazing, mirrors, exhaust systems, windshield wipers, tires and vehicle emission control systems. The items specified for all types of vehicles should also reflect equipment required under state laws comparable to chapter 12 of the code, equipment required on vehicles made after January 1, 1968 under the National Traffic and Motor Vehicle Safety Act, and equipment recommended for inspection under the Highway Safety Act.

§ 13-105—Commissioner may establish stations

For the purpose of making inspections and issuing official certificates of inspection as provided herein, the commissioner may establish permanent or temporary stations and may provide such equipment, either stationary or movable, as the commissioner deems necessary and suitable for such purposes, and shall publicize the location of all stations and times when official inspections may be conducted.

§ 13-106—Appointment of official inspection stations

(a) For the purpose of establishing a system of official inspection stations, the commissioner shall issue permits, instructions and all necessary forms to privately-owned (or municipally-owned) facilities that comply with the requirements of this chapter and regulations adopted by the commissioner. Such official inspection stations are hereby authorized to inspect vehicles and issue official certificates of inspection.

(b) Application for a permit shall be made upon an official form. A permit may be issued only when the commissioner is satisfied that the station is equipped properly has competent personnel to make inspections and adjustments, and that inspections will be conducted properly. Before issuing a permit the commissioner may require a bond or proof of insurance to provide compensation for any damage to a vehicle during an inspection or adjustment due to negligence on the part of such applicant or its employees.

(c) The commissioner may require the payment of an annual fee by official inspection stations not to exceed _____ dollars, which shall accompany the application for a permit. If a permit is not issued, one-half of the fee shall be returned to the applicant. Official certificates shall be obtained from the department at a cost not to exceed _____ per certificate. All fees collected by the department under this chapter shall be deposited in the treasury of the State and credited to a revolving fund for the administration and enforcement of this chapter. Unused certificates may be returned to the department for a credit or refund.

(d) The commissioner may issue a permit under the provisions of this chapter to any person who owns or operates _____ or more vehicles and who meets the requirements of this chapter and regulations adopted by the commissioner. Such permit shall authorize inspection only of vehicles owned or operated by the permit holder.

(e) The commissioner shall supervise and inspect such stations and may suspend or revoke the permit issued to a station which the commissioner finds is not properly equipped or conducted, or which has violated or failed to comply with any of the provisions of this chapter or regulations adopted by the commissioner. The commissioner shall maintain a list of all stations holding permits and of those whose permits have been suspended or revoked. Any suspended or revoked permit and all unused certificates of inspection shall be returned immediately to the department.

§ 13-107-Operation of inspection stations; issuance of inspection certificates

(a) No permit for any official station shall be assigned or transferred or used at any location other than are designated. Permits shall be posted in a conspicuous place at the location designated.

(b) The person operating an official inspection station shall issue a certificate of inspection and approval upon an official form furnished by the department only upon inspecting such vehicle and determining that the equipment required by the commissioner to be inspected is in good working order and adjustment.

(c) A certificate of inspection and approval may be issued free of charge or a fee of not more than _____ may be charged for an inspection and issuance of such certificate.

(d) In the event repair or adjustment of any vehicle or its equipment is found necessary upon inspection, the vehicle owner may obtain such repair or adjustment at any place the owner chooses. If the vehicle is to be operated on the highways prior to such repair or adjustment, an official certificate of rejection shall be issued and shall require that the vehicle be placed in safe condition and its equipment in proper repair and adjustment as soon as practicable, specifying the particulars with reference thereto, and shall require that a certificate of inspection and approval be obtained within 10 days. Every owner or driver shall comply with such requirements and shall secure a certificate of inspection and approval within 10 days, or the vehicle shall not be operated further on the highways of this State. Any fee shall be collected at the time of the original inspection, and no additional fee shall be charged if the vehicle is repaired and returned to the same inspection station within 10 days.

(e) The appropriate inspection certificate shall be placed on the vehicle or shall be issued to the driver in accordance with regulations adopted by the commissioner at the conclusion of each inspection.

(f) A record shall be made of every inspection and every certificate issued. That record shall be forwarded to the department in such manner and at such time as the commissioner shall specify by regulation.

§ 13-108-Display of inspection certificates

Every vehicle inspected under the provisions of this chapter shall at all times display the certificate of inspection placed thereon or the certificate shall at all times be carried in the vehicle for which it is issued or shall be carried by the driver who shall display the same upon demand of a police officer.

§ 13-109-Improper representation as official station

(a) No person shall in any manner represent any place as an official inspection station unless such station is operated or authorized by the department.

(b) No person may issue a certificate of inspection and approval or a certificate of rejection unless authorized to do so by the department.

(c) No unauthorized person shall knowingly possess official certificates of inspection.

§ 13-110-False certificates

(a) No person shall make, issue or knowingly use any imitation or counterfeit of an official certificate of inspection.

(b) No person shall display or cause or permit to be displayed upon any vehicle any certificate of inspection knowing the same to be fictitious or issued for another vehicle or issued without an inspection having been made.

§ 13-111-Official signs or posters

All signs or posters pertaining to the safety inspection program to be used by an official inspection station shall be issued or approved by the department.

§ 13-112-Authority of commissioner to adopt regulations

(a) The commissioner is authorized to make necessary rules and regulations for the administration and enforcement of this chapter.

(b) By regulation the commissioner may extend the time for any of the inspections required by this chapter for not more than 60 days due to weather conditions or other causes which render compliance with the provisions of this chapter within the prescribed time difficult or impossible.

CHAPTER 14

Size, Weight and Load⁹⁶

§ 14-101—Scope and effect of chapter

(a) It is a misdemeanor for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter or otherwise in violation of this chapter. Local authorities shall have no power or authority to alter state limitations governing vehicle size and weight except as express authority may be granted in this chapter.

(b) The provisions of this chapter governing size, weight and load shall not apply to vehicles moved solely by human power, fire apparatus, road machinery, or to implements of husbandry, including farm tractors, temporarily moved upon a highway, or to a vehicle operated under the terms of a special permit issued as herein provided.

(c) All federally approved safety devices and any other lawful appurtenant devices related to the safe and efficient operation of a vehicle shall be excluded for purposes of measuring the width and length of vehicles under the provisions of this chapter, provided that such devices are not designed or used for carrying cargo. Load-induced tire bulge shall be excluded for purposes of measuring the width of vehicles under the provisions of this chapter.

§ 14-102—National Network and access routes

(a) The term "National Network" as used in this chapter means those highways within this state which have been designated by the U.S. Department of Transportation as part of the National Network of highways under provisions of the Surface Transportation Assistance Act of 1982, and those additional highways designated by the (State highway commission) as part of the network.

(b) The (State highway commission) shall designate highways as National Network access routes as necessary to provide reasonable access between the National Network and terminals and facilities for food, fuel, repairs, and rest. The (State highway commission) shall establish an access review process which conforms with the requirements of applicable federal regulations and which provides for the review of requests for access from the National Network. Upon the request of any interested party to designate access routes, or upon a determination that a designated access route is no longer necessary to provide

⁹⁶ This chapter contains the current recommendations of the National Committee with respect to laws regulating the maximum weights and sizes of vehicles. If at a given time or place these general limits are too high and the size or weight of vehicles must be restricted, authority for such reductions is provided by 14-113. If these general limits are too low and the size or weight can and should be increased, special permits may be issued under 14-112.

This chapter was extensively revised in 1986 to bring it into conformity with the Surface Transportation Assistance Act of 1982, P.L. 97-424, 96 Stat. 2097 as amended in P.L. 98-17, 97 Stat. 59.

reasonable access, or that the route no longer supports safe operation of the large vehicles and combinations permitted on the National Network, the process shall be utilized to withdraw the designation. The most reasonable and practicable available route between the National Network and a terminal or facility for food, fuel, repair, or rest located within one road mile of the National Network shall automatically be considered an access route unless access is prohibited by official traffic control devices. Such access shall be prohibited only upon a determination by the (State highway commission) that the route, for specific safety reasons relating to that route, cannot support safe operation of the large vehicles and combinations permitted on the National Network.

(c) The (State highway commission) shall cooperate with local authorities with respect to the designation of access routes on highways under local jurisdiction and shall assure that the requirements of this section and of appropriate federal law are met.

§ 14-103-Width of vehicles

(a) The total outside width of any vehicle or the load thereon shall not exceed eight feet, except as otherwise provided in this section.

(b) Incorporated cities and municipalities may by ordinance permit the operation within their respective jurisdictions of any motor bus or trackless trolley coach with a maximum outside width of not to exceed 102 inches.

(c) No motor bus or trackless trolley coach exceeding a total outside width of 96 inches shall be operated on any highway outside of an incorporated city or municipality, except that in suburban areas adjacent to municipalities any motor bus or trackless trolley coach with a total outside width of not exceeding 102 inches may be operated upon any highway route or routes having traffic-lane widths of not less than 12 feet.

(d) Subsection (a) does not apply to any vehicle being operated on a highway which is part of the National Network or which has been designated under § 14-102 (b) as a National Network access route. The total outside width of any vehicle operated on such designated routes shall not exceed 102 inches.

(e) Subsection (a) does not apply to a vehicle being operated by a household goods carrier or to a vehicle which is part of a combination consisting of one semi trailer not exceeding 28 feet and six inches in length and a truck tractor under the following circumstances:

1. The vehicle is operating on a highway which is a reasonably direct and safe route to a scheduled point of loading or unloading for the vehicle; and

2. The vehicle is operating on a highway with traffic lanes which are at least (10) feet wide, if such highway is available; and

3. The vehicle is not prohibited from using the highway by official traffic-control devices; and

4. The total outside width of any such vehicle does not exceed 102 inches.

§ 14-104-Height of vehicles and loads

No vehicle including any load thereon shall exceed a height of 13 feet 6 inches.

§ 14-105-Length of vehicles and loads

(a) No vehicle including any load thereon shall exceed a length of 40 feet, except as otherwise provided in this section. No combination of vehicles coupled together shall consist of more than two vehicles and no such combination of vehicles including any load thereon shall have an overall length in excess of 60 feet, except as otherwise provided in this section.

(b) Subsection (a) does not apply to a combination of two vehicles consisting of a truck tractor and a semi-trailer when operating on a highway which is part of the National Network or which has been designated under § 14-102 (b) as a National Network access route, but the semi trailer including any load thereon shall not exceed a length of 48 feet.

(c) Subsection (a) does not apply to a combination of two vehicles consisting of a truck tractor and a semi trailer under the following circumstances:

1. The vehicle is operating on a highway which is a reasonably direct and safe route to a scheduled point of loading or unloading for the vehicle; and
2. The vehicle is operating on a highway with traffic lanes which are at least (10) feet wide, if such highway is available; and
3. The vehicle is not prohibited from using the highway by official traffic-control devices; and
4. The semi-trailer including any load thereon shall not exceed a length of 48 feet.

(d) Subsection (a) does not apply to a combination of three vehicles consisting of a truck tractor, a semi-trailer, and a trailer when operating on a highway which is part of the National Network or which has been designated under § 14-102 (b) as a National Network access route, but neither the semi-trailer nor the trailer including any load thereon shall exceed a length of 28 feet and six inches.

(e) Subsection (a) does not apply to a combination of three vehicles consisting of a truck tractor, a semi-trailer, and a trailer when operated under the following circumstances:

1. The vehicle is operating on a highway which is a reasonably direct and safe route to a scheduled point of loading or unloading for the vehicle; and
2. The vehicle is operating on a highway with traffic lanes which are at least (10) feet wide, if such highway is available; and
3. The vehicle is not prohibited from using the highway by official traffic-control devices; and

4. Neither the semi-trailer nor the trailer including any load thereon exceed a length of 28 feet and six inches.⁹⁷

(f) Subsection (a) does not apply to vehicles designated by the U.S. Department of Transportation as specialized equipment when operating on a highway which is a part of the National Network or which has been designated under § 14-102 (b) as a National Network access route.

(g) Subsection (a) does not apply to a combination of vehicles which includes a disabled or abandoned vehicle or combination of such vehicles being towed from a highway in this State to the nearest place of repair or nearest terminal, whichever is closer.

§ 14-106—Loads on vehicles

(a) No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping. Any vehicle operating on a paved highway with a load of dirt, sand, gravel, garbage, or any other material susceptible to being blown, dropped, spilled, leaked, or which otherwise may escape therefrom shall be covered so as to prevent spillage. This provision shall not prohibit the necessary spreading of any substance connected with highway maintenance, construction, or snow removal.

(b) On any highway no person shall operate a vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent the covering or the load from becoming loose, detached, or in any manner a hazard to other users of the highway.

(c) The load upon any vehicle operated alone or the load upon the front vehicle of a combination of vehicles shall not extend more than three feet beyond the foremost part of the vehicle, and the load upon any vehicle operated alone or the load upon the rear vehicle of a combination of vehicles shall not extend more than six feet beyond the rear of the bed or body of the vehicle, other than poles, pipes, or structural material which cannot be dismembered when transported upon a pole trailer.

(d) No passenger vehicle shall be operated on any highway with any load carried thereon extending beyond the left side of the vehicle nor extending more than six inches beyond the right side of the vehicle.

§ 14-107—Trailers and towed vehicles

(a) When one vehicle is towing another the drawbar or other connection shall be of sufficient strength to pull all weight towed. The drawbar or other connection shall not exceed 15 feet from one vehicle to the other except the connection between any two vehicles

⁹⁷ Federal regulations implementing the Surface Transportation Assistance Act of 1982 do not permit state laws to impose restrictions on these combinations which would render unlawful the operation of a vehicle or combination which could have been lawfully operated in the state on December 1, 1982. For any state with a less restrictive law in effect on that date, these subsections are not appropriate. See 23 CDR § 658.13 (c) (1985).

transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered.

(b) When one vehicle is towing another and the connection consists of a chain, rope or cable, there shall be displayed upon such connection a white flag or cloth not less than 12 inches square.

§ 14-108—Single-axle load limit⁹⁸

(a) The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed 20,000 pounds.

(b) For the purposes of this chapter an axle load shall be the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.

§ 14-109—Tandem-axle load limit

(a) The gross weight imposed on the highway by the wheels of any tandem axle of a vehicle shall not exceed 34,000 pounds.

(b) For the purposes of this chapter a tandem axle shall be any two or more consecutive axles whose centers are more than 40 inches apart, and not more than 96 inches apart, individually attached to or articulated from a common attachment to the vehicle including a connecting mechanism designed to equalize the load between axles. A tandem axle load shall be the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes more than 40 inches and not more than 96 inches apart extending across the full width of the vehicle.⁹⁹

§ 14-110—Gross weight of vehicles and loads

(a) Subject to the limit upon the weight imposed upon the highway through single and tandem axles as set forth in §§ 14-108 and 14-109, the total gross weight with load imposed upon the highway by any one group of two or more consecutive axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distance between the first and last axle of the group of axles measured

⁹⁸ Federal regulations implementing the Surface Transportation Assistance Act of 1982 do not permit state laws to impose single-axle, tandem-axle, or gross weight limitations which reduce the limits applicable under state law in effect on July 1, 1956 or which reduce the limits applicable to groups of axles so as to prohibit the operation of vehicles which could legally operate in the state on January 4, 1975. For any state with a less restrictive law in effect on those dates, these sections are not appropriate. See 23 CFR §685.17 (h) (1985).

⁹⁹ The National Committee urges that there be no legislative, administrative or enforcement tolerance of these general limits. In enacting the new axle limits, states with legislative tolerances should repeal them. In other enacting states, it is recommended that the legislature widely publicize the fact that no tolerances are to be allowed. However, a special permit under § 14-112 may be issued to allow greater axle weights whenever they are necessary and in the public interest.

longitudinally to the nearest foot as set forth in the regulations of the United States Department of Transportation.¹⁰⁰

(b) Notwithstanding the regulations of the United States Department of Transportation in subsection (a), but subject to the tandem axle load limit set forth in § 14-109, the total gross weight imposed on the highway by the wheels of two consecutive sets of tandem axles where the distance between the first and last axle is 36 feet or more shall not exceed 68,000 pounds.

(c) Subject to the limit upon the weight imposed upon the highway through single and tandem axles set forth in §§ 14-108 and 14-109, and to the lower limits set forth in the regulations of the United States Department of Transportation in subsection (a), the total gross weight with load imposed upon the highway by any vehicle or combination of vehicles shall not exceed 80,000 pounds when the vehicle or combination is on the National System of Interstate and Defense Highways.

(d) Notwithstanding the regulations of the United States Department of Transportation in subsection (a), the following loaded vehicles or combinations of vehicles shall not be operated upon bridges rated H15-44 by the (State highway commission) or local authorities unless a permit has been obtained under § 14-112:

1. Any vehicle or combination having seven or more axles.
2. A combination consisting of a motor vehicle with three axles and a semi trailer with two axles unless the distance between the first and the last axle in the combination is at least 38 feet.
3. A combination consisting of a motor vehicle with two axles, a semi trailer with one axle and a trailer with two axles unless the distance between the first and last axle in the combination is at least 45 feet.
4. A combination consisting of a motor vehicle with three axles and a trailer with three axles unless the distance between the first and last axle in the combination is at least 45 feet.

§ 14-111—Officers may weigh vehicles and require removal or redistribution of excess loads

(a) Any police officer or qualified department employee is authorized to require the driver of any vehicle or combination of vehicles to stop and submit the vehicle or combination to be measured and weighed by using either portable or stationary scales or require the driver to drive the vehicle or combination at an appropriate speed and manner through a weigh-in-motion mechanism.

(b) Any police officer having reason to believe that the weight of a vehicle or combination is unlawful is authorized to require the driver to drive the vehicle or combination for a distance of not more than (ten) miles to the nearest location where it can be weighed in compliance with subsection (a).

(c) Whenever any police officer, upon weighing a vehicle or combination, determines that the weight is unlawful, the officer may require the driver to move the vehicle or combination to a suitable

¹⁰⁰ See Weight Limit Table in the Appendix.

place and remain standing there until a sufficient portion of the load is removed or redistributed as may be necessary to reduce the gross weight or axle weight of the vehicle to a limit as permitted under this chapter. The removal or redistribution of the load and the security and care of any cargo removed or redistributed shall be the responsibility of the driver, owner of the vehicle, or owner of the cargo.

(d) Any driver of a vehicle or combination of vehicles shall be guilty of a misdemeanor if he or she fails or refuses to stop and submit the vehicle or combination to a weighing as required by this section, or fails or refuses to comply with an official traffic-control device at any vehicle weighing station, or who fails or refuses when directed by any police officer to otherwise comply with the provisions of this section.

§ 14-112—Permits for excess size and weight

(a) Upon application and good cause being shown, the (State highway commission) with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction, may issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this code

(b) The application for any such permit shall be in writing and shall specifically describe the vehicle or vehicles and the load to be operated or moved, and the particular highways for which the permit to operate is requested, and whether such permit is requested for a single trip or for continuous operation.

(c) The (State highway commission) or local authority may refuse to issue the permit, or may limit the number of trips, establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise limit or prescribe conditions of operation under the permit, when necessary to protect the safety of highway users, to protect the efficient movement of traffic from unreasonable interference, or to protect the highways from undue damage to the road foundations, surfaces, or structures.

(d) The (State highway commission) or local authority may require any undertaking or the posting of a bond or other security as may be deemed necessary to compensate for any injury to any highway or highway structure as a condition of issuance of the permit.

(e) Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit. No person shall violate any of the terms or conditions of such special permit.

§ 14-113—When the (State highway commission) or local authorities may restrict right to use highways¹⁰¹

(a) With respect to highways under their jurisdiction, local authorities may by ordinance or resolution prohibit the operation of vehicles upon any highway or impose restrictions as to the weight of vehicles to be operated upon any highway for a total period of not to exceed (90) days in any one calendar year, whenever any such highway by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible vehicle weights are reduced.

(b) The local authority enacting any such ordinance or resolution shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution at each end of that portion of any highway affected, and the ordinance or resolution shall not be effective unless and until such signs are erected and maintained.

(c) With respect to highways under their jurisdiction, local authorities by ordinance or resolution may prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the weight or size on designated highways. Such prohibitions and limitations shall be designated by appropriate signs placed on such highways.

(d) The (State highway commission) shall have authority to impose restrictions by resolution as to the weight or size of vehicles operated upon any highways under its jurisdiction. These restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion of any highway covered by such resolution.

§ 14-114—Liability for damage to highway or structure

(a) A person driving any vehicle, object or contrivance upon any highway or highway structure shall be liable for all damage which the highway or structure may sustain as a result of any illegal operation, or as a result of operating, driving or moving any vehicle, object or contrivance weighing in excess of the maximum weight in this code but authorized by a special permit issued as provided in this chapter.

(b) Whenever such driver is not the owner of such vehicle, object or contrivance, but is so operating, driving or moving the vehicle with the express or implied permission of the owner, the owner and driver shall be jointly and severally liable for any such damage.

(c) Such damage may be recovered in a civil action brought by the authorities in control of such highways or highway structure.

¹⁰¹ State or local authorities contemplating restrictions on highways which are part of the National Network designated by the United States Department of Transportation, which includes all Interstate highways and other qualifying primary highways, should first consult with the Federal Highway Administration. Some reasonable restrictions on use of the National Network are permitted, but some restrictions require prior FHWA approval. Any permanent reduction of size or weight limitations below the limits established in this chapter are prohibited by the Surface Transportation Assistance Act of 1982.

§ 14-115-Registration of vehicles according to permissible gross weight

(a) Upon registering any bus, truck, truck-tractor, trailer, semi-trailer or pole trailer under the laws of this State, the commissioner may require such information and may make such investigation or test as necessary to enable the commissioner to determine whether such vehicle may safely be operated upon the highways in compliance with all the provisions of this code. The commissioner shall register every such vehicle for a permissible gross weight not exceeding the limitations set forth in this chapter.

(b) The commissioner shall insert in the registration card issued for every such vehicle the gross weight for which it is registered, and if it is a motor vehicle to be used for propelling other vehicles, the commissioner shall separately insert the total permissible gross weight of the motor vehicle and other vehicles to be propelled by it. The commissioner may issue a special plate with the gross weight or weights stated thereon, which shall be attached to the vehicle and displayed thereon at all times. It shall be unlawful for any person to operate any vehicle or combination of vehicles with a gross weight in excess of that for which it is registered by the commissioner or in excess of the limitations set forth in this chapter.

§ 14-116-Post conviction remedies

Every person convicted of a misdemeanor for a violation of any provision of this chapter regulating the gross weight of a vehicle or combination of vehicles, or regulating the weight imposed by any single axle, tandem axle, or group of two or more consecutive axles, shall for a first conviction be punished by a fine of not more than (\$2,000); for conviction of a second offense committed within one year after the date of the first offense the person shall be punished by a fine of not more than (\$3,000); for conviction of a third or subsequent offense committed within one year after the date of the first offense the person shall be punished by a fine of not more than (\$5,000) or by imprisonment for not more than six months or by both such fine and imprisonment.

CHAPTER 15

Respective Powers of State and Local Authorities

§ 15-101-Provisions uniform throughout State

The provisions of this code shall be applicable and uniform throughout this State and in all political subdivisions and municipalities therein. No local authority shall enact or enforce any ordinance on a matter covered by the provisions of this code unless expressly authorized.

§ 15-102-Powers of local authorities

(a) The provisions of this code shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction, or with respect to private property when specifically authorized in this section, and within the reasonable exercise of the police power from:

1. Regulating or prohibiting stopping, standing, or parking, including the use of parking meters on highways and in publicly operated parking facilities;
2. Regulating traffic by means of police officers or official traffic-control devices;
3. Regulating or prohibiting processions or assemblages on the highways;
4. Designating particular highways or roadways for use by traffic moving in one direction;
5. Establishing speed limits for vehicles in public parks notwithstanding the provisions of § 11-804(a)3;
6. Designating any highway as a through highway or designating any intersection or junction of roadways as a stop or yield intersection or junction;
7. Restricting the use of highways;
8. Regulating the parking of bicycles and adult tricycles and requiring the registration and inspection of same, including the requirement of a registration fee, the requirement that a bicycle and adult tricycle must have a frame number before being licensed, and a prohibition on altering or removing any such frame number;
9. Regulating or prohibiting the turning of vehicles or specified types of vehicles;
10. Altering or establishing speed limits;
11. Requiring written accident reports;
12. Designating no-passing zones;
13. Prohibiting or regulating the use of controlled-access roadways by any class or kind of traffic;
14. Prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic;
15. Establishing minimum speed limits;
16. Designating and restricting certain lanes for priority or exclusive use by buses and high-occupancy vehicles;
17. Designating and regulating traffic on play streets;

18. Prohibiting pedestrians from crossing a roadway in a business district or any designated highway except in a crosswalk;
19. Restricting pedestrian crossings at unmarked crosswalks;
20. Regulating persons propelling push carts;
21. Regulating persons upon skates, coasters, sleds and other toy vehicles;
22. Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions;
23. Prohibiting drivers of ambulances from exceeding maximum speed limits;
24. Designating routes to be used for vehicles transporting hazardous materials subject to any limitations of the laws or regulations of this State or of the United States Government;
25. Prohibiting driving off the roadway to avoid compliance with any traffic law or official traffic-control device;
26. Prohibiting parking on private property without the permission of the owner or person in charge of the property;
27. Regulating persons owning or operating tow trucks;
28. Adopting such other traffic regulations as are specifically authorized by this code.

(b) No local authority shall erect or maintain any official traffic-control device at any location so as to require the traffic on any State highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the (State highway commission).

(c) No ordinance or regulation enacted under subdivisions (4), (5), (6), (7), (9), (10), (12), (13), (14), (16), (17) or (19) of paragraph (a) of this section shall be effective until official traffic-control devices giving notice of such local traffic regulations are erected upon or at the entrances to the highway or part thereof.

§ 15-103—Adoption by reference

Local authorities by ordinance may adopt by reference all or any part of the (name of State) Model Traffic Ordinance (include any further description of the ordinance that may be necessary) without publishing or posting in full the provisions thereof, provided that (the enacting ordinance is published and) not less than three copies are available for public use and examination in the office of the (clerk) (commencing at least _____ days prior to such adoption).¹⁰²

¹⁰² This section should be considered together with existing constitutional and legal requirements concerning the adoption and publication of municipal ordinances. In addition, many states already have laws relating to municipal adoption of codes by reference which also should be consulted. Consideration should be given to whether subsequent changes in the model ordinances adopted by reference will be adopted automatically or separately. If a state does not have or contemplate having an official or unofficial model traffic ordinance for use by its municipalities, some consideration might be given to authorizing adoption by reference of a printed code of traffic ordinances compiled by a nationally recognized organization such as the Model Traffic Ordinance of the National Committee on Uniform Traffic Laws and Ordinances.

If the recommendation of the National Committee is followed and a model traffic ordinance is adopted by the state legislature, then this section should be included as a part of that enactment.

§ 15-104—(State highway commission) to adopt sign manual

(a) The (State highway commission) shall adopt a manual and specifications for a uniform system of traffic control devices consistent with the provisions of this code for use upon highways within this State. Such uniform system shall correlate with and so far as possible conform to the system set forth in the most recent edition of the *Manual on Uniform Traffic Control Devices for Streets and Highways* and other standards issued or endorsed by the Federal Highway Administration.¹⁰³

(b) The manual adopted pursuant to Subsection (a) shall have the force and effect of law.

§ 15-105—(State highway commission) to sign all State (and county) highways

(a) The (State highway commission) shall place and maintain such traffic-control devices, conforming to its manual and specifications, upon all State (and county) highways as it shall deem necessary to indicate and to carry out the provisions of this code or to regulate, warn or guide traffic.

(b) No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the (State highway commission) except by the latter's permission.

§ 15-106—Local traffic-control devices

(a) Local authorities in their respective jurisdictions shall place and maintain such traffic-control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this code, local traffic ordinances or to regulate, warn or guide traffic. All such traffic-control devices shall conform to the State manual and specifications.¹⁰⁴

OPTIONAL (b) Local authorities in exercising those functions referred to in the preceding paragraph shall be subject to the direction and control of the (State highway commission).¹⁰⁵

§ 15-107—Authority to restrict pedestrian crossings

Local authorities by ordinance, and the (State highway commission) by erecting appropriate official traffic-control devices, are empowered within their respective jurisdictions to prohibit pedestrians from

¹⁰³ The *Manual on Uniform Traffic Control Devices for Streets and Highways* is published by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402.

¹⁰⁴ 15-106(a) leaves to local authorities complete jurisdiction to determine the number and location of all traffic-control devices upon highways under their jurisdiction, requiring only that all such devices shall conform to the State manual and specifications.

¹⁰⁵ Optional paragraph (b), if adopted, would vest in the (State highway commission) authority to direct and control where and what number of traffic-control devices might be erected by local authorities. This may be objectionable to some local authorities, although in certain instances local authorities having a free hand in this matter have erected such a large number of regulatory signs and signals as to unduly delay traffic and invite disobedience by the motoring public.

crossing any roadway in a business district or any designated highways except in a crosswalk.

§ 15-108—Authority to close unmarked crosswalks

After an engineering and traffic investigation, the (State highway commission) and local authorities in their respective jurisdictions may designate unmarked crosswalk locations where pedestrian crossing is prohibited or where pedestrians must yield the right of way to vehicles. Such restrictions shall be effective only when official traffic-control devices indicating the restrictions are in place.

§ 15-109—Authority for stop signs and yield signs

The (State highway commission) with reference to State (and county) highways and local authorities with reference to (other) highways under their jurisdiction may erect and maintain stop signs, yield signs, or other official traffic control devices to designate through highways, or to designate intersections or other roadway junctions at which vehicular traffic on one or more of the roadways should yield, or stop and yield before entering the intersection or junction.

§ 15-110—Regulations relative to school buses

(a) The (State board of education) by and with the advice of the motor vehicle commissioner shall adopt and enforce regulations not inconsistent with this code to govern the design and operation of all school buses when owned and operated by any school district or privately owned and operated under contract with any school district in this State, and such regulations shall by reference be made a part of any such contract with a school district. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to these regulations.

(b) Any officer or employee of any (school or school district) who violates any of these regulations or fails to include obligation to comply with these regulations in any contract executed by such person on behalf of a (school or school district) shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a (school or school district) who fails to comply with any of these regulations shall be guilty of breach of contract, and such contract shall be canceled after notice of hearing by the responsible officers of such (school or school district).

§ 15-111—Designation of authorized emergency vehicle

(a) The commissioner (or other appropriate state official) shall designate a vehicle as an authorized emergency vehicle upon a finding that designation of that vehicle is necessary to the preservation of life or property or to the execution of emergency governmental functions.

(b) The designation provided in subsection (a) shall be in writing, and the written designation shall be carried in the vehicle at all

times; but failure to carry the written designation shall not affect the status of the vehicle as an authorized emergency vehicle.

(c) The commissioner (or other appropriate state official) may designate vehicles of an agency of the United States Government as authorized emergency vehicles. This designation may authorize the use of audible and visual signals which do not meet the requirements of § 12-401(d) or § 12-214. These vehicles must be equipped with audible and visual signals which are required by, and under standards established by, the United States Government agency which owns and operates such vehicles. Drivers of the vehicles shall be entitled to the privileges and subject to the duties provided in § 11-106.

§ 15-112-Removal of traffic hazards

(a) It shall be the duty of the owner of real property to remove from such property any tree, plant, shrub or other obstruction or part thereof, which by obstructing the view of any driver constitutes a traffic hazard.

(b) When the (State highway commission) or any local authority determines upon the basis of an engineering and traffic investigation that such a traffic hazard exists, it shall notify the owner and order that the hazard be removed within 10 days.

(c) The failure of the owner to remove such traffic hazard within 10 days shall constitute an offense punishable by a penalty of _____ dollars. After ten days, every day the owner fails to remove the traffic hazard is a separate and distinct offense.

§ 15-113-Rights of owners of real property

Nothing in this code may be construed to prevent the owner of real property from allowing the public to use that property for vehicular travel, or not as a matter of right, from prohibiting such use, or from requiring other or different or additional conditions than those specified in this code, or otherwise regulating such use as may seem best to such owner.

§ 15-114-Sale of nonconforming traffic-control devices

A person shall not sell nor offer for sale any sign, signal, marking or other device intended to regulate, warn or guide traffic unless it conforms with the State manual and specifications adopted under §15-104.

§ 15-115-Interference with driver's vision

No person shall place, maintain or display any stationary sign or light which blinds, dazzles or impairs the vision of drivers upon the highway.

§ 15-116—Installation of traffic signs, signals, and markings on private property

No person shall install or maintain in any area of private property used by the public any sign, signal, marking or other device intended to regulate, warn or guide traffic unless it conforms with the State manual and specifications adopted under § 15-104.

CHAPTER 16

Parties and Procedure Upon Arrest

ARTICLE I—PARTIES TO CRIME, OWNERS, AND PUBLIC EMPLOYEES

§ 16-101—Parties to a crime

Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of, any act declared in this code to be a crime, whether individually or in connection with one or more other persons or as a principal, agent or accessory, shall be guilty of the offense. Every person who fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this code is likewise guilty of such offense.

§ 16-102—Offenses by persons owning or controlling vehicles

It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law.

§ 16-103—Public officers and employees—exceptions

The provisions of chapters 10, 11, 12, 13 and 14 applicable to drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this State or any county, city, town, district or any other political subdivision of the State, subject to such specific exceptions as are set forth in this code.

ARTICLE II--ARRESTS AND ISSUANCE OF CITATIONS

§ 16-201--Procedure upon arrest for felony

Whenever a person is arrested for any felony violation of this code, that person shall be dealt with in like manner as upon arrest for the commission of any other felony. For the purposes of this section any offense which may be punishable by imprisonment in a state penitentiary is a felony.

§ 16-202--Arrests for serious offenses

(a) The authority of a police officer to make an arrest is the same as upon an arrest for a felony when such officer has reasonable and probable grounds to believe that the person arrested has committed any of the following offenses:

1. Homicide by vehicle;
2. Driving a vehicle while under the influence of alcohol or any drug as prohibited by § 11-902;
3. Failure to stop, failure to give information or failure to render reasonable assistance, in the event of an accident resulting in death or personal injury, as prescribed in §§ 10-102 and 10-104;
4. Failure to stop, or failure to give information, in the event of an accident resulting in damage to a vehicle or to other property, as prescribed in §§ 10-103 to 10-105 inclusive;
5. Reckless driving;
6. Racing on the highway; or
7. Willfully fleeing from or attempting to elude a police officer.

However, the manner of making arrests under this section shall be the same as in misdemeanor cases.

(b) Whenever any person is arrested as authorized in this section, that person shall be taken without unnecessary delay before the proper magistrate, except that in the case of the offenses designated in paragraphs 4, 5, 6 and 7, a police officer shall have the discretion to issue a traffic citation containing an order to appear before a magistrate at a later date.

§ 16-203--When person must be taken immediately before a magistrate

Whenever any person is halted by a police officer for any violation of this code not amounting to a felony, that person shall be taken without unnecessary delay before the proper magistrate, as specified in § 16-208, in either of the following cases:

1. When the person demands an immediate appearance before a magistrate; or

2. In any other event when the person is issued a traffic citation by an authorized person and refuses to give his or her written promise to appear in court.

§ 16-204—When officer has option to take person before a magistrate

Whenever any person is halted by a police officer for any violation of this code and is not required to be taken before a magistrate, in the discretion of the officer the person shall either be given a traffic citation or be taken without unnecessary delay before the proper magistrate in any of the following cases:

1. When the person does not furnish satisfactory evidence of identity or when the officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court;
2. When the person is charged with a violation relating to transportation of hazardous materials;
3. When the person is charged with refusal to submit a vehicle to a required inspection and test; or
4. When the person is charged with a violation of a failure or refusal of a driver of a vehicle to submit that vehicle and load to weighing, or to remove excess weight from that vehicle.

§ 16-205—Arrest of nonresident

(a) All of the provisions of this chapter apply both to residents and nonresidents of this State, except those portions of subsections (b) and (c) of this section which apply to nonresidents.

(b) A police officer at the scene of a traffic accident may arrest without a warrant any driver of a vehicle who is a nonresident of this State and who is involved in the accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person has committed any offense under the provisions of this code in connection with the accident and the officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court.

(c) Whenever any person is arrested under the provisions of subsection (b), that person shall be taken without unnecessary delay before the proper magistrate.

§ 16-206—When person to be given five-day notice to appear in court

(a) Whenever a person is halted by a police officer for any violation of this code and is not taken before a magistrate, the officer shall prepare a written traffic citation.

(b) The time specified in the notice to appear must be at least five days after the alleged violation unless the person charged with the violation shall demand an earlier hearing.

(c) The notice to appear must specify a magistrate, as designated in § 16-208.¹⁰⁶

(d) The person charged with the violation may give his or her written promise to appear in court by signing at least one copy of the written traffic citation prepared by the officer, in which event the officer shall deliver a copy of the citation to the person and not take the person into physical custody for the violation.

(e) Any officer violating any of the provisions of this section is guilty of misconduct in office and shall be subject to removal from office.

§ 16-207—Authority of an officer following an accident

Except for felonies and those offenses enumerated in paragraphs 1, 2, and 3 of subsection (a) of § 16-202, a police officer may issue a written traffic citation, as provided in § 16-206, to any driver of a vehicle involved in an accident, when based upon personal investigation the officer has reasonable and probable grounds to believe that the person has committed one or more offenses under the provisions of this code in connection with the accident.

§ 16-208—Appearance before magistrate having jurisdiction

Whenever any person is taken before a magistrate or is given a written traffic citation containing a notice to appear before a magistrate, the magistrate shall be a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the alleged violation occurred, except that when the offense is alleged to have been committed within an incorporated municipality wherein there is an established court having jurisdiction of the offense, the person shall be taken without unnecessary delay before that court. For the purpose of this chapter, the terms "magistrate" and "court" include magistrates and courts having jurisdiction of offenses under this code as committing magistrates and courts and those having jurisdiction of the trials of such offenses.

§ 16-209—Release of defendant when magistrate not available

Whenever any person is taken into custody by an officer for the purpose of taking such person before a magistrate or court as authorized or required in this chapter upon any charge other than a felony or the offenses enumerated in paragraphs 1, 2 and 3 of subsection (a) of § 16-202, and no magistrate is available at the time of arrest, and there is no bail schedule established by any such magistrate or court or no lawfully designated court clerk or other

¹⁰⁶ Jurisdiction over juvenile traffic offenders should be vested in the traffic courts except where juvenile delinquency involves offenses in addition to or other than traffic offenses.

public officer who is available and authorized to accept bail upon behalf of the magistrate or court, such person shall be released from custody upon the issuance to suspect of a written traffic citation and suspect's signing a promise to appear, as provided in § 16-206.

§ 16-210-Failure to obey citation

It shall be unlawful for any person to violate his or her written promise to appear given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which such citation was originally issued.

§ 16-211-Procedure prescribed herein not exclusive¹⁰⁷

The foregoing provisions of this chapter shall govern all police officers in making arrests without a warrant for violations of any provisions of chapters 10, 11, 12, 13 or 14, but the procedure prescribed shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person.

§ 16-212-Citation on illegally parked vehicle

Whenever any motor vehicle without driver is found parked, standing or stopped in violation of this code or any ordinance, the officer finding such vehicle shall take its registration number, and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation.

§ 16-213-Failure to comply with traffic citation attached to parked vehicle

If a violator of state or local restrictions on stopping, standing or parking does not appear in response to a traffic citation affixed to such motor vehicle within a period of (five) days, (the clerk of the traffic court) (or the traffic violations bureau) shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing offender of the violation and warning such person that in the event such letter is disregarded for a period of (five) days a warrant of arrest will be issued.

§ 16-214-Presumption in reference to illegal parking

(a) In any prosecution charging a violation of any law or regulation governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of the violation the registered

¹⁰⁷ This provision is intended to make clear that complaints may be filed and warrants issued thereon as usually provided by criminal statutes.

owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed that vehicle in violation of law.

(b) The foregoing stated presumption shall apply only when the procedures as prescribed in §§ 16-212 and 16-213 have been followed.

**ARTICLE III—TRAFFIC COURT PROCEDURES, CITATION CONTROLS, CONVICTION
REPORTS**

§ 16-301—Rules of procedure in traffic cases

(a) The (State court of highest appellate jurisdiction) shall promulgate rules governing procedure in traffic cases, including a form for traffic citations.¹⁰⁸

(b) The rules and form promulgated under subsection (a) shall be applicable in all courts of this State, and any political subdivision or municipality thereof, in all proceedings arising out of any alleged violation of a statute, ordinance or regulation relating to operation or use of any vehicle or highway.

§ 16-302—Traffic citation books

The chief administrative officer of every traffic enforcement agency in this State shall be responsible for the issuance of books containing appropriate traffic citations, and shall maintain a record of every such book and each citation contained therein issued to individual members of the traffic enforcement agency. That administrative officer shall require and retain a receipt for every book so issued.

§ 16-303—Disposition and records of traffic citations

(a) Every traffic enforcement officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this State or of any traffic ordinance of any city or town shall deposit the original or a copy of such traffic citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau.

(b) Upon the deposit of the original or a copy of such traffic citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau, that original or copy of such traffic citation may be disposed of only by trial in the court or other official action by a judge of the court, including forfeiture of the bail, or by the deposit of sufficient bail with or payment of a fine to the traffic violations bureau by the person to whom such traffic citation has been issued by the traffic enforcement officer.

(c) It shall be unlawful and official misconduct for any traffic enforcement officer or other officer or public employee to dispose of a traffic citation or copies thereof or of the record of the issuance of that citation in a manner other than as required by law.

(d) The chief administrative officer of every traffic enforcement agency shall require the return of a copy of every traffic citation

¹⁰⁸ Insofar as practicable and consistent with other law, the rules and form should conform with the rules and form in the Model Rules Governing Procedure in Traffic Cases of the National Conference of Commissioners on Uniform State Laws.

issued by an officer under the chief administrative officer's supervision to an alleged violator of any traffic law or ordinance and of all copies of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

(e) Such chief administrative officer also shall maintain or cause to be maintained in connection with every traffic citation issued by an officer under such chief administrative officer's supervision a record of the disposition of the charge by the court or its traffic violations bureau.

§ 16-304—Audit of traffic citation records

(a) Every record of traffic citations required in this chapter shall be audited (monthly) (quarterly) (semiannually) (annually) by the appropriate fiscal officer of the governmental agency to which the traffic enforcement agency is responsible.

(b) Such fiscal officer shall publish or cause to be published a (monthly) (quarterly) (semiannual) (annual) summary of all traffic violation notices issued by the traffic enforcement agency and the dispositions thereof in at least one local daily newspaper of general circulation.

§ 16-305—Record of traffic cases—report of convictions to department

(a) Every magistrate or judge of a court shall keep a record of every traffic complaint, traffic citation or other legal form of traffic charge deposited with or presented to the court or its traffic violations bureau, and shall keep a record of every official action by the court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture resulting from every traffic complaint or citation deposited with or presented to the court or traffic violations bureau.

(b) Within 10 days after the conviction or the forfeiture of bail of a person upon a charge of violating any provision of this act or other law or ordinance regulating the operation of vehicles, every magistrate of the court or clerk of the court of record in which such conviction was had or bail was forfeited shall prepare and immediately forward to the department an abstract of the record of the court covering the case in which the person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any conviction or forfeiture involving the illegal parking or standing of a vehicle.

(c) The abstract shall be made upon a form furnished by the department and shall include the full name, residence address, and the license number of the party charged; the registration number of the vehicle involved; a description of the offense; the section of the law or ordinance violated; the date of hearing; the plea; the judgment or

whether bail was forfeited; the sentence or amount of forfeiture as the case may be; and such other information as the department may require.

(d) Every court of record shall forward a like report to the department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

(e) The failure, refusal or neglect of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be ground for removal therefrom.

(f) The department shall keep all abstracts received at its main office. Those abstracts shall be open to public inspection during reasonable business hours.

ARTICLE IV—EFFECT OF CONVICTION

§ 16-401—Evidence of conviction inadmissible in a civil action

Unless otherwise authorized by law, no evidence of the conviction of any person for any violation of any provision of chapters 10, 11, 12, 13 or 14 shall be admissible in any court in any civil action.

§ 16-402—Conviction for traffic violation not to affect credibility of witness

Unless otherwise authorized by law, the conviction of a person upon a charge of violating any provision of chapters 10, 11, 12, 13 or 14 or other traffic regulation less than a felony shall not affect or impair the credibility of such person as a witness in any civil or criminal proceeding.

CHAPTER 17

Post Conviction Remedies

ARTICLE I—MISDEMEANORS

§ 17-101—Penalties for misdemeanor

(a) It is a misdemeanor for any person to violate any of the provisions of this code unless such violation is by this code or other law of this State declared to be a felony or an infraction.

(b) Every person convicted of a misdemeanor for a violation of any of the provisions of chapter 10, 11, 12, 13 or 14, for which another penalty is not provided, shall for a first conviction thereof be punished by a fine of not more than \$200; for conviction of a second offense committed within one year after the date of the first offense, a person shall be punished by a fine of not more than \$300; for conviction of a third or subsequent offense committed within one year after the date of the first offense, a person shall be punished by a fine of not more than \$500 or by imprisonment for not more than six months or by both such fine and imprisonment.

Optional § 17-101.1—Penalties for infraction¹⁰⁹

Every person convicted of an infraction for a violation of any of the provisions of chapter 11 for which another penalty is not provided, shall for a first conviction thereof be punished by a fine of not more than \$200; for conviction of a second violation committed within one year after the date of the first violation a person shall be punished by a fine of not more than \$300; for conviction of a third or subsequent violation committed within one year after the date of the first violation a person shall be punished by a fine of not more than \$500.

§ 17-102—Inability to pay fine

(a) Upon plea and proof that a person is unable to pay any fine imposed under this code, a court may order its payment in installments and shall fix the amounts, times and manner thereof.

(b) After opportunity for a hearing before a court, any person who does not comply with an order entered under this section may be imprisoned for a number of days equal to one day for each \$_____ of the unpaid balance of the fine.

(c) Any order entered under this section shall constitute a judgment enforceable as though it were a civil judgment under the laws of this state.

¹⁰⁹ This section should be adopted in states which adopt UVC §§ 11-102(b) and (c) providing that most rules of the road violations are infractions and not misdemeanors.

§ 17-103—Additional remedies

(a) In addition to any other penalty provided in this code for a misdemeanor or a violation of homicide by vehicle, a court may impose any one or more of the following requirements:

1. Reexamination by the department;
2. A physical or mental examination by a physician selected by the court or by the defendant;
3. Attendance at and satisfactory completion of a driver improvement course approved by the court or the department.

(b) Whenever a penalty imposed for a misdemeanor or for a violation of homicide by vehicle includes a term of imprisonment, the court may order confinement at specified times or places or may order release from imprisonment at such times and under such conditions as are specified by the court.

(c) Except where a penalty prescribed by this code is mandatory upon conviction, a court may probate or suspend all or any part of a misdemeanor penalty or a penalty for violation of homicide by vehicle upon such terms and conditions as the court shall prescribe. Such conditions may include driving with no further violations of this code during a specified time, reporting periodically to the court or a specified agency, and performing or refraining from performing such acts as may be ordered by the court.¹¹⁰

¹¹⁰ The concluding portion of subsection (c) authorizes the court to probate or suspend a sentence upon condition of "performing or refraining from performing such acts as may be ordered by the court." Such conditions could include writing essays on safe driving, performing reasonable services in the public interest related to highway safety or refraining from driving for a specified period of time.

ARTICLE II—FELONIES

§ 17-201—Penalty for felony

Any person who is convicted of a felony under this traffic code shall be punished by imprisonment for not less than one year nor more than five years, or by a fine of not less than \$500 nor more than \$5,000, or by both such fine and imprisonment.

ARTICLE III—REGISTRATION

§ 17-301—Suspension of registration

Upon conviction of any of the following offenses the court may, in addition to other penalties prescribed by this code, suspend the registration of any vehicle or vehicles registered in the name of the person convicted for a period of not to exceed _____ and any such suspension shall be immediately reported by the court to the department:

1. Homicide by vehicle (manslaughter resulting from the operation of a motor vehicle);
 2. Driving a motor vehicle while under the influence of alcohol or any drug;
 3. Any felony in the commission of which a motor vehicle is used;
 4. Failure to stop, render aid or identify oneself in the event of a motor vehicle accident resulting in death or personal injury;
 5. Unauthorized use of a motor vehicle belonging to another;
 6. Driving while the privilege to do so is suspended or revoked;
 7. Racing on a highway;
 8. Willfully fleeing from or attempting to elude a police officer;
- or
9. Any felony violation under this code.

ARTICLE IV-DISPOSITION OF FINES

§ 17-401-Disposition of fines and forfeitures

(a) All fines and forfeitures collected upon conviction or upon forfeiture of bail of any person charged with a violation of any of the provisions of this code constituting a misdemeanor shall be deposited in the treasury of the State or in the treasury of the county, city or town maintaining the court wherein such conviction or forfeiture was had in a special fund to be known as the "highway transportation fund," which is hereby created, and which shall be used exclusively in the construction, maintenance and repair of public highways, bridges and highway structures or for the installation and maintenance of traffic-control devices thereon or for highway safety and administration within such respective jurisdictions; provided that such fund shall not be used to pay the compensation of police officers or magistrates or any other person who adjudicates traffic violations.

(b) Failure, refusal or neglect on the part of any judicial or other officer or employee, receiving or having custody of any such fine or forfeiture, to comply with the provisions of this section, shall constitute misconduct in office and shall be grounds for removal.

CHAPTER 18

Effect of and Short Title of Code

§ 18-101—Uniformity of interpretation

This code shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states that enact it.

§ 18-102—Effect of headings

Chapter, article, and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning, or intent of the provisions of any article or section.

§ 18-103—Short title

This code may be cited as the Uniform Vehicle Code.

§ 18-104—Code not retroactive

This code shall not have a retroactive effect, and shall not apply to any traffic accident, cause of action arising out of a traffic accident or judgment arising therefrom, or to any violation of the motor vehicle laws of this State, occurring prior to the effective date of this code.

§ 18-105—Constitutionality

If any part or parts of this code shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this code. The legislature declares that it would have passed the remaining parts of this code if it had known that such part or parts thereof would be declared unconstitutional.

§ 18-106—Repeal

The (existing statutes covering the same matters as embraced in this code) are repealed and all acts or parts of acts inconsistent with the provisions of this code are repealed.

§ 18-107—Time of taking effect

This code shall take effect from and after the _____ day of _____.

UVC INDEX

A

Abandoned Vehicles · 195
Accident · 100
Accident Reports · 128
Accidents · 128
Alcohol · 1, 85, 169
Alley · 1
animal · 22, 53, 99, 134, 175, 176, 203, 204
animals · 13, 134, 180
Arterial street · 1

B

Bicycle · 2, 181, 225
Bus · 2, 208
Business district · 2

C

CDL · See Commercial Driver's License.
Cancellation of driver's license · 2
Commercial Driver's License... 85

D

Dealer... 3, 58
Department 3, 16, 19, 37, 40, 55, 58, 68, 74, 82,
114, 136, 145, 146, 147, 148, 169, 170, 171, 173
174, 175, 176, 182, 187, 192, 193, 194, 205, 207,
209, 231
Divided highway 3
Drive 3, 80, 122
Driven 4, 80
Driver 4, 65, 67, 80, 83, 84, 171, 231
Driving 4, 76, 85, 88, 95, 124, 125, 131, 142, 154,
155, 165, 219, 229

Drug 4

E

Emergency vehicle 117, 118, 129, 181, 184, 216

F

Farm tractor · 5
Flammable liquid · 5
Following too closely · 143

G

Graduated driver licensing · 67
Gross Weight · 5

H

Hazardous material · 5
Highway · 5, 15, 63, 65, 86, 94, 147, 192, 208, 227,
239, 244
Highway Safety Administration · 15

I

Imprisonment · 6
Individual record · 6
Instructional Permit · 70
Intermediate license · 68, 69, 72
Intersection · 6

UVC INDEX

J

Junk vehicle · 30, 31, 32, 33, 38, 63

L

Laned roadway · 6

License · 6, 53, 54, 59, 68, 70, 72, 76, 81, 83, 85, 89, 91, 92, 116, 164, 195

Lienholder · 22, 26, 27, 28, 29, 30, 35, 36, 37, 54, 119, 123

Lienholder · 6

Local authorities · 7, 158, 173, 232, 243, 244, 245

M

Mail · 7

Manufacturer · 7

Manufacturers · 49

Minors · 42

Moped · 7

Motor home · 7

Motor vehicle · See vehicle

Motorcycle · 8

Motor-driven cycle · 8

N

Nonresident · 8, 58, 59, 76, 86, 89, 91

O

Odometer · 8, 23

Official traffic-control devices · 8, 143

Open alcoholic beverage container · 8

P

Park · 8, 134, 172

Passenger · 2, 9

Pedestrian · 9, 138, 148

Person · 9, 138

Pole trailer · 9

Police officer · 10

Preliminary alcohol screening test · 10

Private road · 10

R

Racing · 159, 160, 249, 261

Railroad · 10, 177

Reckless driving · 170, 249

Registration · 10, 21, 26, 40, 41, 43, 44, 45, 46, 48, 51, 53, 54, 98, 240

Restricted licenses · 72

Revocation · 10, 51, 76

Right of way · 11

Roadway · 11

Rules of the Road · 133

S

Safety Belt · 11

Safety zone · 11

Salvage · 31, 33

School bus · 11, 208

Security Interests · 35

Semitrailer · 11

Speed · 7, 8, 11, 87, 134, 140, 141, 143, 145, 146, 152, 154, 155, 157, 158, 159, 160, 179, 185, 203, 205, 206, 210, 220, 222, 223, 224, 238, 242, 243

SPEED RESTRICTIONS · 157

Stand · 12, 172

State · 1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 15, 16, 17, 19, 21, 22, 23, 24, 26, 35, 38, 40, 41, 42, 43, 44, 58, 60, 63, 64, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 80, 81, 83, 85, 87, 89, 98, 100, 101, 102, 104, 109, 111, 115, 116, 118, 119, 122, 124, 125, 126, 128, 130, 131, 132, 133, 139, 142, 144, 155, 156, 157, 158, 159, 164, 168, 169, 173, 200, 208, 213, 217, 218, 219, 220, 226, 227, 228, 229, 230, 232, 233, 235, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 250, 254, 258, 262, 263

Stop · 12, 145, 152, 172, 177

Street · 13

APPENDICES

APPENDIX 1

METRIC CONVERSION TABLE

APPENDIX 1

Metric Conversion Table

Should any state decide to change its vehicle code to the metric system, this table presents the metric equivalents of weights and measures used in the *Uniform Vehicle Code and Model Traffic Ordinance*. The first column lists the section in the UVC or MTO. The second column lists the weights or measures expressed in English units that is currently used in that section. The third column shows the exact metric equivalent of the number in column two. Though the exact metric equivalent could be used, states may prefer the numbers shown in column four which have been "rounded" (rationalized). Please note that in certain areas, such as UVC Chapter 14 on sizes and weights, use of the exact metric equivalent is recommended.

UVC §	Measurement or Weight	Exact Metric Equivalent	Recommended Metric Value
1 — 107	600 ft.	182.88 m	180 m
	300 ft.	91.44 m	90 m
1 — 123	70 ° F	21.1 ° C	21 ° C
1 — 132	30 ft.	9.14 m	9 m
1 — 166	300 ft.	91.4 m	90 m
1 — 196	100 ft.	30.48 m	30 m
3 — 412(c)	100 ft.	30.48 m	30 m
	6 in.	15.24 cm	150 mm
	12 in.	30.48 cm	300 mm
	4 in.	10.16 cm	100 mm
	7 in.	17.78 cm	175 mm
3 — 413	12 in.	30.48 cm	300 mm
11 — 305	200 ft.	60.96 m	60 m
11 — 306(a)2	100 ft.	30.48 m	30 m
11 — 306(a)3	100 ft.	30.48 m	30 m
11 — 602(b)	500 ft.	152.4 m	150 m
11 — 604(b)	100 ft.	30.48 m	30 m
11 — 605(b)	24 in.	60.96 cm	600 mm
	14 ft.	3.5 m	4.0 m
11 — 701(a)	50 ft.	15.24 m	15 m
	15 ft.	4.57 m	5 m
	1500 ft.	457.2 m	450 m
11 — 702	50 ft.	15.24 m	15 m
	15 ft.	4.5 m	5 m
11 — 703(a)	10 mph	16.09 km/h	15 km/h
	.5 in.	1.27 cm	10 mm
	1 ft.	30.48 cm	300 mm
	9 in.	22.86 cm	230 mm
11 — 703(c)	15 ft.	4.57 m	5 m
	50 ft.	15.24 m	15 m
11 — 802	30 mph	48.28 km/h	50 km/h
	55 mph	88.52 km/h	90 km/h
11 — 804(a)	55 mph	88.52 km/h	90 km/h
	35 mph	56.33 km/h	60 km/h
11 — 804(e)	10 mph	16.09 km/h	15 km/h

UNIFORM VEHICLE CODE

UVC §	Measurement or Weight	Exact Metric Equivalent	Recommended Metric Value
11 — 806	35 mph	56.33 km/h	60 km/h
	300 ft.	91.44 m	90 m
11 — 807(a)	45 mph	72.42 km/h	70 km/h
11 — 1001	200 ft.	60.96 m	60 m
11 — 1003(a)(1)(e)	30 ft.	9.14 m	9 m
11 — 1003(a)(2)	15 ft.	4.57 m	5 m
	20 ft.	6.1 m	6 m
	30 ft.	9.14 m	9 m
	20 ft.	6.1 m	6 m
	75 ft.	22.86 m	20 m
11 — 1003(a)(3)	50 ft.	15.24 m	15 m
11 — 1004(a)	12 in.	30.48 cm	300 mm
11 — 1004(b)	12 in.	30.48 cm	300 mm
11 — 1107	200 ft.	60.96 m	60 m
11 — 1109	500 ft.	152.4 m	150 m
11 — 1209(b)	100 ft.	30.48 m	30 m
11 — 1305(b)	15 in.	38.1 cm	380 mm
11 — 1403	5 ft.	1.52 m	1.5 m
12 — 201	1000 ft.	304.8 m	300 m
12 — 206(b)	80 in.	2.03 m	2 m
12 — 209	4 ft.	1.22 m	1.2 m
	12 in. ²	30.48 cm ²	300 mm ²
12 — 210(b)	1000 ft.	304.8 m	300 m
12 — 210(c)	1000 ft.	304.8 m	300 m
12 — 211(a)	1000 ft.	304.8 m	300 m
12 — 211(b)	1000 ft.	304.8 m	300 m
	600 ft.	182.88 m	180 m
	100 ft.	30.48 m	30 m
12 — 211(c)	4 ft.	1.22 m	1.2 m
	1000 ft.	304.8 m	300 m
	600 ft.	182.88 m	180 m
	100 ft.	30.48 m	30 m
12 — 211(e)	25 mph	40.23 km/h	40 km/h
12 — 212	1000 ft.	304.8 m	300 m
	600 ft.	182.88 m	180 m
	100 ft.	30.48 m	30 m
12 — 215(c)	80 in.	2.03 m	2 m
	30 ft.	9.14 m	9 m
12 — 217	500 ft.	152.4 m	150 m
	300 ft.	91.44 m	90 m
12 — 219	100 ft.	30.48 m	30 m
	20 mph	32.18 km/h	30 km/h
12 — 220	300 candlepower	300 candela	300 candela
12 — 221(a)	300 candlepower	300 candela	300 candela
	75 ft.	22.86 m	23 m
12 — 222	500 ft.	152.4 m	150 m
	8 in.	20.32 cm.	200 mm
	100 ft.	30.48 m	30 m
	500 ft.	152.4 m	150 m

APPENDIX

UVC §	Measurement or Weight	Exact Metric Equivalent	Recommended Metric Value
12 — 301(a)	40 ft.	12.19 m	12 m
	20 mph	32.18 km/h	30 km/h
12 — 401(a)	200 ft.	60.96 m	60 m
12 — 401(d)	500 ft.	152.4 m	150 m
12 — 405(a)	1 in.	2.54 cm	25 mm
12 — 406(a)(1)	600 ft.	182.88 m	180 m
	100 ft.	30.48 m	30 m
12 — 406(c)	12 in.	30.48 cm	300 mm
12 — 407(a)	80 in.	2.03 m	2 m
	30 ft.	9.14 m	9 m
12 — 407(b)(2)	100 ft.	30.48 cm	30 m
	10 ft.	3.05 m	3 m
12 — 407(c)	500 ft.	152.4 m	150 m
	100 ft.	30.48 m	30 m
	500 ft.	152.4 m	150 m
12 — 407(d)	200 ft.	60.96 m	60 m
	100 ft.	30.48 m	30 m
	10 ft.	3.05 m	3 m
12 — 407(f)	1000 ft.	304.8 m	300 m
12 — 407(g)	100 ft.	30.48 m	30 m
	200 ft.	60.86 m	60 m
12 — 601	40 in.	1.20 m	1 m
	20 mph	32.18 km/h	30 km/h
	40 ft.	12.19 m	12 m
12 — 702	500 ft.	152.4 m	150 m
12 — 703	600 ft.	182.88 m	180 m
12 — 704	600 ft.	182.88 m	180 m
	500 ft.	152.4 m	150 m
12 — 706	25 ft.	7.62 m	7.6 m
	10 mph	16.09 km/h	16 km/h
14 — 103(a)	8 ft.	2.44 m	Use Exact
14 — 103(b)	102 in.	2.59 m	Use Exact
14 — 103(c)	96 in.	2.44 m	Use Exact
	102 in.	2.59 m	Use Exact
	12 ft.	3.66 m	Use Exact
14 — 103(d)	102 in.	2.59 m	Use Exact
14 — 103(e)	28.5 ft.	8.68 m	Use Exact
14 — 103(e)(2)	10 ft.	3.05 m	Use Exact
14 — 103(e)(4)	102 in.	2.59 m	Use Exact
14 — 104	13.5 ft.	4.11 m	Use Exact
14 — 105(a)	40 ft.	12.19 m	Use Exact
	60 ft.	18.28 m	Use Exact
14 — 105(b)	48 ft.	14.63 m	Use Exact
14 — 105(c)(2)	10 ft.	3.05 m	Use Exact
14 — 105(c)(4)	28.5 ft.	8.68 m	Use Exact
	48 ft.	14.63 m	Use Exact
14 — 105(d)	28.5 ft.	8.68 m	Use Exact
14 — 105(e)(2)	10 ft.	3.05 m	Use Exact
14 — 105(e)(4)	28.5 ft.	8.68 m	Use Exact

UNIFORM VEHICLE CODE

UVC §	Measurement or Weight	Exact Metric Equivalent	Recommended Metric Value
14 — 106(c)	3 ft.	0.91 m	Use Exact
	6 ft.	1.83 m	Use Exact
14 — 106(d)	6 in.	15.24 cm	Use Exact
14 — 107(a)	15 ft.	4.57 m	Use Exact
14 — 107(b)	12 in. ²	30.48 cm ²	Use Exact
14 — 108(a)	20,000 lbs	9,071.84 kg	Use Exact
14 — 108(b)	40 in.	1.02 m	Use Exact
14 — 109(a)	34,000 lbs	15,422.4 kg	Use Exact
14 — 109(b)	40 in.	1.02 m	Use Exact
	96 in.	2.44 m	Use Exact
14 — 110(b)	36 ft.	10.97 m	Use Exact
	68,000 lbs	30,844.3 kg	Use Exact
14 — 110(c)	80,000 lbs	36,287.4 kg	Use Exact
14 — 110(d)(2)	38 ft.	11.58 m	Use Exact
14 — 110(d)(3)	45 ft.	13.72 m	Use Exact
14 — 110(d)(4)	45 ft.	13.72 m	Use Exact
14 — 111(b)	10 miles	16.09 km	16 km
31 — 206	600 ft.	182.88 m	180 m
	300 ft.	91.4 m	90 m
31 — 214(b)	30 ft.	9.1 m	9 m
31 — 237	100 ft.	30.48 m	30 m
	.25 mile	0.40 km	0.40 km
33 — 401	10 ft.	3.05 m	3 m
33 — 407(c)	18 in.	45.7 cm	46 cm

APPENDIX 2

WEIGHT LIMITS

WEIGHT LIMITS⁸

(see footnotes, next page)

Distance in feet
between the extremes
of any group
of 2 or more
consecutive axles

[Bridge table B]

Maximum load in pounds carried on any group of 2 or more consecutive axles⁹

	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles
4	34,000							
5	34,000							
6	34,000							
7	34,000							
8 and less	34,000	34,000						
More than 8	38,000	42,000						
9	39,000	42,500						
10	40,000	43,500						
11		44,000						
12		45,000	50,000					
13		45,500	50,500					
14		46,500	51,500					
15		47,000	52,000					
16		48,000	52,500	58,000				
17		48,500	53,500	58,500				
18		49,500	54,000	59,000				
19		50,000	54,500	60,000				
20		51,000	55,500	60,500	66,000			
21		51,500	56,000	61,000	66,500			
22		52,500	56,500	61,500	67,000			
23		53,000	57,500	62,500	68,000			
24		54,000	58,000	63,000	68,500	74,000		
25		54,500	58,500	63,500	69,000	74,500		
26		55,500	59,500	64,000	69,500	75,000		
27		56,000	60,000	65,000	70,000	75,500		
28		57,000	60,500	65,500	71,000	76,500	82,000	
29		57,500	61,500	66,000	71,500	77,000	82,500	
30		58,500	62,000	66,500	72,000	77,500	83,000	
31		59,000	62,500	67,500	72,500	78,000	83,500	
32		60,000	63,500	68,000	73,000	78,500	84,500	90,000
33			64,000	68,500	74,000	79,000	85,000	90,500
34			64,500	69,000	74,500	80,000	85,500	91,000
35			65,500	70,000	75,000	80,500	86,000	91,500
36			66,000	70,500	75,500	81,000	86,500	92,000
37		Exception¹⁰→	66,500	71,000	76,000	81,500	87,000	93,000
38			67,500	71,500	77,000	82,000	87,500	93,500
39			68,000	72,500	77,500	82,500	88,500	94,000
40			68,500	73,000	78,000	83,500	89,000	94,500
41			69,500	73,500	78,500	84,000	89,500	95,000
42			70,000	74,000	79,000	84,500	90,000	95,500
43			70,500	75,000	80,000	85,000	90,500	96,000
44			71,500	75,500	80,500	85,500	91,000	96,500
45			72,000	76,000	81,000	86,000	91,500	97,500
46			72,500	76,500	81,500	87,000	92,500	98,000
47			73,500	77,500	82,000	87,500	93,000	98,500
48			74,000	78,000	83,000	88,000	93,500	99,000
49			74,500	78,500	83,500	88,500	94,000	99,500
50			75,500	79,000	84,000	89,000	94,500	100,000
51			76,000	80,000	84,500	89,500	95,000	100,500
52			76,500	80,500	85,000	90,500	95,500	101,000
53			77,500	81,000	86,000	91,000	96,500	102,000
54			78,000	81,500	86,500	91,500	97,000	102,500
55			78,500	82,500	87,000	92,000	97,500	103,000
56		Interstate Gross Weight Limit⁸	79,500	83,000	87,500	92,500	98,000	103,500
57			80,000	83,500	88,000	93,000	98,500	104,000
58				84,000	89,000	94,000	99,000	104,500
59				85,000	89,500	94,500	99,500	105,000
60				85,500	90,000	95,000	100,500	105,500

Bridge Gross Weight Formula

The bridge gross weight formula provides a standard to control the spacing of truck axles on vehicles that use highway bridges.

$$W = 500 \left[\frac{LN}{N-1} + 12N + 36 \right] \text{ modified}^{11}$$

- W = the max. weight in pounds that can be carried on a group of two or more axles to the nearest 500 lbs.
 L = spacing in feet between the outer axles of any two or more consecutive axles.
 N = number of axles being considered.

⁸ Permissible gross loads for vehicles in regular operation. Drafter should refer to Federal Highway Administration pamphlet HTO 33/R10-84(30M)QE, United States Code § 127 Title 23, and Federal Highway Administration pamphlet HTO-030/5-81(30M) April, 1984 if Weight Table is adopted by the state.

.....

Drafter should refer to §§ 14-108, 14-109, and 14-110.

For purposes outlined in this table, the following American Association of State Highway and Transportation Officials (AASHTO) definitions are used. The drafter should note that these weight limits may vary from state to state depending on local laws and limits in effect before the Federal limits were established in 1956:

Gross Weight – The weight of a vehicle and/or vehicle combination without load plus the weight of any load thereon. The Federal gross weight limit on the Interstate is 980,000 pounds.

Single Axle Weight – The total weight transmitted by all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle. The Federal single axle weight limit on the Interstate is 20,000 pounds.

Tandem Axle Weight – The total weight transmitted to the road by two or more consecutive axles whose centers may be included between parallel vertical planes spaced more than 40 inches and not more than 96 inches apart, extending across the full width of the vehicle. The Federal tandem axle weight limit on the Interstate is 34,000 pounds.

⁹The following loaded vehicles must not operate over H15-44 bridges; 3-S2 (5 axles) with wheelbase less than 38 feet; 2-S1-2 (5 axle) with wheelbase less than 45 feet; 3-3 (6 axles) with wheelbase less than 45 feet; and 7-, 8-, and 9-axle vehicles regardless of wheelbase.

¹⁰There is one exception to use of the formula or Table B – two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more.

¹¹The permissible loads are computed to the nearest 500 pounds. The modification consists in limiting the maximum load on any single axle to 20,000 pounds.

APPENDIX 3

**POWER OF ATTORNEY
DISCLOSURE FORM**

Power of Attorney Disclosure Form

Warning: This form may be used only when title is physically held by lienholder or has been lost. This form must be submitted to the state by the person exercising powers of attorney. Failure to do so may result in fines and/or imprisonment.

* * * * *

Part C. Certification (To Be Completed When parts A and B Have Been Used)

I, _____, (person exercising above powers of attorney, Print), hereby certify that the mileage I have disclosed on the title document is consistent with that provided to me in the above power of attorney. Further, upon examination of the title and any reassignment documents for the vehicle described above, the mileage disclosure I have made on the title pursuant to the power of attorney is greater than that previously stated on the title and reassignment documents. This certification is not intended to create, nor does it create any new or additional liability under Federal or State law.

(Signature)

(Printed Name)

Address (Street)

(City) (State) (ZIP Code)

APPENDIX 4

**ODOMETER DISCLOSURE
STATEMENT**

Odometer Disclosure Statement

Federal and State law require that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.

I state that the odometer now reads _____ miles and to the best of my knowledge that it reflects the actual mileage of the vehicle described herein, unless one of the following
(no circles)
statements is checked.

☐ (1) I hereby certify that to the best of my knowledge the odometer reading reflects the amount of mileage in excess of its mechanical limits.

☐ (2) I hereby certify that the odometer reading is NOT the actual mileage.

WARNING - ODOMETER DISCREPANCY.

Transferor's Signature _____

Printed name _____

Transferor's Address _____

City _____

State _____

Zip Code _____

Date of Statement _____

Transferee's Signature _____

Printed name _____

Transferee's Address _____

City _____

State _____

Zip Code _____

³The drafter should review Title IV of the Motor Vehicle Information and Cost Savings Act, known as the "Truth in Mileage Act of 1986" (Public Law 99-579) and UVC §§ 3-104 and 3-107.

APPENDIX 5

***PREVIOUSLY CERTIFICATED
VEHICLES***

APPENDIX V
FORMER CHAPTER 3, ARTICLE III

PREVIOUSLY CERTIFICATED VEHICLES

(Note: for states having a certificate of title act but not requiring endorsement of security interests on certificates¹)

§ 3 – 301 – Definitions

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

- (a) "Previous act" means (insert appropriate designation of prior certificate of title act).
- (b) A "previously certificated vehicle" means a vehicle for which a certificate of title issued under the previous act is in force when this act takes effect.
- (c) A "first certificate of title in this State" of a vehicle means the first certificate of title of the vehicle issued under this act.

§ 3 – 302 – Deferred application of act to previously certificated vehicles

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

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

§ 3 – 303 – Distinctive certificate

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

§ 3 – 304 – Security interest in a previously certificated vehicle

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

¹ Administrative considerations also require that the act be put into effect gradually in a state having a certificate of title act but not requiring the endorsement of security interests on a certificate of title.

§ 3 – 305 – Unsatisfied security interest in a previously certificated vehicle

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

- (a) Until its perfection lapses under the law under which it was perfected (or would lapse in the absence of a further (filing) (recording)) or²
- (b) Until the earlier lapse of (two years and nine months) from the date this act takes effect; and
- (c) Thereafter if previously perfected under § 3-304.

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

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

§ 3 – 307 – Assignment by lienholder

- (a) A lienholder may assign, absolutely or otherwise, lienholder's security interest in the vehicle to a person other than the owner without affecting the interest of the owner or the validity of the security interest, but any person without notice of the assignment is protected in dealing with the lienholder as the holder of the security interest and the lienholder remains liable for any obligations as lienholder until an assignment by the lienholder is delivered to the department as provided in subsection (b).

² Insert in the parentheses in subsection (a) appropriate phraseology to refer to technical requirements of other statutes, if any, requiring re-filing, re-recording or filing of a renewal statement or affidavit, to continue the perfection of a security interest after the lapse of a specified period.

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

§ 3 – 308 – Release of security interest

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

§ 3 – 309 – Duty of lienholder

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

**MODEL LAWS OF THE NATIONAL
COMMITTEE ON UNIFORM
TRAFFIC LAWS AND ORDINANCES
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Model Graduated Licensing Law

The National Committee Graduated License Model Law creates a three-stage graduated licensing system for novice drivers under the age of 18. Those stages are:

- Instructional permit (driving must be supervised at all times);
- Intermediate license (supervised driving required in high-risk situations); and
- Driver's license (the regular unrestricted license available after successful completion of the first two stages).

Key elements of the first two stages of this graduated licensing program include:

- Novice drivers under age 18 must remain in the instructional permit stage for a minimum of six months and in the intermediate license stage for a minimum of six months.
- Instructional permits are issued after passage of vision and written tests and are valid for at least one year.
- The holder of an instructional permit must be supervised at all times by a licensed adult driver, age 21 or older.
- An instructional permit holder qualifies for an intermediate license after 6 months of violation-free supervised driving if he or she passes a road skills test (and if required by the state) completes a driver education course.
- An intermediate licensee may drive unsupervised only between the hours of 5 a.m. and 10 p.m. (At all other times a licensed adult driver age 21 or older must supervise the intermediate licensee's driving.)
- Unless supervised, an intermediate licensee may not transport passengers younger than age 20.
- To qualify for a regular driver's license, the intermediate license must complete at least 30 hours of supervised driving, including at least 10 hours of nighttime driving.
- The holder of an instructional permit or intermediate license must maintain a conviction-free driving record and not violate any state drug, zero-blood-alcohol-tolerance, seat belt or other driver-related safety laws. Violators may not proceed to a less restricted license and may have their license suspended.
- An instructional permit or intermediate licensee holder may not place a vehicle in motion until every occupant has fastened his or her seat belts.

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MODEL GRADUATED LICENSING LAW

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GRADUATED DRIVER LICENSING MODEL LAW

Section 1. Purpose¹ - The legislature has recognized the need to develop a graduated licensing system in light of the disproportionately high incidence of motor vehicle crashes involving youthful motorists. This system will improve highway safety by progressively developing and improving the skills of younger drivers in the safest possible environment, thereby reducing the number of vehicle crashes².

Section 2. Minimum Age Requirements - The department³ may not issue a license or permit to any person under the age of 18 years, except that it may issue a driver's license to any person who is 16⁴ or 17 years old who presents evidence of having satisfactorily completed the requirements of sections three and four.

Section 3. Learner's Permit, Intermediate License and Driver's License

Application⁵ - The Department shall not grant the application for a learner's permit, intermediate license or driver's license to anyone 16 or 17 years old unless such application is both signed by the applicant and the applicant's parent or guardian, and the applicant has satisfactorily completed the requirements provided in Section 4 of this law.

¹ *The Drafting Committee notes that a state may adapt this model graduated driver licensing system to apply to all novice drivers without regard to age. The Drafting Committee also encourages states to cross reference appropriate license suspension and revocation requirements to assure that violation of the provisions of this model may result in the immediate suspension or revocation of the driver's permit or license in accordance with due process and the licensing system of the state.*

² *This model also requires the driver to comply with the zero blood alcohol tolerance statute if under the age of 21 and state drug and seat belt laws regardless of age.*

³ *Department refers to the department of motor vehicles. If administration of driver licensing is not vested in that department, the term "department" should be changed to the correct department or bureau of government.*

⁴ *This model law assumes that a learner's permit may not be issued before the age of 16 – which the Drafting Committee recommends. If a state issues learner's permits to applicants less than 16 years of age, it should adjust the timetable incorporated into this model. In that event the Drafting Committee recommends extension of the duration of the learner's permit and the time period the applicant must hold a learner's permit before application may be made for an intermediate license.*

⁵ *The drafter should cross reference the section of the state's law governing application requirements.*

Section 4. Limitations on the issuance of licenses and permits - Instructional permits and licenses shall be issued pursuant to the following conditions and requirements.

(a) **Instructional Permit.** An instructional permit authorizes the permit holder to drive a specified type or class of motor vehicle under the conditions set forth in this section while in possession of the permit and accompanied by a parent, guardian, or other person 21 years or older, who is a licensed driver in accordance with the requirements set forth in this law.

(i) An applicant for an instructional permit shall have:

1. Passed a vision test;
2. Passed a written test; and
3. Paid a fee for an instructional permit of (X) dollars.

(ii) An instructional permit requires supervised driving at all times. The supervisor shall be a parent, guardian or other adult age 21 years of age or older, holding a valid driver's license. The supervisor shall be the only other occupant of the front passenger section of the vehicle.

(iii) The instructional permit holder shall not place the vehicle in motion until every occupant of the vehicle has a seat belt properly fastened about his or her body.

(iv) Every holder of an instructional permit shall maintain a conviction-free driving⁶ record and shall not have violated any state drug, zero blood alcohol tolerance⁷, seat belt or other driver-related safety laws⁸ of the state.

(v) The instructional permit shall be valid for a period of at least one year from the date of its issuance.

⁶ States have the option of defining "conviction-free driving" as the absence of serious moving violations; if a state exercises this option, it should also enumerate the violations which are not sufficiently serious to trigger immediate license suspension, but rather may be waived, possibly through a departmental administrative process providing additional education or counseling.

⁷ The Uniform Vehicle Code defines zero blood alcohol tolerance as "the alcohol concentration in a person's blood or breath which is 0.02 or more based on the definition of blood and breath units." See Uniform Vehicle Code, Sec. 1-106 and Sec. 11-905.

⁸ The state should enumerate the laws covered by the term "other driver-related safety laws" of the state.

(vi) In the event a person who holds an instructional permit drives a motor vehicle in violation of law, the permit shall be suspended⁹, or revoked.¹⁰

(b) Intermediate License - An intermediate license authorizes the holder to drive a specified type or class of motor vehicle under the conditions specified below:

(I) An applicant for an intermediate license shall have:

1. Possessed a valid instructional permit for a period of not less than 6 months without any conviction of drug, zero blood alcohol tolerance¹¹, seat belt, or other driver-related¹² safety laws;
2. Passed a road test administered by the department or its agent;
3. Completed (30-50) hours of supervised driving practice,¹³ which is in addition to any other driving instruction required by law. Not less than (10) hours of the required practice hours shall include nighttime driving.
4. Passed a course of drivers education¹⁴ in accordance with standards established by the State Board of Education and the department¹⁵; and

⁹ The temporary withdrawal by formal action of the department of a person's license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be for a period specifically designated by the department. Uniform Vehicle Code, Sec. 1-203.

¹⁰ The termination by formal action of the department of a person's license or privilege to operate a motor vehicle on the highways, which terminated license or privilege shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the department after the expiration of the applicable period of time prescribed in this code. Uniform Vehicle Code, Sec. 1-184. Also see Uniform Vehicle Code, Chapter 6, Article II—Cancellation, Suspension, or Revocation of licenses.

¹¹ See Note 7.

¹² See Note 8.

¹³ The Person supervising the driving may be parent, guardian or other person age 21 years or older.

¹⁴ States without a driver education requirement should omit subsection 4(b)(i)3 requiring applicants under the age of 18 to have completed a driver education program.

5. Paid a fee for an intermediate license of (X) dollars.

(ii) An intermediate license allows unsupervised driving from [5 a.m.] to [10 p.m.¹⁶] except that an intermediate licensee may not transport passengers younger than 20 years of age unless supervised.¹⁷ At all other times the intermediate licensee must be supervised. While being supervised, the intermediate licensee must be accompanied by a parent, guardian, or other person 21 years or older. The supervisor shall possess a valid driver's license. The supervisor shall be the only other occupant of the front passenger section of the vehicle.

(iii) The intermediate licensee shall not place the vehicle in motion until every occupant of the vehicle has a seat belt properly fastened about his or her body.

(iv) To be eligible to apply for a driver's license, an intermediate licensee shall maintain a conviction-free driving¹⁸ record and shall not have violated any state drug, zero blood alcohol tolerance¹⁹, seat belt or other safety law of any state for at least the period of six months immediately preceding the date of the application for the license.

(v) The intermediate license shall be valid for a period of at least one year from the date of its issuance.

(vi) In the event that an intermediate licensee drives a motor vehicle in violation of law, the intermediate license shall be suspended²⁰ or revoked^{21,22}

¹⁵ All approved driver training and safety education courses and courses of driving instruction shall include at least six hours of actual driving experience. The Drafting Committee recommends serious consideration be given to a driving requirement substantially greater than six hours.

¹⁶ If greater supervision of younger drivers with intermediate licenses is preferred, one option states might consider is to expand the period of supervised driving required for 16-year-olds.

¹⁷ States can provide family-related exemptions from the prohibition against unsupervised transporting of teenage passengers, as deemed necessary.

¹⁸ See Note 6.

¹⁹ See Note 7.

²⁰ See Note 9.

²¹ See Note 10.

(c) **Driver's License** ²³ - The department may issue a driver's license to any person who has completed the requirements set forth in this law, or to anyone who has reached 18 years of age and has operated a motor vehicle without traffic violations, drug violations, zero tolerance alcohol violations or seat belt violations for a period of 6 months immediately preceding the date of the application for the license.²⁴

Section 5. Distinctive Form of License or Permit

(a) The learner's permit shall be identified as a "learner's permit" and issued in a distinctive form as determined by the department.

(b) The intermediate license shall be identified as an "intermediate license" and issued in a distinctive form as determined by the department.

(c) Every license issued to a person under the age of 21 shall be in a distinctive form determined by the department so as to be readily identifiable as a license issued to someone less than 21 years of age.

Section 6. Conduct - An individual holding a learner's permit or license issued under this law may not drive or attempt to drive a vehicle, in violation of any provision of law.

Section 7. Penalty - Any person knowingly violating any provision of this law shall be guilty of a Class [A] misdemeanor.

²² As noted earlier, the state may stipulate moving violations which do not automatically trigger immediate suspension or revocation, but rather may be waived, possibly as a result of participation in departmental counseling or educational programs.

²³ Drafter should cross reference the appropriate traffic code sections setting forth the requirements for obtaining a driver's license. These provisions should set forth the appropriate driver training, testing and administrative requirements for acquiring a driver's license.

²⁴ Drafter should cross reference the appropriate provisions regarding the driver training and testing requirements of the 18-year-old or nonresident licensed driver receiving a driver's license.

Child Restraint and Safety Belt Model Laws

The Child Restraint Use Model Law and the Standard Safety Belt Model Law are designed to complement each other. If implemented together, they require all occupants of motor vehicles, regardless of age or seating position, to be safely restrained in order to reduce the incidence of injuries and fatalities resulting from motor vehicle crashes.

The model safety belt law is a so-called "primary" law. It does not contain a provision limiting its enforcement. (In contrast, "secondary" safety belt laws uniquely restrict enforcement by specifying that police officers may not issue a citation solely for a belt infraction, but rather must have another legal reason to stop the vehicle before they can issuance a citation for non-compliance with the belt law.)

The model safety belt law is silent on civil lawsuit admissibility of evidence of noncompliance with safety belt usage requirements. The National Committee believes that state tort law should determine civil lawsuit evidentiary questions.

The seating position of children under the age of 12 is a critical safety consideration. Injuries and fatalities may occur to infants and young children caught in the path of an activating air bag. If traveling in the front seat of a vehicle with a passenger-side air bag, infants in rear-facing child restraints and unbelted children are at especially great risk. Consequently, the model law's preferred language covering this issue requires that all passengers age 12 or younger must be seated in the rear seat, unless all available rear seats are in use by other passengers 12 or younger. (section 4(b) -Alternate 1).

Violators of the model seat belt law are punishable by a fine between \$25.00 and \$50.00.

The Model Child Restraint Law requires drivers to ensure that children younger than 4 years regardless of weight, or weighing less than 40 pounds regardless of age, are secured in a child passenger restraint system meeting federal standards. The one exception to this rule applies when the driver is

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not a parent or guardian of a child and a parent or guardian of the child is present in the vehicle. In that case the parent or guardian is responsible for insuring that the child is properly secured.

Violations of the Model Child Restraint Law are punishable by a fine between \$50 and \$100.

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Model Child Restraint Use Law

Purpose: The purpose of this legislation is to complement the state's safety belt use law so that, taken together, this law and the belt law will require that all occupants of motor vehicles, regardless of age or seating position, be appropriately restrained in order to reduce the incidence of injuries and fatalities resulting from motor vehicle crashes on the streets, roads and highways.¹

Section 1: **Title.**

This act may be cited as the [state's] Child Restraint Use Act.

Section 2: **Definitions.**

As used in this act:

(a) "Motor vehicle" means any motor vehicle having a gross weight of 10,000 pounds or less that is required to be equipped with safety belts by Federal Motor Vehicle Safety Standard No. 208.

(b) "Driver" means a person who drives or is in actual physical control of a motor vehicle.

(c) "Child passenger restraint system" means a specially designed seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213 as it may be amended from time to time and which is either

¹ **Drafter's Recommendation:** *The Committee's overall objective is to provide model laws that operate together to protect all motor vehicle occupants and to provide for standard (primary) enforcement of the safety belt law. As originally enacted, the application provisions of child restraint and safety belt laws in most states exempted classes of occupants, including many children based on the type of vehicle, state in which the vehicle is registered, seating position, relationship between driver and child occupants, age of the child, and residency of vehicle occupants. The Committee strongly recommends that legislators carefully review any revisions in the model language of either the Safety Belt Law or the Child Restraint Use Law to assure that such revisions do not inadvertently create exemptions or gaps in coverage for any class of occupants. Similarly, legislators considering only one of these model laws are strongly advised to review the state's restraint laws to assure that comprehensive coverage will be provided for all occupants.*

permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system.

Section 3: **Application.**

This act shall apply to all occupants of motor vehicles on the streets, roads, and highways of this state.²

Section 4: **Operation of motor vehicles with occupants younger than 16.**³

No driver shall transport any child in a motor vehicle in this state unless the child is properly secured in a child passenger restraint system or safety belt as provided below. If the driver is neither a parent or guardian of a child and the child's parent or guardian is present in the vehicle, then the parent or guardian is responsible for complying with the provisions of this act.

(a) For children younger than 4 years, regardless of weight, or weighing less than 40 pounds, regardless of age, a child passenger restraint system must be used.⁴

(b) For children four years old or older, but younger than 16, a child passenger restraint system or a properly adjusted safety belt must be used.^{4, 5}

² **Note:** This broadly worded definition includes cargo areas in light trucks.

³ **Recommendations:** Some state laws cover occupants up to age 18. Legislators may wish to consider this broader coverage.

⁴ **Drafter's Note:** The National Transportation Safety Board has recommended that for children younger than 8 years, regardless of weight, or weighing less than 60 pounds, regardless of age, a child passenger restraint system should be used.

⁵ **Drafters' Recommendation:** In the event of a crash, the rear seat is the safer seating position. Legislators may wish to enact language to provide maximum protection to children 12 and under. This issue is particularly important in light of injuries and fatalities that have occurred when infants and young children have gotten in the path of an air bag early in its inflation. The risk is greatest for infants in rear-facing child restraints, unbelted or incorrectly belted children traveling in the front seats of vehicles with passenger side air bags.

The following language is offered for legislators wishing to provide additional protection for children by requiring that they be seated in the rear of vehicles, whenever possible:

Additional provision for Sections 4 (a) and (b):

(c) All children 12 years old or younger shall be properly secured as provided above in the rear seat of any motor vehicle equipped with a rear seat, unless all available rear seats are in use by other children.

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Model Standard Safety Belt Law

Purpose: The purpose of this legislation is to reduce injuries and fatalities on the streets, roads and highways by requiring all drivers and all passengers to wear safety belts meeting applicable federal motor vehicle safety standards while riding in motor vehicles and by authorizing standard enforcement.^{1,2}

Section 1: **Title.**

This act may be cited as the [state's] Safety Belt Use Act.

Section 2: **Definitions.**

As used in this act:

(a) "Motor vehicle" means any motor vehicle having a gross vehicle weight of 10,000 pounds or less that is required to be equipped with safety belts by Federal Motor Vehicle Safety Standard No. 208. Passenger cars are required to have belts if built after December 31, 1967. Light trucks and multi-purpose vehicles are required to have safety belts if built after December 31, 1971.

(b) "Driver" means a person who drives or is in actual physical control of a motor vehicle.

¹ **Drafters' Note:** In the absence of limitations on enforcement, all laws authorize standard ("primary") enforcement. Consequently, no special language is needed to authorize primary enforcement of seat belt laws.

Secondary safety belt laws uniquely restrict enforcement by specifying that officers may not issue a citation solely for a belt infraction, but also must have another legal reason to stop the vehicle.

This model law is a primary law. Nevertheless, the drafters strongly recommend use of the term "standard safety belt use law" in describing this or any other safety belt law which does not restrict enforcement because the absence of a secondary provision limiting enforcement merely establishes an enforcement standard comparable to other traffic laws.

² This model law is intentionally silent on the admissibility in civil lawsuits of evidence of noncompliance with safety belt usage requirements.

The drafting committee notes that a number of proposals have been made (and some enacted) which would alter state tort law as applied to lawsuits arising from traffic crashes where potential plaintiffs were not wearing a safety belt. Some of these proposals would require that such noncompliance always be admissible evidence, while others would stipulate that noncompliance with a safety belt law could never be admitted into evidence. The drafting committee believes that no such provision(s) should be included in any safety belt law, and any such provisions now enacted should be repealed, in order to allow the application of traditional state tort law to determine civil lawsuit evidentiary questions.

(c) "Safety belt" means any strap, webbing, or similar device designed to secure a person in a motor vehicle including all necessary buckles and other fasteners, and all hardware designed for installing such safety belt assembly in a motor vehicle.

Section 3: **Application.**

This act shall apply to drivers and all occupants of motor vehicles on the streets, roads, and highways of this state.

Section 4: **Operation of motor vehicles with safety belts.**

(a) Each driver of a motor vehicle in this state shall have a safety belt meeting applicable federal motor vehicle safety standards properly fastened about his or her body at all times when operating a motor vehicle.

[(b) Alternate 1 - The driver of a motor vehicle in this state shall not operate a motor vehicle unless the driver secures or causes to be secured in a properly adjusted and fastened safety belt or child restraint meeting applicable federal motor vehicle safety standards all passengers and secures any passenger 12 or younger in the rear seat, unless all available rear seats are in use by other passengers 12 or younger.³]

[(b) Alternate 2 - The driver of a motor vehicle in this state shall not operate a motor vehicle unless every occupant is secured in a properly adjusted and fastened safety belt or child restraint system meeting applicable federal motor vehicle safety standards and consistent with the [state's] child restraint use law.³]

(c) Every occupant of a motor vehicle in this state shall have a safety belt meeting applicable federal motor vehicle safety standards properly fastened about his or her body at all times when the vehicle is in operation.

Section 5: **Exemptions⁴**

³ ***Drafters' Recommendation:*** In the event of a crash, the rear seat is the safer seating position. The drafters recommend language to provide maximum protection to children 12 and under. (4b Alternate 1). This issue is particularly important in light of injuries and fatalities that have occurred when infants and young children have gotten in the path of an air bag early in its inflation. The risk is greatest for infants in rear-facing child restraints and unbelted children traveling in the front seats of vehicles with passenger side air bags.

⁴ Taxicab exemptions are common. The following **additional Section 5 (e)** is offered to exempt drivers from responsibility for adult passengers but not for underage passengers

(a) The provisions of section (4) (c) shall not apply to children covered by [cite to the state's child restraint use act or law].

(b) The provisions of section (4) shall not apply to persons with a physically disabling condition whose physical disability would prevent appropriate restraint in safety belts, provided, however, such condition is duly certified by a physician who shall state the nature of the condition, as well as the reason such restraint is inappropriate.

(c) The provisions of this law shall not apply to passenger cars built prior to December 31, 1967 and possessing no safety belts.

(d) The provisions of this law shall not apply to passenger vehicles which are not required to be equipped with safety belts under federal law.

Section 6: **Penalties**⁵

A person who violates section (4) (a), (b), or (c) of this act shall be punished by a fine of not less than \$25.00 nor more than \$50.00, [and court costs].⁶

“(e) The provisions of section (4) (b) shall not apply to taxicab drivers [with regard to passengers age 18 and older].”

⁵ **Drafters' Recommendation:** License sanctions(e.g., “points”) have been shown to be among the most effective methods of increasing compliance with traffic laws. Survey research has demonstrated that persistent safety belt law violators are unwilling to use safety belts even when high fines are imposed. In contrast, license sanctions would increase their compliance. The following is offered for those legislators wishing to consider imposition of points or other license sanctions for violators of the Safety Belt Law.

For states with point systems:

“ Section 6: (b) A person who violates section 4(a) or (b) of this act shall be assessed [2] points.

For states that do not have point systems:

Section 6: (b) Violation of Section 4(a) or (b) shall be considered a minor moving offense for the purpose of driver license records.

⁶ **Drafters' Recommendation:** States may choose to raise the upper limit of the range of fines, but should not consider reducing the lower limit of the range.

Section 5: **Penalty**⁶

[(a)] An offense under this section is punishable by a fine of not less than fifty dollars (\$50) and no more than [___(\$___)].⁷

⁶ **Recommendation:** License sanctions have been shown to be among the most effective methods of increasing compliance with traffic laws. Survey research has demonstrated that persistent safety belt law violators are unwilling to use safety belts even when high fines are imposed. In contrast, license sanctions would increase their compliance. The following is offered for those legislators wishing to consider imposition of points or other license sanctions for violators of the child passenger restraint law.

For states with point systems:

Section 5(b): A person who violates Section 4 of this Act shall be assessed two (2) points.

For states that do not have point systems:

Section 5(b): Violation of Section 4 shall be considered a minor moving violation for the purpose of driver license records.

⁷ **Note:** The maximum fine for a first offense (not including court costs) as of February 1, 1999, in the fifty states ranges from \$10 to \$150. It is \$100 in 9 states; \$50 in 10 states; and \$25 in 15 states.

Model Law on Driving Under the Influence

This comprehensive model law combats driving under the influence of alcohol and drugs with a number of critical provisions, including:

- * Provides administrative license suspension.
- * Requires zero tolerance for anyone under the age of 21.
- * Provides doubled penalties for refusing to take intoxication test.
- * Prohibits driving with an alcohol concentration of 0.08 (0.08 BAC or more).
- * Negates the so-called "look-back defense (prohibits 0.08 BAC as measured within two hours of driving).
- * Provides for mandatory license suspension or revocation.
- * Provides more serious penalties for "driving under the extreme influence (0.16 BAC or more).
- * Authorizes alcohol and drug abuse evaluation and treatment for all convicted offenders.
- * Authorizes preliminary screening "breathalyzer" tests.
- * Allows courts to require the use of ignition interlock devices.
- * Allows courts to require community service, restitution to victims, and to require the offender to pay the costs of incarceration, home detention, and alcohol-drug evaluation treatment programs.
- * Prohibits consuming alcoholic beverages while driving.
- * Prohibits possession of an open container of alcoholic beverages in the passenger area of a motor vehicle.
- * Makes refusal to take DUI test admissible in any court proceeding.
- * Requires implied consent to be tested as inherent in the licensing process.
- * Incorporates zero tolerance notification procedures into the licensing process for anyone under 21.
- * Provides expedited, simplified hearing procedures following administrative license suspensions.
- * Allows court to required counseling for violators of zero tolerance.
- * Authorizes required chemical testing of drivers involved serious personal injury or fatal crashes.

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DRIVING UNDER THE INFLUENCE MODEL LAW

Section 101. This act shall be known as the **Millennium DUI Prevention Act**.¹

Section 102. Driving under the influence of alcohol or drugs; under the extreme influence of alcohol

(a) A person shall not drive any vehicle while:

1. the alcohol concentration in such person's blood or breath is 0.08 or more;
2. the alcohol concentration in such person's blood or breath as measured within (two) hours of the time of driving is 0.08 or more;
3. under the influence of alcohol;
4. under the influence of any drug or combination of drugs to a degree which renders such person incapable of safely driving; or,
5. under the combined influence of alcohol and any drug or drugs to a degree that renders such person incapable of safely driving.

(b) Under the Extreme Influence of Alcohol. A person shall not drive any vehicle while:

1. the alcohol concentration in such person's blood or breath is (0.16)² or more; or,
2. the alcohol concentration in such person's blood or breath as measured within (two) hours of the time of driving is (0.16) or more.

(c) A person convicted of violating subsection (a) shall be punished as follows:

(1) For a first offense, a person shall be sentenced to imprisonment for not less than (ten) days or more than (one) year or to pay a fine of not less than (\$250) nor more than (\$1,000) or to both such imprisonment and fine. The department shall suspend the person's license for (180) days.

(2) For a second or subsequent conviction within (five) years, a person shall be sentenced to imprisonment for not less than (90) days nor more than (one year) and shall pay a fine of not less than (\$500) nor more than (\$1,000). The department shall revoke the person's license for (one year)³.

¹ Legislative findings also may be included in this section.

² States may wish to change this number; the National Committee recommends that the minimum BAC for extreme influence be double the minimum BAC for driving under the influence.

³ States concerned about the hardship that might result from a license suspension or revocation could enact the following (or another hardship) provision: Notwithstanding any other provision of law, after 30 days following a license suspension or revocation the department may issue a limited license to the driver if no prior limited license has been issued within the preceding 12 months and there has been no prior license suspension or revocation. In issuing a limited license, the department may impose the conditions and limitations that in its judgment are necessary to the interests of the public safety and welfare. The license may be limited to the operation of a particular vehicle (or vehicles) or to a particular class (or classes) of vehicle, and to time of operation. The limited license issued by the department shall indicate the limitations imposed, and the driver operating under a limited license shall have the license in his or her possession at all times when driving a motor vehicle.

(d) A person convicted of violating subsection (b) shall be punished as follows:

(1) For a first offense a person shall be sentenced to imprisonment for not less than (30) days and not more than (one year) with at least (30) consecutive days in jail without the benefit of probation or suspension of the sentence and shall pay a fine of not less than (\$500) nor more than (\$1000). The department shall revoke the person's license for (one year)⁴.

(2) For a second or subsequent offense within (five) years, a person shall be sentenced to imprisonment for not less than (120) days and not more than (one) year with at least (60) days to be served consecutively without the benefit of probation or suspension and shall pay a fine of not less than (\$1,000) nor more than (\$2,000). The department shall revoke the person's license for (two)⁵ years.

(e) Alcohol and Drug Abuse Evaluation and Treatment.

(1) Before sentencing any person convicted of violating either subsections (a) or (b), the court shall conduct or order an appropriate examination or examinations to determine whether the person needs or would benefit from treatment for alcohol or other drug abuse.

(2) In addition to the penalties imposed under subsections (c) and (d) and after receiving the results of the examination in subparagraph (1) under this subsection, or upon a hearing and determination that the person is an habitual user of alcohol or other drugs, the court may order supervised treatment on an outpatient basis, or upon additional determinations that the person constitutes a danger to self or others and that adequate treatment facilities are available, the court may order such person committed for treatment at a facility or institution approved by the (state department of health).

(3) Any person subject to this subsection may be examined by a physician of such person's own choosing. The court shall consider the results of any such examination.

⁴ States concerned about the hardship that might result from a license suspension or revocation could enact the following (or another hardship) provision: Notwithstanding any other provision of law, after 30 days following a license suspension or revocation the department may issue a limited license to the driver if no prior limited license has been issued within the preceding 12 months and there has been no prior license suspension or revocation. In issuing a limited license, the department may impose the conditions and limitations that in its judgment are necessary to the interests of the public safety and welfare. The license may be limited to the operation of a particular vehicle (or vehicles) or to a particular class (or classes) of vehicle, and to time of operation. The limited license issued by the department shall indicate the limitations imposed, and the driver operating under a limited license shall have the license in his or her possession at all times when driving a motor vehicle.

⁵ States concerned about the hardship that might result from a license suspension or revocation could enact the following (or another hardship) provision: Notwithstanding any other provision of law, after 60 days following a license suspension or revocation the department may issue a limited license to the driver if no prior limited license has been issued within the preceding 12 months. In issuing a limited license, the department may impose the conditions and limitations that in its judgment are necessary to the interests of the public safety and welfare. The license may be limited to the operation of a particular vehicle (or vehicles) or to a particular class (or classes) of vehicle, and to time of operation. The limited license issued by the department shall indicate the limitations imposed, and the driver operating under a limited license shall have the license in his or her possession at all times when driving a motor vehicle.

(4) Upon application for a driver's license by any person under an order of commitment or supervised treatment pursuant to subparagraph (2) under this subsection, the results of the examination referred to in subparagraph (1) of this subsection and a report of the progress of the treatment ordered shall be forwarded by the applicant to the department for consideration by the health advisory board.

(5) The department may after receiving the advice of the health advisory board issue a license to such person with conditions and restrictions that are consistent with the progress of the person's rehabilitation and the protection of the public.

(f) A court may order a person convicted of a violation of either subsections (a) or (b), who has had his or her license restored, to only operate motor vehicles that are equipped with a certified ignition interlock device.⁶

(g) The fact that any person charged with violating either subsections (a) or (b) is or has been legally entitled to use alcohol or any drug shall not constitute a defense against any charge of violating this section.

(h) A sentencing judge may permit any jail sentence or any portion of a jail sentence imposed for violating either subsections (a) or (b) and punished under either subsections (c) or (d) to be served under a home detention program.

(i) A person convicted of violating either subsections (a) or (b) may be ordered by the court to perform community service, to pay restitution to any victims, and to pay the costs associated with an incarceration, a home detention program, an alcohol-drug abuse evaluation or a treatment program.

Section 103. Chemical and other tests

(a) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person driving under the influence of alcohol or drugs, evidence of the concentration of alcohol or drugs in a person at the time alleged, as determined by analysis of the person's blood, urine, breath or other bodily substance,

⁶ Note: Repeat offenders are currently covered by the provisions of 23 USC 164 (23 CFR Part 1275) which defines a repeat offender: as an intoxicated driver ...who has been convicted previously of driving while intoxicated or driving under the influence within the past five years (23 CFR 1275.3k); provides that a repeat offender's driving privileges must be suspended or revoked for at least one year; provides that for a second offense within 5 years, repeat offenders be sentenced to serve either not less than 5 days of imprisonment or 30 days of community service (23 CFR 1275.4(a)(1), and for subsequent offenses within 5 years such offender must be sentenced to either not less than 10 days of imprisonment or 60 days of community service (23 CFR 1275.4 (a) (4); requires that repeat offenders receive an assessment of their degree of alcohol abuse and treatment as appropriate (23 CFR 1275.4 (a) (3); and mandates that one of the following sanctions be imposed on all of the vehicles owned by a repeat offender: either vehicle impoundment during the one year suspension or revocation, vehicle immobilization during the one year suspension or revocation, or the installation of an ignition interlock at the conclusion of the one year license suspension or revocation. (A repeat offender's family or a co-owner may obtain an exception to these sanctions based on hardship considerations) 23 CFR 1275.4 (a) (2) & (b).

Those interested in the legal treatment of vehicles owned by repeat offenders also should see the 1998 NCUTLO Model Law entitled, The Safe Streets Act, which extensively covers vehicle impoundment and immobilization issues.

shall be admissible by any party to such action or proceeding. Where such a test is made the following provisions shall apply:

1. Chemical analyses of the person's blood, urine, breath, or other bodily substance to be considered valid under the provisions of this section shall have been performed according to methods approved by the (state department of health) and by an individual possessing a valid permit issued by the (state department of health) for this purpose. The (state department of health) is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, and to issue permits that shall be subject to termination or revocation at the discretion of the (state department of health).
 2. When a person submits to a blood test at the request of a law enforcement officer, only a qualified person⁷ may withdraw blood for the purpose of determining the alcoholic or drug content therein. This limitation shall not apply to the taking of breath specimens.
 3. Upon the request of the person who submitted to a chemical test or tests at the request of a law enforcement officer, the results of such test or tests shall be made available to the person or such person's attorney.
- (b) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by a person driving under the influence of alcohol, if the concentration of alcohol in the person's blood or breath at the time alleged as shown by analysis of the person's blood or breath was less than 0.08, such fact shall not give rise to any presumption that the person was not under the influence of alcohol, but may be considered with other competent evidence in determining that issue. This provision shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of drugs.
- (c) If a person under arrest refuses to submit to a chemical test under the provisions of 107, evidence of such refusal shall be admissible by any party in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was driving under the influence of alcohol or drugs.

Section 107. Implied Consent and Administrative License Suspension, including duties of the officer and opportunity for a hearing

- (a) Any person who drives a vehicle upon the highways of this State shall be deemed to have given consent to a test or tests of such operator's blood or breath, for the purpose of determining operator's alcohol concentration, and to a test or tests of such operator's blood, urine, or other bodily substances for purpose of detecting the presence of drugs. The test or tests shall be administered at the direction of a law enforcement officer who has arrested that person for, or has probable cause to believe, that the person has operated a vehicle under the influence of alcohol and/or drugs or other controlled substances, or in the case of a person under the age of 21 years, that such person has operated a vehicle while having any measurable amount of alcohol in his or her system.
- (b) Any person who is dead, unconscious or who is otherwise in a condition rendering one incapable of refusal, shall be deemed not to have withdrawn the consent provided by paragraph (a) of this section and the test or tests may be administered, subject to the provisions of section 103.

⁷ The state shall determine the definition of qualified person.

(c) A person requested to submit to a test as provided above shall be warned by the law enforcement officer requesting the test that a refusal to submit to or the failure to complete the test will result in the immediate suspension of such person's license to operate a motor vehicle for (one year).

(d) If the person refuses testing or fails to complete it, or submits to a test required under subsection (a) which discloses an alcohol concentration of 0.08 or more, or if the officer otherwise makes the determination based on probable cause that the person operated a vehicle under the influence of alcohol and/or drugs or other controlled substances, on behalf of the Department of Motor Vehicles the officer directing administration of the test or making such determination shall serve on the person immediate notice of the Department's intention to suspend the person's license to operate a motor vehicle. Such officer also shall submit a sworn report to the Department certifying one of the following:

(1) the test was requested pursuant to subsection (a) and the person refused to submit to testing or failed to complete it;

(2) the person submitted to a test that disclosed an alcohol concentration of 0.08 or more;

(3) the officer made an arrest based on probable cause that the person operated a vehicle under the influence of alcohol or drugs or other controlled substances.

(e) Upon receipt of the sworn report of a law enforcement officer submitted under subsection (d), the department shall suspend the driver's license of the person for a period of:

(1) (one year) for refusal to take the requested test or the failure to complete it;

(2) (180 days) if the person submitted to testing required under subsection (a) which disclosed an alcohol concentration of 0.08 or more;

(3) (180 days) if the officer made the arrest based on probable cause that the person operated a vehicle under the influence of alcohol and/or drugs or other controlled substances.

(f) On behalf of the department, the law enforcement officer submitting the sworn report under subsection (d) shall serve immediate notice of the suspension on the person, and the suspension shall be effective (30) days after the date of service. If the person has a valid license, the officer shall take the driver's license of the person and issue a temporary license valid for the notice period. The officer shall send the license to the department along with the sworn report under subsection (d). If approved by the Department of Motor Vehicles, a citation or notice of suspension issued by the officer also may serve as the temporary license certificate.

In cases where the law enforcement officer has not served notice, the department shall give reasonable notice as provided in section (*insert reference to appropriate state notice provision*) and the suspension shall be effective (30) days after the date of service. If the address shown in the law enforcement officer's report differs from that shown on the department records, the notice shall be mailed to both addresses.

(h) A license suspension under this section shall become effective (30) days after the date of service of the notice of suspension. Any person whose license is suspended under this section may make a written request for a hearing. The request shall state the grounds upon which the person seeks to have the suspension rescinded. The filing of the request shall not stay the suspension. The hearing shall be held within (20) days after filing of the request in the county in which the alleged offense occurred, unless the person and the department agree to a different location. The hearing shall be recorded and be conducted by

the department's designated agent.⁸ The hearing may be conducted upon a review of the law enforcement officer's own reports, provided however that the person may subpoena the officer. The department may issue subpoenas to compel the attendance of witnesses. The scope of the hearing shall be limited to the issues of:

- (1) whether the law enforcement officer requested the test;
- (2) whether the person was warned as required by subsection (c);
- (3) whether the person was driving a vehicle;
- (4) whether the person refused to submit to the testing or failed to complete it; and
- (5) whether a properly administered test or tests disclosed an alcohol concentration of 0.08 or more.

Section 108. Zero tolerance - Applicable to persons under age 21: implied consent to testing; administrative license revocation for refusal to submit to chemical test or having BAC of .02 or more; notice to persons under the age of 21 years prior to licensure; duties of officer if test refused or failed.

(a) Notwithstanding any other provision of law, it is unlawful for a person under the age of 21 years who has a blood alcohol concentration of 0.02 or more, as measured by a preliminary alcohol screening test or a test authorized by section 103, to drive a vehicle. The penalty for a person under the age of 21 driving with a blood-alcohol concentration of .02 or greater is a suspension of the driving privilege for (180) days.

(b) If a law enforcement officer detains a person under 21 years of age who is driving a vehicle, and the officer has reasonable cause to believe that the person has any measurable amount of alcohol in his or her system and a preliminary alcohol screening device is immediately available, the officer shall request that the person take a preliminary alcohol screening test to determine the possible presence and amount of alcohol in the person. If a preliminary alcohol screening is not immediately available, the officer may request that the person submit to chemical testing of his or her blood or breath pursuant to the requirements of sections 103.

(c) Any person under the age of 21 years who drives a vehicle, or his or her parent or guardian on behalf of such person under age 21, is deemed to have given consent to a preliminary alcohol screening test or any test authorized by sections 103 and 107 for the purpose of determining the presence of alcohol in the person, if such person was lawfully detained for an alleged violation of subsection (a). Any person under age 21 who is dead, unconscious or who is otherwise in a condition rendering such person incapable of refusal, shall be deemed to have provided the consent authorized by this subsection and the test or tests may be administered,

(d) A person under the age of 21 years requested to submit to a test as provided by this section shall be told by the law enforcement officer requesting the test that a refusal to submit to or the failure to complete a preliminary alcohol screening test or a test authorized by sections 103 and 107, as requested by the officer, will result in the suspension of such person's license to operate a motor vehicle for (one year).

⁸ Alternatively, states may wish to have the hearing conducted by a judge, using an administrative standard, at the defendant's initial hearing on the criminal charge.

(e) If the person refuses to take or fails to complete the preliminary alcohol screening test, or refuses to take or fails to complete a chemical test if a preliminary alcohol screening device is not immediately available, or if the person takes the preliminary alcohol screening test and that test reveals a blood alcohol concentration of 0.02 percent or more, or if the person takes a chemical test pursuant to the provisions of section 103 revealing a blood alcohol concentration of 0.02 or more, the officer shall proceed as follows:⁹

- (1) Acting on behalf of the Department, the officer shall serve the person with a notice of an order of suspension of the person's driving privilege.
- (2) The officer shall take possession of any driver's license issued by this State which is held by the person. On behalf of the Department, when the officer takes possession of a valid driver's license, the officer shall issue a temporary driver's license. The temporary driver's license may be an endorsement on the notice of the order of suspension and shall be valid for 30 days from the date of issuance.
- (3) Within 5 business days after the day the notice of suspension is served, the officer shall forward to the Department a copy of the completed notice of order of suspension, the driver's license if taken into possession pursuant to paragraph (2), and any other reports which may be required by law or regulation.

(f) Before issuing a driver's license or permit to any person under 21 years of age, the Department of Motor Vehicles shall inform the applicant of, and the applicant shall sign a statement acknowledging notification of, the following information:

- (1) It is unlawful for anyone under the age of 21 to drive with a blood-alcohol concentration of .02 or greater, as measured by a preliminary alcohol-screening test or other chemical test.
- (2) The penalty for driving with a blood-alcohol concentration of .02 or greater is a suspension of the driving privilege for (180 days).
- (3) For a person under the age of 21, a refusal to take or a failure to complete a preliminary alcohol screening test or other chemical test for the purpose of determining the person's level of alcohol concentration shall result in a (one year) suspension of the driving privilege.

(g) A license suspension under this section shall become effective (30) days after the date of service of the notice of suspension. Any person whose license is suspended under this section may make a written request for a hearing. The request shall state the grounds upon which the person seeks to have the suspension rescinded. The filing of the request shall not stay the suspension. The hearing shall be held within 20 days after filing of the request in the county in which the alleged offense occurred, unless the person and the department agree to a different location. The hearing shall be recorded, and be conducted

⁹ The intention of the drafters is to provide the law enforcement officer with an expedited procedure for suspending and seizing the license of persons under the age of 21 who have been drinking.

On behalf of the department of motor vehicles, section 108 authorizes the officer to serve a person under age 21 with a notice of suspension and to take possession of that person's license after such person either refuses to take or to complete the preliminary alcohol screening test, or takes the preliminary alcohol screening test and that test reveals a blood alcohol concentration of 0.02 or more. The drafters believe that whenever a person under the age of 21 takes a preliminary alcohol test and that test reveals a blood alcohol level of 0.02 or more, that section 108 (rather than sections 102 or 107) should be utilized to immediately seize and suspend that person's license, even when that person's BAC registers 0.08 and above. The drafters believe that establishing this procedure as the typical approach to underage drinking will make zero tolerance enforcement easier and therefore more prevalent; and pursuing this administrative approach would not preclude pursuing additional criminal actions under the provisions of section 102.

by the department's designated agent. The hearing may be conducted upon a review of the law enforcement officer's own reports; provided, however, that the person may subpoena the officer. The department may issue subpoenas to compel the attendance of witnesses. The scope of the hearing shall be limited to the issues of:

- (1) whether the law enforcement officer requested the test;
 - (2) whether the person was warned as required by subsection (d);
 - (3) whether the person was driving a vehicle;
 - (4) whether the person refused to submit to the testing or failed to complete it;
 - (5) whether a properly administered test or tests disclosed an alcohol concentration of 0.02 or more.
- (h) Notwithstanding any other provision of law, the Department of Motor vehicles of this state may require anyone under the age of 21 years who has had his or her license suspended pursuant to this section, as one requirement to have the license reissued, to attend a course or participate in counseling designed to discourage those under the age of 21 years from drinking alcohol.

Section 109. Preliminary Alcohol Screening Test

When a law enforcement officer has articulable grounds to suspect that a person may have been violating section 102, or that a person under age 21 may have been driving with a measurable blood alcohol concentration, the officer may request that the suspect submit to a preliminary alcohol screening test of the suspect's breath to determine such person's alcohol concentration using a device approved by the (State Department of Health) for that purpose. Nothing in this section precludes the officer from further requesting or requiring additional testing pursuant to any section of this Act or any other provision of law.

Section 110. Chemical test of drivers in serious personal injury or fatal crashes

Notwithstanding the provisions of any other law, when the driver of a vehicle is involved in an accident resulting in death or serious personal injury of another person, and there is reason to believe that the driver was driving under the influence of alcohol or drugs, the driver may be compelled by a police officer to submit to a test or tests of his or her blood, breath or urine to determine the person's alcohol concentration or the presence of other drugs.

Section 211. Unlawful to consume alcoholic beverages while driving a motor vehicle or to possess an open container of alcoholic beverage within the passenger area of a motor vehicle while on highway

- (a) It is unlawful for a person to consume an alcoholic beverage while driving a vehicle on a public highway.
- (b) Except as otherwise provided in this subsection, it is unlawful for a person to possess an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is on a public highway. This prohibition does not apply to a motor vehicle being used primarily for the transportation of persons for compensation or to the living quarters of a house coach, house trailer, or recreational vehicle nor does it apply to a vehicle operated by a chauffeur in his or her for-hire capacity.
- (c) Violations of this section are punishable by a fine of not more than (\$500) or imprisonment for not more than (30) days or both such fine and imprisonment.

Section 212. Definitions

- (a) "Alcohol" means any substance or substances containing any form of alcohol.
- (b) "Alcohol beverage" means:
 - (1) Beer, ale, porter, stout and other similar fermented beverages, including sake and similar products, of any name or description containing one-half of one percent or more alcohol by volume, brewed or produced from malt wholly or in part, or from any substitute thereof.
 - (2) Any beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar, of not less than one-half of one percent of alcohol by volume.
 - (3) Any distilled spirits commonly referred to as ethyl alcohol, ethanol or spirits of wine in any form, including all dilutions and mixtures thereof from whatever process produced.
- (c) "Alcohol concentration" shall mean either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.
- (d) "Any measurable and detectable amount of alcohol" means any alcohol concentration in a person's blood or breath that is 0.02 or more.
- (e) "Drive" means to operate or be in physical control of a vehicle.
- (f) "Driven" means to have operated or been in physical control of a vehicle.
- (g) "Driving" means operating or being in physical control of a vehicle.
- (h) "Drug" means a controlled substance as defined by State or federal law or any other drug or psychoactive substance capable of impairing a person's physical or mental faculties or any combination of these substances.
- (i) "Incarceration" means confinement in a jail, minimum-security facility, community correction facility, house arrest with electronic monitoring, inpatient rehabilitation or treatment center, or other facility provided the individual under confinement is in fact being detained.
- (j) "Imprisonment" means confinement in a jail, minimum-security facility, community corrections facility, house arrest with electronic monitoring, inpatient rehabilitation or treatment center, or other facility, provided the individual under confinement is in fact being detained.
- (k) "Open alcoholic beverage container" means any bottle, can or other receptacle that contains any amount of alcoholic beverage, and that is open, has a broken seal, or the contents of which are partially removed.
- (l) "Passenger area" means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or passengers while in their seating positions, including but not limited to the glove compartment.
- (m) "Preliminary alcohol screening test" means an instrument designed and used to measure the presence of alcohol in a person based on a breath sample.
- (n) "Vehicle" means any device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.



Model Law on Civil Penalties for Weight Limit Violations

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Model Law on Civil Penalties for Weight Limit Violations

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Model Law on Civil Penalties for Weight Limit Violations¹

Section 1

(a) Any police officer or qualified department employee may require the driver of any vehicle or combination of vehicles to stop and submit the vehicle or combination to be weighed by using either portable or stationary scales, or as a screening device may require the driver to drive the vehicle or combination of vehicles at an appropriate speed and manner through a weigh-in-motion mechanism. Any police officer having reason to believe that the weight of a vehicle or combination is unlawful is authorized to require the driver to drive the vehicle or combination for a distance of not more than (10) miles to the nearest location where it can be weighed in compliance with this subsection.

(b) A police officer citing a person for a violation covered by this section may place the vehicle or combination of vehicles "out-of-service" if the weight violation is 10 percent or greater than the legal maximum, and hold the vehicle or combination until the vehicle is reloaded so as to comply with applicable weight statutes or regulations. The driver and owner of an out-of-service vehicle shall be provided access to the vehicle as necessary to remove, reload, or care for cargo. The vehicle shall not be placed back in service until it has been weighed again and determined to be in compliance with all applicable weight statutes or regulations.

(c) Cargo being carried in a vehicle placed out-of-service shall be available to the driver for care and disposition. If necessary, the police officer shall arrange for storage of a out-of-service vehicle, and the owner and the driver of the vehicle shall be jointly and severally liable for any storage charges.

(d) Where it is determined by the appropriate enforcement agency that any vehicle or combination of vehicles has been operated on the highways in violation of any provision of state or local law regulating the gross weight of any vehicle or combination of vehicles, or regulating the weight imposed by any single axle, tandem axle, or group of two or more consecutive axles, the driver of the vehicle and the owner of the vehicle or vehicles, shall be jointly and severally liable for the following civil penalties² in addition to any applicable criminal penalties:

1. ("x" cents)³ per pound if less than or equal to (10 percent) in excess of the applicable weight limit;
2. (2 "x" cents) per pound if more than (10 percent) but less than or equal to (20 percent) in excess of the applicable weight limit;

¹ This model law is intended to apply to vehicles with a gross vehicle weight of 26,001 pounds and above.

² The penalty rate should increase very substantially as the weight violation increases to reflect both the willfulness of the violation and the exponential increase in pavement and bridge damage caused by increased weight.

³ The drafters suggest that states use a number between 5 and 10 (cents per pound) as the value of "x". Specified rates are contained in parentheses to suggest possible modification to reflect local needs and conditions.

3. (4 "x" cents) per pound if more than (20 percent) but less than or equal to (30 percent) in excess of the applicable weight limit.
4. (8 "x" cents) per pound if more than (30 percent) but less than or equal to (40 percent) in excess of the applicable weight limit.
5. (16 "x" cents) per pound if more than (40 percent) in excess of the applicable weight limit.

(e) If a vehicle exceeds more than one weight limitation, the civil penalty assessed shall be the higher of the possible penalties. No part of the penalty assessed under this section shall be suspended, probated or reduced in any manner unless a hearing officer determines that an incorrect weight assessment was made.

Section 2

(a) Any person who is found to have violated a weight limitation or the driver or owner of any vehicle placed out-of-service may request a hearing before the department to determine whether the law was violated and whether the correct penalty was assessed. The request for a hearing shall be made in writing to the department within (30) days following the issuance of the citation. Failure to make timely request for a hearing shall constitute an admission of the violation. The hearing shall be held within (30) days of the filing of the written request for a hearing. The hearing shall be held at the (State Police or State Department of Transportation) office with appropriate personnel and accommodations which is closest to the site of the alleged violation, unless the Department or State Police and the person requesting the hearing agree to a different location. The hearing shall be conducted by the department's designated hearing officer. The hearing may be conducted upon a review of the police officer's written reports and documentary evidence without the presence of the officer, or the officer's testimony may be taken by telephone, or the officer may be subpoenaed to appear, in the discretion of the hearing officer. The hearing officer shall determine, upon the preponderance of the evidence, whether the law was violated and whether the correct damage assessment was made. The hearing officer may adjust the damage assessment only as necessary to correct an assessment error.

(b) Upon a determination by the hearing officer that a violation was not committed, the seized vehicle or vehicles shall be returned immediately to the possession of its owner, driver or representative.

(c) Any person aggrieved by a determination of the departmental hearing officer under this law is entitled to judicial review upon the record under (*cite appropriate state statute comparable to section 15 of the Model State Administrative Procedure Act*).

(d) A determination by the department under this section shall be independent of a determination of the same or similar facts by a court of law in a trial of any criminal charges for violation of the weight restrictions covered by this section.

(e) All penalty assessments collected by the department under this section shall be deposited in the state treasury to the credit of (*the agency charged with enforcing vehicle weight limitations*).

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Model Work Zone Safety Law

The Work Zone Model Law complements Part 6 of the Manual on Uniform Traffic Control Devices. Uniform enactment of this model law throughout the United States would substantially enhance work zone safety and traffic flow.

The key safety concern when a work zone speed limit must be reduced is whether the proposed speed limit reduction can be adequately enforced? If the public perceives a speed limit to be unreasonably low, it is unenforceable and therefore counterproductive.

Previous legislative efforts to enhance work zone safety have focused on doubling speeding fines and other costs incurred as a result of moving violations committed in work zones. Unfortunately, there is little evidence to suggest that this legislative approach has had a positive impact on safety. While crashes, fatalities and injuries associated with many other types of roadway environments decline, work zone fatalities and injuries have remained relatively constant for the past five years.

Often when a speed limit is reduced, some motorists slow down to the reduced speed limit, while others ignore it, thereby causing wide variance in traffic speed. That leads to traffic crashes, especially rear-end accidents and sideswipes. This result may occur particularly when motorists perceive speed limits to be unreasonably reduced and therefore are less likely to reduce vehicle speed.

To help avoid causing unnecessary crashes and to expedite traffic flow, the Work Zone Model Law calls for maintaining the speed limit in work zones wherever possible. When a speed limit reduction is required, an engineering review must be conducted and the Traffic Control Plan (TCP) must list the safety considerations requiring a reduced speed limit and the actions to be taken to eliminate, reduce or mitigate the additional traffic hazards posed by the work zone.

The new model law recognizes that work zone signs must be creditable. If workers are not present when signs call for reduced speed limits, motorists quickly become disgruntled and many ignore the speed limit reduction, causing dangerous speed variance. To combat this problem, the NCUTLO Work Zone Model Law requires that when work is suspended for more than three hours, advance warning signs which are no longer appropriate should be removed, covered, or turned, and other inappropriate devices removed from the temporary traffic control zone so they are not visible to the drivers.

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Finally, the new model law addresses an array of technical concerns to improve work zone safety, including the requirements of the traffic control plan, adequate training and authority for the person responsible for work zone safety, and the definition of work zone.

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MODEL LAW
on
WORK ZONE
SAFETY

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Work Zone Model Law¹

Section 1 - Work Zones

- (a) Temporary traffic control² for every work zone shall have a written Traffic Control Plan (TCP) which shall be included in the Plans, Specifications and Estimates (PS&E's) and shall be consistent with the Manual on Uniform Traffic Control Devices (MUTCD). The scope of the TCP should be developed during the planning and design phases of a project.
- (b) The basic safety principles governing the design of permanent roadways and roadsides also govern the design of (TCPs) that may range in scope from very detailed documents, to referencing drawings contained in the MUTCD. The TCPs also may consist of specific drawings contained in contract documents, or standard drawings and manuals approved by the *(include the name of the agency having jurisdiction over the highway)*.
- (c) The traffic regulatory authority shall approve the (TCP) before the work zone may be established, and wherever practical shall provide prior notice of the establishment of the work zone to the law enforcement agency or agencies with jurisdiction over the roadway. The traffic regulatory authority also shall approve any changes in the TCP. The traffic regulatory authority shall designate a qualified person at the project level who will have primary responsibility and sufficient authority for assuring that the TCP and other safety aspects of the contract are effectively administered.
- (d) All traffic control devices used on street and highway construction, maintenance or utility operations shall conform to the applicable standards and guidelines of the MUTCD.

Section 2 - Maintenance of Speed Limits in Work Zones

- (a) Whenever practical³, the posted speed limit should be maintained in the work zone. If the speed limit must be reduced, prior approval shall be obtained from the traffic regulatory authority, the law enforcement agency or agencies with jurisdiction over the roadway shall be notified of the changed speed limit prior to its implementation, and the TCP shall meet the requirements of this section.
- (b) Before implementing a "moderate speed limit reduction" as defined in subsection (d), an engineering review shall be performed, and the TCP shall list the safety considerations requiring a reduced speed limit and the actions to be taken to eliminate, reduce or mitigate the additional traffic hazards posed by the work zone.
- (c) Before implementing a "substantial speed limit reduction" as defined in subsection (e), an engineering review shall be performed, the TCP shall be site-specific, and the TCP shall list the safety considerations requiring a substantial speed limit reduction and the actions to be taken to eliminate, reduce or mitigate the additional traffic hazards posed by the work zone.

¹ This model law, while containing requirements not contained within Part 6 of the Manual on Uniform Traffic Control Devices -- chiefly concerning the requirements for reducing speed limits in work zones -- is consistent with the requirements of the 1988 Edition of the Manual on Uniform Traffic Control Devices, Revision 3.

² Temporary traffic control is provided for work zones and incident areas; this model law addresses only work zones.

³ The term "practical" of course encompasses the need for safety; it also includes a variety of pragmatic factors which may be considered by the traffic regulatory authority.

- (d) A "moderate speed limit reduction" is a reduction of 10 miles per hour or less of a posted speed limit.
- (e) A "substantial speed limit reduction" is a reduction of more than ten miles per hour of a posted speed limit.

Section 3 - Maintenance of Safe Traffic Control

- (a) Only individuals who are adequately trained in the principles of proper traffic control, including those enunciated in part 6 of the MUTCD, may be assigned responsibility for the development, design, implementation or inspection of work zones. These individuals should ensure that traffic control elements of the project are consistent with the TCP, and are effective in providing safe conditions for motorists, bicyclists, pedestrians, persons with disabilities, and workers.
- (b) The individual responsible for safety shall have the authority to control the progress of work on the project in its relation to maintaining safe conditions, including the authority to modify conditions or halt work until applicable or remedial safety measures are taken.
- (c) Signs, pavement markings, channelizing devices, delineators, and other traffic control devices that are inconsistent with intended travel paths through work zones, should be removed, turned, or covered. In work zones where visible permanent devices are inconsistent with the temporary travel paths, devices that highlight or emphasize the appropriate path should be used.
- (d) Adequate warning, delineation, and channelization should be provided where appropriate to assist in guiding road users in advance of and through the work zone by using proper pavement markings, signing, or other devices which are effective under varying conditions of light and weather.
- (e) Work zones should be carefully monitored under varying conditions of traffic volume, light, and weather, to ensure that traffic control measures are operating effectively and that all applicable devices used are clearly visible, clean, in good repair and in substantial compliance with the Traffic Control Plan (TCP).
- (f) All temporary traffic control devices should be removed as soon as practical when no longer needed. When work is suspended for more than three hours, advance warning signs which are no longer appropriate should be removed, covered, or turned, and other inappropriate devices removed from the temporary traffic control zone so they are not visible to the drivers.
- (g) Flagging should be employed only when other methods of traffic control are inappropriate or inadequate to warn and direct drivers.
- (h) (1) If two-lane two-way operation on one roadway of a normally divided highway (TLTWO) is used, channelizing devices or barriers shall be used for the separation of traffic except:
 - (A) When the TLTWO is located on an urban street or arterial where operating speeds are low (25 mph or less);
 - (B) Where drivers entering the TLTWO can see the transition back to normal one-way operation on each roadway; or
 - (C) Where the traffic regulatory authority approves nonuse of separation devices based on unusual circumstances.
- (2) Centerline striping, raised pavement markers, and complementary signing, either alone or in combination, are not acceptable as separation devices.

Section 4 - Definitions

(a) "Highway" is a general term denoting a public way for purposes of travel, including the entire area within the right-of-way.

(b) "Incident Area" means an area of a roadway where authorized personnel in response to an emergency traffic occurrence, natural disaster, or special event impose temporary traffic controls, including:

- Closure of portions of a roadway during emergency response to a traffic crash or a hazardous materials spill;
- Closure or major change in the traffic pattern of a roadway because of a storm or other natural disaster;
- Traffic controls implemented as part of a plan to manage traffic during a special event such as a sporting event, convention, or hosting visiting dignitaries.

(c) The Manual on Uniform Traffic Control Devices means the national standard for all traffic control devices installed on any street, highway, or bicycle trail open to public travel in accordance with 23 U.S.C. 109(d) and 402(a).

(d) "Part 6 of the MUTCD" means the manual that establishes basic principles and prescribes standards for the design, application, installation, and maintenance of the various types of traffic control devices for highway and street construction, maintenance operation, and utility work.

(e) "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder. Roadway includes auxiliary lanes such as lanes for parking, speed change, turning, weaving, truck climbing, and other purposes supplementary to through traffic movement. In the event a highway includes two or more separate roadways the term "roadway" shall refer to any such roadway separately but not to all such roadways collectively.

(f) "Traffic control devices" means all signs, signals, markings, channelizing and other devices used to regulate, warn or guide traffic, placed on, over, or adjacent to a street, highway, roadway, pedestrian facility, or bicycle path by authority of a public body or official having jurisdiction.

(g) "Traffic control plan" (TCP) means a written plan for handling traffic through a specific highway or street work zone or project. TCPs may range in scope from a very detailed plan designed solely for a specific project (site specific), to a reference to standard plans, a typical application of the MUTCD or a standard highway agency manual. The degree of detail in the TCP will depend on the project complexity and traffic interference with construction activity.

(h) "Traffic regulatory authority" means the public authority, agency or official having jurisdiction over the roadway, and responsible for approving and monitoring the performance of traffic control plans.

(i) "Temporary Traffic Control Zone" means an area of a roadway where traffic conditions are changed by the use of temporary traffic control devices, flaggers, police or other authorized personnel. A Temporary Traffic Control Zone begins with the first advance warning or flagger and extends through the last traffic control device where traffic returns to normal conditions. A Temporary Traffic Control Zone includes a Work Zone and/or Incident Area.

(j) "Work zone" means an area of a highway with construction, maintenance or utility work activities. Signs, channelizing devices, barriers, pavement markings, and/or work vehicles typically mark a work zone. A work zone extends from the first warning sign or flashing lights on a vehicle to the END ROAD WORK sign or the last traffic control device. A work zone may be for short or long durations and may include stationary or moving activities, including:

- Long-term highway construction such as building a new bridge, adding travel lanes to the roadway, extending an existing roadway, etc;
- Short-term highway maintenance such as striping the roadway, median, and roadside grass mowing/landscaping, pothole repair, etc;
- Short-term utility work, such as repairing electric, gas, or water lines within the roadway.

The work zone does not include private construction, maintenance or utility work outside the highway.

The Safe Streets Model Act

The **Safe Streets Act Model Law** covers those who continue to drive after having their driver's licenses suspended or revoked as a result of intoxicated driving.

It provides for the immobilization of vehicles driven by individuals with suspended or revoked driver's licenses as a result of convictions of driving while intoxicated (DWI) or driving under the influence (DUI). Its purpose is to prevent traffic crashes, both by removing dangerous drivers from the road and by deterring DUI violators from continuing to drink and drive.

By requiring vehicle immobilization instead of vehicle forfeiture, and by allowing for installation of vehicle interlock systems when innocent owners would otherwise be deprived of use of their vehicles, this model law improves safety while minimizing adverse impacts on innocent parties residing with culpable violators. Protection of innocent parties is important from a constitutional as well as a fairness perspective because punishment should be reserved for the guilty.

Serious due process and equal protection concerns are raised if vehicle sanctions unduly impact innocent vehicle owners residing in the household of the traffic violator. Vehicle sanctions must adhere to much more demanding constitutional requirements than do driver's license sanctions - - for the obvious reason that a driver's license is nontransferable, and thus its suspension or revocation is imposed solely on the guilty party.

Indeed, the Ohio Supreme Court invalidated the provisions of the Ohio forfeiture law as it would have affected innocent owners, in a case that did not even involve an innocent owner. The Court upheld the law as applied to the offender who owned and used the vehicle in the offense, but also held that the challenged law was "unconstitutional as applied to the owner of a vehicle seized and immobilized because the vehicle was being operated by a third person when that person was arrested on a drunk-driving charge." State v. Hochhausler, 76 Ohio St. 3d 455; 668 N. E. 2d 457, 469 (1996)

The Hochhausler case underscores the constitutional need for legislation establishing vehicle sanctions to provide significant protections to innocent vehicle owners, and the advisability of protecting the interests of other innocent users residing in the immediate household who rely on the vehicle.

This model law achieves those critical objectives. It refrains from authorizing vehicle forfeiture which would invite serious due process and equal protection litigation, provides for substantial protection for innocent owners by guaranteeing the right to a post-hearing process, and by establishing user-funded vehicle interlock programs available whenever an innocent user would be denied access to the only private passenger vehicle used in a household, provides a practical and legally-defensible alternative to the removal of essential transportation from innocent third parties.

The model also provides states with maximum flexibility when implementing vehicle immobilization. Vehicles may be rendered inoperable by any of the following methods:

(1) taking possession of the vehicle as provided in state or local impoundment procedures;

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(2) Immobilizing the vehicle on private property designated by the vehicle owner, by means approved by the Immobilizing authority;

(3) or taking possession of the vehicle's registration and tags.

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VEHICLE SANCTIONS MODEL LAW

This act shall be known as the **Safe Streets Act**.¹

The Legislature finds and declares the following:

(a) Driving a motor vehicle on the public streets and highways is a privilege, not a right.

(b) Citizens who comply with the law are frequently victims of traffic accidents caused by those who continue to drive when their driver's license is suspended or revoked. These innocent victims suffer considerable pain and property loss at the hands of people who flaunt the law.

(c) Approximately [75] percent of all drivers whose driving privilege has been withdrawn continue to drive in violation of the law.

(d) It is necessary and appropriate to take additional steps to prevent driving while intoxicated (DWI), driving under the influence (DUI) and driving with a suspended or revoked license, including immobilization of vehicles used by repeat offenders. The state has a critical interest in enforcing its traffic laws and in keeping dangerous drivers from illegally driving. Immobilizing the vehicles used by repeat DWI or DUI offenders with suspended or revoked licenses who continue to drive serves a significant governmental and public interest, namely the protection of the health, safety, and welfare of state citizens from the destruction and damage to lives and property caused by drivers involved in a disproportionate number of traffic crashes.

Section 1 - Vehicle Immobilization

(a) For purposes of this Act, vehicle "immobilization" means rendering a motor vehicle inoperable. The Department is authorized to immobilize a motor vehicle utilizing, at its discretion, any of the following methods:

- (1) taking possession of the vehicle as provided in state or local impoundment procedures;
- (2) immobilizing the vehicle on private property designated by the vehicle owner by any method approved by the Department;
- (3) or taking possession of the vehicle's registration and tags.

(b) A motor vehicle is subject to immobilization for (30) days if it is driven on a highway in this state by a driver:

- (1) whose driver's license is suspended or revoked pursuant to a conviction under [insert reference to state's DUI and/or DWI law²]; or

¹ This model is a "plug-in" model incorporating provisions essential to address the serious problem of repeat DWI or DUI offenders who drive while suspended or revoked. It does not include many of the basic underlying motor vehicle provisions, such as provisions stipulating the criteria for suspending or revoking the license or the definition of driving while intoxicated or impaired, which are essential to enactment of this model law but typically already have been enacted by states. Consequently, when implementing this law, states should coordinate the provisions of this model law with their statutes concerning driving while intoxicated or impaired, license suspension or revocation, and other pertinent provisions.

(2) who is driving in violation of the terms of a restricted license imposed as a condition of reinstatement of a suspended or revoked license under *[insert reference to state's DUI and/or DWI law]*;

(c) A motor vehicle is subject to immobilization for (60) days if it is driven on a highway in this state by a driver:

- (1) whose driver's license is suspended or revoked pursuant to a second conviction within the previous [five]³ years under *[insert reference to state's DUI and/or DWI law]*; or
- (2) who is driving in violation of the terms of a restricted license imposed as a condition of reinstatement of a license suspended or revoked for the second time within the previous [five]³ years under *[insert reference to state's DUI and/or DWI law]*;

(d) Notwithstanding subsections (b) and (c), with the written consent of the registered owner(s) a vehicle immobilized pursuant to subsection (b) or (c) may be released with an installed compulsory ignition interlock system meeting the requirements of section (2), for the period of time specified for vehicle immobilization, to any person who:

- (1) demonstrates that he or she:
 - (i) currently resides in the household of the registered owner(s) of such vehicle and resided in that household at the time of immobilization; and
 - (ii) that the vehicle is the only vehicle available to that person's household which may be operated with a private passenger vehicle license;
- (2) submits proof that he or she is properly licensed and that the immobilized vehicle is properly registered; and
- (3) submits proof of payment of the cost of installation and regulated monitoring of that vehicle interlock system for one year, and payment of any towing, storage or administrative charges resulting from the immobilization of that vehicle.

Section 2 - Certification of Ignition interlock systems

(a) The [Department of Motor Vehicles]⁴ shall certify or cause to be certified vehicle ignition interlock devices required by this Act, publish a list of approved devices, and conduct or regulate the operation of a vehicle ignition interlock program, including imposing charges on the motorist for compulsory system installation and monitoring.

² This reference should make certain that the state's zero tolerance law is excluded, if that is the intent.

³ **Drafters Recommendation:** Drafters recommend five years, since research seems to indicate that this is the most common duration; however, states should adjust to reflect their record-keeping needs and duration.

⁴ States should substitute the appropriate agency throughout Section 2 should the responsible agency in their state differ from the above.

(b) No model of vehicle ignition interlock device shall be certified unless it meets the accuracy requirements and specifications provided in guidelines adopted by the National Highway Traffic Safety Administration.

(c) The [Department of Motor Vehicles] shall utilize information from an independent laboratory to certify ignition interlock devices on or off the premises of the manufacturer or manufacturer's agent, in accordance with the guidelines. The cost of certification shall be borne by the manufacturers of interlock ignition devices. If the certification of a device is suspended or revoked, the manufacturer of the device shall be responsible for, and shall bear the cost of, the removal of the device and the replacement of a certified device of the manufacturer or another manufacturer.

(d) All manufacturers of vehicle ignition interlock devices that meet the requirements of the National Highway Traffic Safety Administration and are certified in a manner approved by the [Department of Motor Vehicles], who intend to market the devices in this state, first shall apply to the [Department of Motor Vehicles] on forms provided by that department. The application shall be accompanied by a fee in an amount not to exceed the amount necessary to cover the costs incurred by the [Department of Motor Vehicles] in carrying out this section.

(e) The [Department of Motor Vehicles] shall ensure that standard forms and procedures are developed for documenting decisions and compliance, and communicating results to relevant agencies and parties.

(f) The [Department of Motor Vehicles] may delegate a private contractor to act as the agent of the state in carrying out any of the requirements of this section.

Section 3 - Use of a Vehicle by an Unlicensed Driver: Owner's Duty

No owner of a motor vehicle may knowingly allow another person to drive the vehicle upon a highway unless the owner determines that the person possesses a valid driver's license that authorizes the person to operate the vehicle. For purposes of this section, an owner is required only to make a reasonable effort or inquiry to determine whether the prospective driver possesses a valid driver's license before allowing him or her to operate the owner's vehicle. An owner is not required to inquire of the department whether the prospective driver possesses a valid driver's license.

Section 4 - Immobilization Exceptions and Safeguards

(a) If a driver is unable to produce a valid driver's license on the demand of a police officer enforcing the provisions of the Motor Vehicle Code, the vehicle may be immobilized for up to thirty days, regardless of ownership, unless the police officer is reasonably able, by other means, to verify that the driver is properly licensed. Prior to immobilizing a vehicle, a police officer shall attempt to verify the license status of a driver who claims to be properly licensed but is unable to produce the license on demand of the police officer.

(b) A police officer shall not immobilize a vehicle pursuant to this section if the license of the driver expired within the preceding 30 days and the driver otherwise would have been properly licensed.

(c) A police officer may exercise discretion in a situation where the driver without a valid license is an employee in the course of employment driving a vehicle registered to the employer. A police officer also may exercise discretion in a situation where the driver without a valid license is the employee of a bona fide business establishment or is a person otherwise controlled by such an establishment and it reasonably appears that an owner of the vehicle, or an agent of the owner, relinquished possession of the vehicle to the business establishment solely for servicing or parking

of the vehicle or other reasonably similar situations, and where the vehicle was not to be driven except as directly necessary to accomplish that business purpose. In that event, if the vehicle can be returned to or be retrieved by the business establishment or registered owner, the police officer may release and not immobilize the vehicle.

(d) If the driver of a vehicle immobilized pursuant to subsection (a) was a registered owner of the vehicle at the time of impoundment, the impounding agency shall authorize release of the vehicle if, within three days of such immobilization, the driver of the vehicle at the time of immobilization presents his or her valid driver's license, including a valid temporary driver's license or permit, to the responsible agency. The vehicle shall then be released to a registered owner of record at the time of immobilization, or an agent of that owner authorized in writing, upon payment of towing and storage charges related to the immobilization, and any reasonable administrative charges, providing that the person claiming the vehicle is properly licensed and the vehicle is properly registered.

Section 5 - Consumer Protection

(a) A vehicle immobilized pursuant to the circumstances described in subsection 4 (c) shall be released to a registered owner whether or not the driver of the vehicle at the time of such immobilization presented a valid driver's license. No processing charges shall be imposed on such registered owner if he or she properly redeems the vehicle within 15 days of its immobilization.

(b) Any owner of a vehicle who suffers any loss due to vehicle immobilization may recover the amount of the loss from the culpable driver whose actions caused the immobilization. If possession of a vehicle has been tendered to a business establishment in good faith, and an unlicensed, suspended or revoked driver employed or otherwise directed by that business establishment committed the violation which caused the vehicle to be immobilized, a registered owner of the vehicle may recover damages for the loss of use of the vehicle from the business establishment.

(c) Within 10 days of a vehicle immobilization, a registered or legal owner of record at the time the vehicle was immobilized may request a hearing to determine the validity of that vehicle immobilization.

(1) The responsible agency, if requested to do so not later than 10 days after the date the vehicle was immobilized, shall provide the opportunity for a hearing to determine the validity of the vehicle immobilization, to the persons who were the registered or legal owners of the vehicle at the time of its immobilization.

(2) The post immobilization hearing shall be conducted not later than two days after the date it was requested. The responsible agency may authorize its own officer or employee to conduct the hearing if the hearing officer is not the same person who directed the storage of the vehicle. Failure of either the registered or legal owner to request a hearing as provided in paragraph (1) or to attend a scheduled hearing shall satisfy the post immobilization hearing requirement.

(3) The responsible agency employing the person who directed the vehicle immobilization is responsible for all costs incurred for any towing, storage or administrative charges if it is determined that the vehicle was improperly immobilized.

(4) Towing and storage charges for any vehicle immobilized pursuant to this Act shall not exceed the normal towing and storage rates for other vehicle towing and storage conducted by the towing company or agency in the normal course of business.

(5) The burden of proof in the hearing shall be on the immobilizing agency, by a preponderance of the evidence. All questions that may arise shall be

decided and all other proceedings shall be conducted as in an ordinary civil action. A judgment upholding vehicle immobilization does not require as a condition precedent the conviction of a defendant for the offense which made the vehicle subject to immobilization.

Section 6- Disposition of Abandoned Vehicles

Any immobilized vehicle unclaimed under this act which is determined to be abandoned under the laws of this state may be disposed of at the discretion of the [Department of Motor Vehicles].

Section 7- Administration

(a) The [Department of Motor Vehicles] may prescribe standard forms and procedures for implementation of this Act to be used by jurisdictions throughout the state.

(b) In computing any period of time prescribed or allowed by this Act, if the time period to be computed is 15 days or less, Saturdays, Sundays and holidays shall not be counted. If the time period to be computed is greater than 15 days, Saturdays, Sundays and holidays shall be counted.⁵

⁵ States should review their existing notice requirements for license suspension and revocation actions to determine if they are sufficient under the due process requirements in federal and state law for vehicle immobilization under this Act. The following is a suggested notice provision that states may wish to consider:

(Optional -)Section 8 - Notice of License suspension or revocation

(a) It shall be conclusively presumed that a person has knowledge of the suspension or revocation if notice has been sent by certified mail by the department to the most recent address officially reported by the person pursuant to procedures established by the department, and the return receipt has been signed and returned to the department. It is the responsibility of every license holder to report changes of address to the department within [10 days]¹ of the change of address.

(b) (i) In the event the certified mail is not delivered, the department shall attempt to provide personal service by using a process server for service of any person whose driving privilege was suspended or revoked.

(ii) At the time of license reinstatement, the department shall recover an amount equal to its total cost of providing notices pursuant to this subsection, in addition to any fines or fees otherwise authorized by law.

¹ Generally speaking, the number of days allowed for specified actions is bracketed to indicate that states can choose different time frames. However, to allow mail notifications required by the statute to be sent to the correct address of the license holder, the 10 day change of address notice requirement should not be lengthened.

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AGGRESSIVE DRIVING:

A GUIDE TO ASSIST ENFORCEMENT IN
MANAGING THE VIOLATOR

CONTAINS SELECTED SECTIONS OF THE UNIFORM VEHICLE

CODE

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AGGRESSIVE DRIVING POLICY STATEMENT

Aggressive driving is the operation of a motor vehicle in a manner that endangers or is likely to endanger persons or property. It is not a form of "road rage" - - which is a criminal assault with a motor vehicle or dangerous weapon precipitated by an incident occurring on a roadway - - nor is it vehicle homicide, which is a violation of traffic law that is the proximate cause of an unintentional death.

Aggressive driving is a serious and growing problem, but new laws are not required to combat it. Rather, vigorous and consistent enforcement of the traffic violations that comprise aggressive driving would curtail this threat to highway safety.

Too often motorists violating more than one traffic law in a short period of time are charged or convicted with just one offense. That practice gives an undeserved break to the most dangerous drivers. Their official driving records are better than they should be, often leaving motor vehicle departments, judges and insurance companies incapable of distinguishing between the inadvertent traffic violator and a person indifferent to roadway safety. That weakens the punishment for aggressive drivers, makes it more difficult to remove dangerous drivers from the road, and undermines societal efforts to discourage unsafe driving.

Multiple traffic law violations increase crash risk. Law enforcement should reflect the seriousness of that increased risk by convicting the aggressive driver of every violation committed.

Examples of Aggressive Driving

Violations committed either simultaneously or in combination with each other within a short period of time, including but not limited to:

1. Violating any traffic signal;

2. Speeding - - exceeding the posted limit and driving too fast for conditions;
3. Improper passing – failing to signal intent, using emergency lanes to pass, or passing on the shoulder;
4. Improper lane changing - - failing to signal intent, failing to see that movements can be made safely, or excessive lane changing;
5. Following too closely;
6. Failing to stop when required at a railroad grade crossing; and
7. Violating the school bus law.

The **Uniform Vehicle Code** contains sufficient model legislation prohibiting these unsafe driving practices. (Those model laws are included as the five-page attachment accompanying this statement).

Uniform Vehicle Code Provisions Associated with Aggressive Driving

ARTICLE II--TRAFFIC CONTROL DEVICES

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

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

(b) No provision of this code for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

(c) Whenever official traffic-control devices are placed or held in position approximately conforming to the requirements of this code, such devices shall be presumed to have been so placed or held by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(d) Any official traffic-control device placed or held pursuant to the provisions of this code and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this code, unless the contrary shall be established by competent evidence.

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

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

(a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

2. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided any person driving to the left of the center of the highway shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

3. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

4. Upon a roadway restricted to one-way traffic.

(b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road, alley, or driveway. The intent of this subsection is to facilitate the overtaking of slowly moving vehicles by faster moving vehicles.

(c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (a)2. This subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

§ 11-302--Passing vehicles proceeding in opposite directions

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

§ 11-303--Overtaking a vehicle on the left

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

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left of the vehicle being overtaken and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

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

§ 11-304--When passing on the right is permitted

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under one or more of the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;

2. Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Passing on the right shall not be made by driving off the roadway.

§ 11-305--Limitations on overtaking on the left

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

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

(a) No vehicle shall be driven on the left side of the roadway under the following conditions:

1. When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

2. When approaching within 100 feet of or traversing any intersection or railroad grade crossing unless otherwise indicated by official traffic control devices;

3. When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.

(b) The foregoing limitations shall not apply upon a one-way roadway, nor under the conditions described in § 11-301 (a)2, nor to the driver of a vehicle turning left into or from an alley, private road, or driveway.

§ 11-307—No-passing zones

(a) The (State highway commission) and local authorities are authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left side of the roadway would be especially hazardous. That (commission) may by appropriate signs or markings on the roadway indicate the beginning and end of such zones; and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey those signs and markings.

(b) Where signs or markings are in place to define a no-passing zone as set forth in paragraph (a), no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone.

(c) This section does not apply under the conditions described in § 11-301(a)2, nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

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

(a) The (State highway commission) and local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic-control devices.

(b) Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic-control devices.

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

§ 11-309—Driving on roadways laned for traffic

Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules shall apply:

(a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making or completing a left turn; or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

(c) Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway. Drivers of vehicles shall obey the directions of every traffic-control device.

(d) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway. Drivers of vehicles shall obey the directions of every traffic-control device.

§ 11-310-Following too closely

(a) The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(b) Whenever conditions permit, the driver of any truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another truck or motor vehicle drawing another vehicle, shall leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a truck or motor vehicle drawing another vehicle from overtaking and passing any vehicle or combination of vehicles.

(c) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

§ 11-604-Turning movements and required signals

(a) No person shall turn a vehicle or move right or left upon a roadway unless and until such movement can be made with reasonable safety nor without giving an appropriate signal.

(b) For vehicles equipped with mechanical or electrical turn signals, a signal of intention to turn or move right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(d) The signals required on vehicles by §11-605(b) shall not be flashed on one side only of a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

ARTICLE VII--SPECIAL STOPS REQUIRED

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

(a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad, and shall not proceed until it is safe to do so. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

2. A crossing gate is lowered or when a human flagger gives or continues to give a signal of the approach or passage of a railroad train;

3. A railroad train approaching within approximately 1,500 feet of the highway crossing emits a signal audible from such distance, or such railroad train by reason of its speed or nearness to such crossing is an immediate hazard;

4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

§ 11-705--Overtaking and passing school bus

(a) The driver of a vehicle meeting or overtaking from either direction a school bus stopped on the highway, meeting the school bus color and identification requirements of § 12-222(a), (b) and (c) of this code, shall stop before reaching the school bus when it is operating flashing red lights as specified in § 12-222(a). The driver shall not proceed until such school bus resumes motion or the flashing red lights are no longer actuated.

(b) The red visual signals meeting the requirements of § 12-222(a) of this code shall be actuated by the driver of the school bus only whenever such vehicle is stopped on the highway for the purpose of receiving or discharging school children. A school bus driver shall not actuate the special visual signals:

1. In business districts and on urban arterial streets designed by the (State highway commission) or local authorities;

2. At intersections or other places where traffic is controlled by traffic-control signals or police officers; or

3. In designated school bus loading areas where the bus is entirely off the roadway.

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

ARTICLE VIII--SPEED RESTRICTIONS

§ 11-801--Basic rule

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions, including actual and potential hazards then existing. Consistent with the foregoing, every person shall drive

at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching the crest of a hill, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.