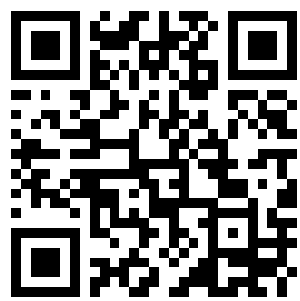

Traffic Laws Annotated 1979

U.S. Department of Transportation
National Highway Traffic Safety Administration

TRAFFIC LAWS ANNOTATED

1979

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NATIONAL COMMITTEE
ON
UNIFORM TRAFFIC LAWS AND ORDINANCES

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PREFACE

This book contains five chapters from the *Uniform Vehicle Code* (1968, Supp. II 1976) and compares state traffic laws with significant portions of those chapters, particularly the one on "Rules of the Road." This book is not the *Uniform Vehicle Code*.

This book replaces *Uniform Vehicle Code: Rules of the Road with Statutory Annotations* (1967, Supp. 1970) and *Traffic Laws Annotated* (1972) which should no longer be used for most reference purposes once this book is published.

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CONTENTS

EXPLANATORY NOTES ON ORGANIZATION AND USE OF THE TLA

This book reviews state laws and regulations on rules of the road, scope of traffic ordinances, uniform traffic-control devices, accidents and accident reports and certain definitions in the context of *Uniform Vehicle Code* provisions covering those subjects (Chapters 1, 10, 11 and 15 of the 1968 revised edition as amended in 1975). Thus, it quite naturally and expediently follows the organization and numbering system of the *Code*. Its format is similar to that generally used in an annotated edition of a book of law—the text of each *Code* section (or subsection) is reprinted in full and supplemented by an Historical Note, a Statutory Annotation and Citations. Occasionally, a Prefatory Note has been added to present additional information or references to other materials.

Historical Notes

The *Uniform Vehicle Code* was first published on August 20, 1926. Since then it has been revised thirteen times—in 1930, 1934, 1938, 1944, 1948, 1952, 1954, 1956, 1962, 1968, 1971, 1975 and 1979. This book does not include changes in the *Uniform Vehicle Code* that were approved by the National Committee in August 1979.

Each Historical Note in this book traces a given *Code* provision from the year of its adoption through the most recent edition, noting all amendments, however minor, but with special emphasis given to revisions made by the National Committee in 1968, 1971 or 1975. The latter are often shown with language added in *italics* and language deleted in [brackets] in order to assist the states in incorporating the additions and amendments into their traffic laws.

There are at least two reasons for including comprehensive historical information, and both hinge on the fact that, throughout the years of its existence, the *Code* has reflected provisions of state laws and, in turn, state laws have reflected the provisions of the *Code*. Therefore, most of the laws of virtually all of the states can be categorized on the basis of similarity to a *Code* provision of 1926 or 1975 or any time in between. So, as a purely practical matter, the Historical Notes both establish a pattern for the Annotations in this book and facilitate concise reporting without sacrificing detail. Aside from expediency, however, the development of the *Code* should be of general interest in that it mirrors the evolution of a particular body of law in this country and may be helpful in improving, or at least explaining, existing traffic laws.

The Historical Notes contain citations to pertinent sections appearing in earlier editions of the *Code*. In this connection, it should be noted that the 1926 and 1930 editions were divided into four separate acts and editions from 1934 through 1952 were divided into five acts. Act IV of the 1926 and 1930 editions and Act V of the 1934–1952 editions contained almost all of the provisions included within the scope of this book and each was entitled "Uniform Act Regulating Traffic on Highways." The consolidation of the five acts into one document utilizing a chapter-section numbering sequence occurred in 1954 and is the format that has been followed since then.

Statutory Annotations

Every effort has been made to include in the Annotations all relevant state laws (and, in the case of Alaska, Massachusetts and the District of Columbia, all regulations) in effect as of January 1, 1979.

The Annotations generally follow a pattern based on degree of conformity with the *Code*. Listed at the outset are states whose laws are in "verbatim conformity" or appear to be closely patterned after the *Code* and so similar in principle as to be in "substantial conformity." Obviously, this is a matter of judgment, since opinions can reasonably differ about the meaning of these terms and the validity of their application to a particular law. In making these judgments, however, primary consideration has been given to the substance of the rule in preference to relatively minor differences that might obscure the significant point. Wherever possible, the precise nature of any difference, as well as additional provisions in the law that are not in the *Code*, have been noted so that the reader can himself determine the appropriateness of the categorization. Ultimately, of course, reference must be made to the laws themselves, their context and their interpretation by the courts for their exact meaning.

As might be expected, some laws do not appear to fit any category, but their inclusion in the Annotation is essential for a complete picture of the status of laws on a particular point. Such laws are discussed or quoted without an accompanying judgment as to degree of conformity but with sufficient detail for the reader's independent judgment.

Occasionally, laws are presented as being *not* in conformity with the *Code*. Such judgments have been carefully deliberated and are reserved for laws that clearly establish a distinct departure from a particular principle espoused in the *Code*. But even in these instances, the context of the law and court decisions should be examined for a complete assessment.

Finally, states are sometimes listed as not having a law comparable to a particular *Code* provision. Once again, related laws and court decisions should be consulted to determine the significance in a particular state of the absence of a directly comparable law.

Citations

Included for reference are Citations to laws and regulations discussed in the Annotations. These usually appear at the end of each section; however, in instances where subsections of the *Code* are separately annotated, the Citations may appear only at the end of the concluding subsection.

Virtually all of the Citations are to annotated editions of state statutes and their supplements. To further ensure that all pertinent laws in effect as of January 1, 1979, are included, the Commerce Clearing House "Advance Session Laws Reporter" for 1972 through 1978 was also consulted.

Additional Information

The Appendix contains general information on the National Committee, its Governing Rules and membership, and a discussion of the importance of uniform traffic laws and ordinances.

TLA Supplements

This book will be kept current by means of "pocket" supplements, published annually.

CHAPTER 1

WORDS AND PHRASES DEFINED

§ 1-101—Definitions of Words and Phrases

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

§ 1-102—Alley

A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic. (New, 1968.)

Historical Note

This definition was added in 1968 to clarify right of way situations at places where certain alleys intersect with other streets (see UVC §§ 1-126, 11-401, 11-402, 11-404, 11-509 and 11-705) and to avoid creation of an intersection at such alleys within the meaning of UVC § 11-503(c). By defining an alley as a type of street or highway, this definition applies only to alleys that are publicly maintained and open to traffic.

§ 1-103—Arterial Street

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

§ 1-104—Authorized Emergency Vehicle

Such fire department vehicles, police vehicles and ambulances as are publicly owned, and such other publicly or privately owned vehicles as are designated by the commissioner (or other appropriate State official) under § 15-111 of this act. (Revised and renumbered, 1968.)

Historical Note

This definition was revised in 1968, for purposes of clarification, to provide that publicly-owned fire, police and ambulance vehicles are authorized emergency vehicles which must be equipped as required by UVC §§ 12-218 and 12-401 and whose drivers are entitled to exercise the privileges described in UVC § 11-106. See also, UVC § 11-405. Prior to its revision, the definition was imprecise as to the status of privately-owned vehicles used in police and fire activities and as to ambulances not operated by fire or police agencies or by municipal departments or public service corporations. The prior definition was:

> Vehicles of the fire department (fire patrol), police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the commissioner or the (chief of police of an incorporated city).

Privately-owned vehicles, and other types of emergency vehicles that are publicly-owned, must, under the revised definition, be designated as authorized emergency vehicles under UVC § 15-111. Such designations are required, in part, to avoid unnecessary proliferation of vehicles equipped with certain types of flashing red lights or sirens and to overcome the holdings in *Walden v. Hart*, 243 Ark. 650, 420 S.W.2d 868 (1967); *Walsh v. Dallas Ry.*, 167 S.W.2d 1018 (Tex. 1943); *Karger v. Rio Grande Valley Citrus Exchange*, 179 S.W. 2d 816 (Tex. Civ. App. 1944).

§ 1-105—Bicycle

Every vehicle propelled solely by human power upon which any person may ride, having two tandem wheels, except scooters and similar devices. (REVISED, 1975).

Historical Note

A definition of "bicycle" was added to the Code in 1944. It provided:

> Every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 20 inches in diameter.

UVC Act V, § 93(d) (Rev. ed. 1944); UVC Act V, § 2(g) (Rev. eds. 1948, 1952); UVC § 1-104 (Rev. eds. 1954, 1956, 1962). In 1968, the wheel diameter was reduced from 20 to 14 inches so that riders of "high-riser" model bicycles would have to follow rules of the road under UVC § 11-1202. UVC § 1-105 (Rev. ed. 1968).

In 1975, the definition was revised as follows:

> Every *vehicle* [device] propelled *solely* by human power upon which any person may ride, having two tandem wheels [either of which is more than 14 inches in diameter], *except scooters and similar devices*.

This definition was amended to provide a bicycle is a vehicle propelled exclusively by human power. If a motor contributes to forward motion, the vehicle is not a bicycle. The substitution of "vehicle" for "device" was made possible by a change in the definition of "vehicle" which no longer excludes devices moved by human power. The wheel diameter test was deleted as no longer necessary to protect the rights of children riding small bicycles. See UVC § 9-401 (Supp. II 1976). The concluding exception was added to exclude scooters from the definition.

Statutory Annotation

Idaho and Rhode Island have definitions closely patterned after the current Code provision. Alaska, California, Colorado, Hawaii, Minnesota and Pennsylvania also expressly provide that a bicycle is moved "solely" by human power. However, six states provide that a motorized bicycle is a "bicycle" (Connecticut, Florida, Maryland, Michigan, South Carolina and Virginia).

Eight states use the 1968 Code definition:

Georgia [1]	Kansas	Nebraska	Texas
Illinois [2]	Louisiana	Nevada [3,4]	Utah [5]

1. Wheel diameter of 13 instead of 14 inches.
2. Wheel diameter of 16 instead of 14 inches.
3. Adds: "or any device generally recognized as a bicycle though equipped with two front or rear wheels, or a unicycle."
4. Nevada provides that mopeds are not bicycles.
5. Wheel diameter of 12 instead of 14 inches.

Nine states define "bicycle" in terms identical to the pre-1968 Code:

Alabama	North Dakota	Tennessee	West Virginia *
Maine	Oklahoma	Washington	Wyoming
Montana			

* Adds "which does not have a motor attached and which is." following device.

Nineteen jurisdictions define "bicycle" as follows:

Alaska—A "device propelled solely by human power upon which a person may ride, having not less than two nor more than three wheels in contact with the ground."

Arizona—Duplicates the 1968 Code adding devices with three wheels if one is more than 16 inches in diameter.

California—A "device upon which any person may ride, propelled exclusively by human power through a belt, chain or gears, and having two or more wheels."

Colorado—Duplicates the 1968 Code adding "solely" by human power.

Connecticut—"The terms 'bicycle' and 'tricycle,' . . . include all vehicles propelled by the person riding the same by foot or hand power or a helper motor having a capacity of less than 50cc and rated not more than two brake horsepower and capable of a maximum speed of no more than 30 mph and equipped with automatic transmission and operable pedals."

Delaware—"That certain class of vehicles which are exclusively human-powered by means of foot pedals, which the driver normally rides astride, which have not in excess of three wheels, and which may be commonly known as unicycles, bicycles, and tricycles."

Florida—Any device propelled by human power or any moped propelled by a pedal-activated helper motor with a maximum of one and one-half brake horsepower upon which a person may ride having two tandem wheels, either of which is 20 inches or more in diameter, including any device recognized as a bicycle though having two front or two rear wheels.

Hawaii—Every device propelled solely by human power upon which any person may ride, having two tandem wheels, 16 inches in diameter or greater, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels.

Indiana—"Any foot-propelled vehicle, irrespective of the number of wheels in contact with the ground."

Maryland—"Bicycle means a vehicle that: (1) Is designed to be operated by human power; (2) Has two or three wheels, of which one is more than 14 inches in diameter; (3) Has a rear drive; and (4) Has a wheel configuration as follows:

(i) If the vehicle has two wheels, with both wheels in tandem; or

(ii) If the vehicle has three wheels, with one front wheel and with two rear wheels that are spaced equidistant from the center of the vehicle."

Massachusetts—"Any wheeled vehicle propelled by pedals and operated by one or more persons." In addition, § 11B, ch. 85, which regulates the operation of bicycles, applies "only to a bicycle at least one wheel of which exceeds 16 inches in diameter."

Michigan—A device propelled by human power upon which a person may ride having two or three wheels, in tandem or a tricycle arrangement, all of which are over 14 inches in diameter. It includes pedal bicycles with motors under one brake horsepower transmitted by friction producing speeds up to 20 miles per hour.

New Mexico—"Every device propelled by human power, upon which any person may ride, having two tandem wheels, except scooters and similar devices."

New York—"Every two or three wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle, except that it shall not include such a device having solid tires and intended for use only on a sidewalk by pre-teenage children."

Ohio—Bicycle means "every device, other than a tricycle designed solely for use as a play vehicle by a child, propelled solely by human power upon which any person may ride having either two tandem wheels, or one wheel in the front and two wheels in the rear, any of which is more than fourteen inches in diameter."

Pennsylvania—Defines "pedalcycle" as a vehicle propelled solely by human-powered pedals.

South Carolina—"Every device propelled by human power upon which any person may ride, having two tandem wheels. The definition shall include pedal bicycles with helper motors rated less than one brake horsepower which produce only ordinary pedaling speeds up to a maximum of twenty miles per hour."

Virginia—Though "bicycle" is not defined, the term includes pedal bicycles with helper motors rated less than one brake horsepower producing speeds to 20 miles per hour operated by a person who is at least 16.

Wisconsin—Every device propelled by feet acting upon pedals and having wheels any two of which are at least 14 inches in diameter.

District of Columbia—Has two definitions. One is patterned closely after the 1962 Code and adds "any device generally recognized as a bicycle though equipped with two front or rear wheels." The second defines "bicycle" as a device propelled by human power having two wheels in tandem, either of which is at least 20 inches in diameter, or which is designed to be ridden on a roadway. The second definition may also require a saddle seat. A "sidewalk bicycle" is one that is not designed to be ridden on a roadway or that has wheels less than 20 inches in diameter.

Puerto Rico—Any vehicle with two tandem wheels either of which is more than 14 inches in diameter propelled by muscular power and built for transporting one person.

The remaining 11 states do not have comparable provisions:

Arkansas	Mississippi	New Jersey	South Dakota
Iowa	Missouri	North Carolina	Vermont
Kentucky	New Hampshire	Oregon	

Citations

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13 Alaska Adm. Code § 10.030 (1971).
Ariz. Rev. Stat. Ann. § 28-101 (Supp. 1977).
Cal. Vehicle Code § 231 (Supp. 1979).
Colo. Rev. Stat. Ann. § 42-1-102(6) (1973), amended by S.B. 69, CCH ASLR 887 (1977).
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Fla. Stat. § 316.003(2) (Supp. 1978).
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Hawaii Rev. Stat. § 291C-1(4) (Supp. 1975), amended by S.B. 782, CCH ASLR 1144 (1978).
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Kans. Stat. Ann. § 8-501 (Supp. 1971).
La. Rev. Stat. Ann. § 32:1(4) (Supp. 1979).
Md. Transp. Code § 11-104 (1977, Supp. 1978).
Mass. Rules & Regs. for Driving on State Highways § 1(bb) (Jan. 1971); Mass. Ann. Laws ch. 85, § 11B (Supp. 1971).
Me. Rev. Stat. Ann. tit. 29, § 1-C (Supp. 1968).
Mich. Stat. Ann. § 9.1804 (Supp. 1977).
Minn. Stat. Ann. § 169.01(51) (Supp. 1978).
Mont. Rev. Codes Ann. § 32-2102(g) (1961).
Neb. Rev. Stat. § 39-602(6) (1978).
Nev. Rev. Stat. § 484.019 (1975).
N.M. Stat. Ann. § 64-1-4(B) (3), H.B. 112, CCH ASLR 161, 163 (1978).
N.Y. Vehicle and Traffic Law § 102 (Supp. 1977).
N.D. Cent. Code § 39-01-01(2) (Supp. 1967).
Ohio Rev. Code Ann. § 4511.01(G) (Supp. 1977).

Okla. Stat. Ann. tit. 47, § 1-104 (1962).
Pa. Stat. Ann. tit. 75, § 102 (1977).
R.I. Gen. Laws Ann. § 31-1-3(1) (Supp. 1977).
S.C. Code Ann. § 56-5-160 (1977).
Tenn. Code Ann. § 59-801 (1968).
Tex. Rev. Civ. Stat. art. 6701d, § 2(F) (Supp. 1972).
Utah Code Ann. § 41-6-2 (Supp. 1977).
Va. Code § 46.1-1(1a) (Supp. 1979).
Wash. Rev. Code Ann. § 46.04.071 (Supp. 1968).
W.Va. Code Ann. § 17C-1-8 (Supp. 1979).
Wis. Stat. § 340.01(5) (Supp. 1977).
Wyo. Stat. Ann. § 31-78(h) (7) (1967).
17 D.C. Regs. § 2 (1970); 32 D.C. Regs. §§ 11.101(b) and (q), added by D.C. Reg. 128 (Aug. 23, 1971).
P.R. Laws Ann. tit. 9, § 314 (Supp. 1975).

§ 1-106—Bus

Every motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

§ 1-107—Business District

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

§ 1-108—Cancellation of Driver's License

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

§ 1-109—Commissioner [1]

The commissioner of motor vehicles of this State.

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

§ 1-110—Controlled-access Highway

Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

Historical Note

This definition was adopted in 1944 and has not been revised. However, until 1948, the term defined was "limited-access highway" rather than "controlled-access highway." UVC Act V, § 14(g) (Rev. eds. 1944, 1948, 1952): UVC § 1-110 (Rev. eds. 1954, 1956, 1962, 1968).

Statutory Annotation

Thirty jurisdictions have definitions in verbatim or substantial conformity with the Code except as noted. An asterisk indicates that the term defined is "limited-access highway" rather than "controlled-access highway":

* Alabama	Louisiana	* New Jersey [5]	Pennsylvania [8]
Arizona [1]	Maryland [2]	New Mexico	* Rhode Island
Colorado	* Michigan	New York	South Carolina [9]
Georgia	Minnesota [3]	North Dakota	Tennessee
Hawaii	Montana	Ohio [6]	Texas [10]
Idaho	Nebraska [4]	Oklahoma	* Utah
Illinois	Nevada	Oregon [7]	West Virginia
Kansas			District of Columbia

1. Arizona omits "the same" and substitutes "the" for "such" before "manner" and "highway."
2. Maryland also defines "limited-access highway" in virtually the same way.
3. The Minnesota definition refers to a "highway, street or roadway in respect to which *the right of access of the owners or occupants of abutting lands and other persons has been acquired and to which the* owners or occupants. . . ." The italicized language is the only variation from the Code definition.
4. Nebraska omits "roadway" and refers to legal right of access to or *egress* from the same.
5. New Jersey adds "and includes any highway designated as a 'freeway' or 'parkway' by authority of law."
6. Ohio omits "roadway" from the definition; it also defines "freeway," "expressway" and "thruway."
7. Oregon defines the term "throughway."
8. Pennsylvania adds "and shall include limited-access highways."
9. South Carolina omits "in respect" and "the same."
10. The term defined in Texas is "limited-access or controlled-access highway."

Seven states have definitions of similar terms, as follows:

Alaska—A regulation similar to the Code adds that the highway must be designated as a controlled-access highway by state or local authorities.

California—"Freeway" is defined as "a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access."

Connecticut—Defines "limited-access highway" as any state highway so designated under § 13b-27.

Delaware—"Express highway" is defined as "a State highway especially designed for through traffic over which owners of abutting property shall have no easement or right of direct access, light, or air, by reason of the fact that such property abuts such highway."

Florida—"Limited-access facility" is "a street or highway especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a limited right or easement of access, light, air or view by reason of the fact that their property abuts upon such limited access facility or for any other reason. Such highways or streets may be parkways, from which trucks, buses and other commercial vehicles shall be excluded; or they may be freeways open to use by all customary forms of street and highway traffic."

Massachusetts—A regulation defines "limited-access highway" as "an express state highway with full control of access." "Express state highway" is defined as "a divided arterial highway for through traffic with full or partial control of access and generally with grade separation at intersections."

Wisconsin—A section defining words and phrases generally for all laws defines "controlled-access highway" as "a highway on which abutting property owners have no right or only a limited right of direct access and on which the type and location of all access connections are determined and controlled by the highway authorities." The same section also defines "express highway or expressway."

Fourteen states apparently do not have definitions of limited-access or controlled-access highways, or similar terms, in their vehicle codes:

Arkansas	Maine	North Carolina	Washington
Indiana	Mississippi	South Dakota	Wyoming
Iowa	Missouri	Vermont	
Kentucky	New Hampshire	Virginia	

Citations

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13 Alaska Adm. Code § 10.070 (1971).
Ariz. Rev. Stat. Ann. § 28-602(1) (1956).
Cal. Vehicle Code § 332 (1959).
Colo. Rev. Stat. Ann. § 42-1-102 (13) (1973).
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Ga. Code Ann. § 68A-101(7) (1975).
Hawaii Rev. Stat. § 291C-1(7) (Supp. 1971).
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Ill. Ann. Stat. ch. 95½ § 1-112 (1971).
Kans. Stat. Ann. § 8-501 (Supp. 1971).
La. Rev. Stat. Ann. § 32:1(8) (1963).
Md. Transp. Code § 21-101(D) (1977).
Mass. Rules & Regs. for Driving on State Highways §§ 1(ee), (ff) (Jan. 1967).
Mich. Stat. Ann. § 9.1826 (1960).
Minn. Stat. Ann. § 169.01(54) (1960).
Mont. Rev. Codes Ann. § 32-2114(g) (1961).
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Nev. Rev. Stat. § 484.041 (1975).
N.J. Stat. Ann. § 39:1-1(Supp. 1968).
N.M. Stat. Ann. § 64-7-1(B) (3), H.B. 112, CCH ASLR 161, 479 (1978).
N.Y. Vehicle and Traffic Law § 109 (1960).
N.D. Cent. Code § 39-01-01(8) (Supp. 1967).
Ohio Rev. Code Ann. § 4511.01(CC) (Supp. 1978).
Okla. Stat. Ann. tit. 47, § 1-110 (1962).
Ore. Rev. Stat. § 487.005(3) (1977).
Pa. Stat. Ann. tit. 75, § 102 (Supp. 1967).
R.I. Gen. Laws Ann. § 31-1-23(g) (1956).
S.C. Code Ann. § 56-5-614, added by H.B. 2836, CCH ASLR 65, 66, (1978).
Tenn. Code Ann. § 59-801 (1968).
Tex. Rev. Civ. Stat. art. 6701d. § 13(g) (1969).
Utah Code Ann. § 41-6-7(g) (1960).
W. Va. Code Ann. § 17C-1-41 (1966).
Wis. Stat. Ann. §§ 990.01(5a), (7a) (1967).
D.C. Traffic & Motor Vehicle Regs. Pt. 1, § 2 (1966).

§ 1-111—Crosswalk

(a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; 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. (REVISED, 1975.)

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

Historical Note

As originally defined in the Code in 1930, "crosswalk" meant:

> That portion of a roadway ordinarily included within the prolongation or connection of curb lines and property lines at intersections, or any other portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface.

UVC Act IV, § 1(t) (Rev. ed. 1930). In 1934, the definition was amended to read:

> (a) That portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections.
>
> (b) Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface UVC Act V, § 14 (Rev. ed. 1934).

This definition was revised in 1938 to read:

> (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable roadway;
>
> (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface. UVC Act V, § 16 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 1-111 (Rev. eds. 1954, 1956, 1962, 1968).

In 1975, subsection (a) was amended as follows:

> (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.* (REVISED, 1975.)

The concluding language was added to subsection (a) in 1975 to clarify the situation at T intersections and other locations where there is a sidewalk on one side of a roadway but not on the other side. See *Fan v. Buzzitta*, 344 N.Y.S. 2d 788 (1973).

Statutory Annotation

Idaho conforms and Pennsylvania adopted the 1975 Code definition but omitted the concluding words "at right angles to the centerline."

Thirty-one jurisdictions are in verbatim conformity with the 1968 Code definition except as noted:

Alabama	Kentucky [2]	New Mexico	Texas
Arizona	Louisiana	New York [7]	Utah
Florida	Maine	North Dakota	Vermont
Georgia	Michigan [3]	Oklahoma	Virginia
Hawaii	Montana	Rhode Island	West Virginia
Illinois [1]	Nevada [4]	South Carolina	Wyoming
Indiana	New Hampshire [5]	South Dakota	District of Columbia
Kansas	New Jersey [6]	Tennessee	

1. Illinois adds "placed in accordance with the provisions in the Manual adopted by the Department . . ." to subsection (b).
2. Kentucky omits "included" from subsection (a).
3. In Michigan, "highway" is substituted for the last "roadway" in subsection (a) and for "roadway" in subsection (b).
4. Nevada substitutes "highway" for "roadway" throughout its law.
5. New Hampshire substitutes "highway" for "roadway" in every instance.
6. New Jersey substitutes "of the shoulder or, if none, from the edges of the roadway" for "of the traversable roadway" and substitutes "highway" for "roadway" elsewhere.
7. New York replaces "from" with "between" in subsection (a).

Five states are in conformity with the 1934 Code definition:

Arkansas	Iowa	Mississippi
Colorado	Minnesota	

The laws of 11 jurisdictions define "crosswalk" as:

Alaska—"(a). . . that portion of a roadway at an intersection which is within the connection of the lateral lines of the sidewalks which end on opposite sides of the roadway or, in the absence of sidewalks or curbs, that portion within the lateral line of the traversable roadway and a line 10 feet therefrom on the intersecting roadway, except as modified by a marked crosswalk: or (b) A portion of a roadway at an intersection or elsewhere which is distinctly marked as a crosswalk by lines or other markings on the surface of the roadway."

California—"(a) That portion of a roadway included within the prolongation or connection of the boundary lines of sidewalks at intersections where the intersecting roadways meet at approximately right angles, except the prolongation of such lines from an alley across a street. (b) Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface. Notwithstanding the foregoing provisions of this section there shall not be a crosswalk where local authorities have placed signs indicating no crossing." Compare the last sentence with UVC §§ 11-501(a) and 15-108.

Connecticut—"That portion of a highway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections or any portion of a highway distinctly indicated as a crossing for pedestrians by lines or other markings on the surface, except such prolonged or connecting lines from an alley across a street."

Maryland—"(1) That part of a roadway that is within the prolongation or connection of the lateral lines of sidewalks at intersections, measured from the curbs or, in the absence of curbs, from the edges of the roadway; and (2) Any part of a roadway that is distinctly indicated for pedestrian crossing by lines or other markings on its surface."

Massachusetts—"That portion of a roadway ordinarily included within the extensions of the sidewalk lines, or, if none, then the footpath lines, and, at any place in a highway, clearly indicated for pedestrian crossing by lines or markers upon the roadway surface."

Nebraska—"(a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of such roadway measured from the curbs or, in the absence of curbs, from the edge of the roadway; or

(b) Any portion of a roadway at an intersection or elsewhere distinctly designated by competent authority and marked for pedestrian crossing by lines, signs, or other devices;"

Ohio—"(1) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs the edges of the traversable roadway: (2) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface: (3) Notwithstanding subdivisions (1) and (2) . . . there shall not be a crosswalk where local authorities have placed signs indicating no crossing." Compare subsection (3) with 1968 UVC § 15-108. See also, UVC § 11-501(a).

Oregon—"(a) Except as provided in paragraph (b) of this subsection, that portion of a roadway at an intersection included within the connections of the lateral lines of the sidewalks, shoulders or a combination thereof on opposite sides of the street or highway measured from the curbs or, in the absence of curbs, from the edges of the traveled roadway; or the prolongation of the lateral lines of a sidewalk, shoulder or both to the sidewalk or shoulder on the opposite side of the street, if the prolongation would meet such sidewalk or shoulder; or, if there is neither a sidewalk nor a shoulder, that portion of a roadway at an intersection measuring not less than six feet in width that would be included within the prolongation of the lateral lines of the sidewalk, shoulder or both on the opposite side of the street or highway if there were a sidewalk. Except as provided in paragraph (b) of this subsection, if there is a sidewalk, shoulder, or both, a crosswalk shall be not more than 20 feet in width measured from the prolongation of the lateral line of the roadway toward the prolongation of the adjacent property line.

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface of such roadway, conforming in design to standards prescribed by the commission. Whenever marked crosswalks have been indicated, such crosswalks and no other shall be deemed lawful across such roadway at that intersection."

Washington—Both "crosswalk" and "marked crosswalk" are defined: "Crosswalk" means "the portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or, in the event there are no sidewalks then between the intersection area and a line 10 feet therefrom, except as modified by a marked crosswalk." "Marked crosswalk" means "any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof."

Wisconsin—"Crosswalk means either of the following, except where signs have been erected by local authorities indicating no crossing: (a) *Marked crosswalk*. Any portion of a highway clearly indicated for pedestrian crossing by signs, lines or other markings on the surface; or (b) *Unmarked crosswalk*. In the absence of signs, lines or markings, that part of a roadway, at an intersection, which is included within the transverse lines which would be formed on such roadway by connecting the corresponding lateral lines of the sidewalks on opposite sides of such roadway or, in the absence of a corresponding sidewalk on one side of the roadway, that part of such roadway which is included within the extension of the lateral lines of the existing sidewalk across such roadway at right angles to the centerline thereof, except in no case does an unmarked crosswalk include any part of the intersection and in no case is there an unmarked crosswalk across a street at an intersection of such street with an alley." Compare the introductory clause with 1968 UVC § 15-108 and see also, UVC § 11-501(a). As to alleys, see UVC §§ 1-102 and 1-126(c).

Puerto Rico—"(a) Any structure over or under a public highway intended for pedestrian crossing.

(b) The width of the sidewalk at an intersection extending across the public highway to the opposite sidewalk.

(c) Any portion of a public highway indicated for pedestrian crossing by lines or other markings on the surface."

Three states do not define "crosswalk" for purposes of their rules of the road:

Delaware Missouri North Carolina

Citations

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D.C. Traffic & Motor Vehicle Regs. Pt. I, § 2 (1967).
P.R. Laws Ann. tit. 98, § 347 (Supp. 1975).

§ 1-112—Dealer

Every person engaged in the business of buying, selling or exchanging vehicles. (REVISED, 1971.)

§ 1-113—Department [2]

The department of motor vehicles of this State.

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

§ 1-113.1—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. (New, 1971.)

§ 1-113.2—Driveaway-towaway Operation

Any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, new or used, constitutes the commodity being transported, when one set or more of wheels of any such vehicle are on the roadway during the course of transportation, whether or not any such vehicle furnishes the motive power. (New, 1962: Renumbered, 1971.)

§ 1-114—Driver

Every person who drives or is in actual physical control of a vehicle.

§ 1-114.1—Driver's License

Any license to operate a motor vehicle issued under the laws of this State. (New, 1968.)

§ 1-115—Essential Parts

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

§ 1-116—Established Place of Business

The place actually occupied either continuously or at regular periods by a dealer or manufacturer where his books and records are kept and a large share of his business is transacted.

§ 1-117—Explosives

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

§ 1-118—Farm Tractor

Every motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines and other implements of husbandry.

§ 1-119—Flammable Liquid

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

§ 1-120—Foreign Vehicle

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

§ 1-121—Gross Weight

The weight of a vehicle without load plus the weight of any load thereon.

§ 1-122—Highway

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

Historical Note

By the above definition, the terms "street" and "highway" are synonymous and interchangeable. The Code has defined these terms synonymously since the 1930 edition. "Street" was not defined in the 1926 Code, but "highway" was defined as follows:

> (n) *"Highway."* Every way or place of whatever nature open to the use of the public, as a matter of right, for purposes of vehicular travel. The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private persons, colleges, universities or other institutions.

UVC Act IV, § 1(n) (1926). In 1930, the second sentence of the definition was deleted and a note was added suggesting that, if a state wished to broaden the application of the act, it could add an optional sentence which was basically the opposite of the sentence deleted by the revision. The 1930 definition read as follows:

> (q) *"Street or Highway."* Every way or place of whatever nature open to the use of the public, as a matter of right, for purposes of vehicular travel.
>
> *Note. In the event it is desired to broaden the application of the regulations in the act there might be added to the above definition a sentence as follows: "The term street or highway shall be deemed to include a roadway or driveway upon grounds owned by colleges, universities and other public or semi-public institutions."*

UVC Act IV, § 1(q) (Rev. ed. 1930). In 1934, the concept of "highway" as the width between the property lines of the way was introduced to the Code. The provision, which was retained in the 1938 edition, read:

> *(a) Street or highway.*—The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

UVC Act V, § 12(a) (Rev. ed. 1934): UVC Act V, § 15(a) (Rev. ed. 1938). In 1944, the provision was again revised by inserting the phrase

"publicly maintained" and deleting the phrase "as a matter of right." The phrase "property lines" was replaced with "boundary lines." No further revisions have been made in this definition. UVC Act V, § 14(a) (Rev. eds. 1944, 1948, 1952): UVC § 1-122 (Rev. eds. 1954, 1956, 1962).

Statutory Annotation

Twenty-five jurisdictions have provisions defining "highway" in verbatim or substantial conformity with the Code definition:

Alaska [1]	Louisiana [3]	New York	Texas
Colorado [2]	Maine [4]	North Dakota [6]	Utah
Georgia	Michigan	Oklahoma	Washington
Hawaii	Nebraska [5]	Pennsylvania [7]	West Virginia
Idaho	Nevada	South Carolina	Wyoming
Indiana	New Jersey	Tennessee	District of Columbia [8]
Kansas			

1. Alaska adds "including every street and the Alaska state marine highway system but not vehicular ways or areas."
2. The Colorado definition adds at the end: "or the entire width of every way declared to be a public highway by any law of this state."
3. The Louisiana definition refers to "every way or place of whatever nature" and omits the phrase "when any part thereof is." Thus, under the Louisiana definition, a highway includes only that part of the way or place which is open to the use of the public for vehicular travel. The Louisiana definition also adds at the end: "including bridges, causeways, tunnels and ferries; synonymous with the word 'street'."
4. Maine also defines "way" to "include all kinds of public ways."
5. Nebraska refers to "limits" and not "lines" and to "street, road, avenue, boulevard or way."
6. North Dakota adds, "and of every way privately maintained within a mobile home park, trailer park, or campground containing five or more lots for occupancy by mobile homes, travel trailers, or tents when any part thereof is open for purposes of vehicular travel."
7. Pennsylvania includes roadways for public use at colleges, universities, public or private schools and public or historical parks.
8. 32 D.C. Reg. § 11.101(h) applicable to bicycles concludes, "purposes of vehicular *or pedestrian* travel."

Eight states define "highway" as the Code did in the 1934 and 1938 editions. See the Historical Note, *supra*. The major differences between these provisions and the present Code definition is that they omit the phrase "publicly maintained" and include the phrase "as a matter of right." These states are:

Arkansas [1]	Iowa	New Mexico [5]
Delaware [2]	Minnesota [4]	North Carolina [6]
Illinois [3]	Mississippi	

1. Arkansas also defines "public highway" as "any highway, county road, State road, public street, avenue, alley, park, parkway, driveway, or any other public road or public place in any county, city or village, incorporated town or towns."
2. The Delaware provision omits the phrase "when any part thereof is" and thus includes only that part of the way or place which is open to the use of the public for vehicular travel. The provision refers to "boundary" rather than "property" lines, and it adds the following at the end: "but does not include a road or driveway upon grounds owned by private persons, colleges, universities or other institutions."
3. The Illinois definition refers to boundary lines and adds at the end: "other than public ways for vehicular traffic within a park district for which the park district has maintenance responsibility, excepting the Chicago Park District."
4. The Minnesota definition refers to "boundary" rather than "property" lines, and omits the phrase "of whatever nature."
5. The New Mexico provision refers to "boundary" rather than "property" lines, and omits the phrase "or place."
6. North Carolina refers to property or right of way lines.

Five states have definitions which are similar to the Code provisions in wording, but which contain neither the phrase "publicly maintained" found in Code provisions after 1944, nor the phrase "as a matter of right" found in Code provisions prior to 1944. These states are:

Arizona [1]	Ohio [1]	Virginia [2]
Florida [2]	Rhode Island [1]	

1. Provisions in Arizona, Ohio and Rhode Island follow the current Code language but omit the phrase "publicly maintained." The Ohio provision also omits the phrase "when any part thereof is" and thus includes only that part of the way which is open to the use of the public for vehicular travel. Ohio also defines "public roads and highways" as including all public thoroughfares.
2. The Florida and Virginia provisions follow the 1934 Code language but omit the phrase "as a matter of right." The Virginia provision also omits the phrase "when any part thereof is" and thus includes only that part of the way which is open to the use of the public for vehicular travel. The Virginia provision also adds at the end: "including the streets, alleys and publicly maintained parking lots in counties, cities and towns."

Thirteen states define "highway" as follows:

Alabama—§ 1(12) provides:

> *"Highway."* Every way or place of whatever nature open to the use of the public as a matter of right for purposes of vehicular travel. The term "highway" shall include the full width of the right of way of any public road, street, avenue, alley, or boulevard, bridge, viaduct or trestle, and the approaches thereto, within the limits of the state of Alabama. The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private persons.

California—§ 360 provides:

> "Highway" is a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel.

Kentucky—Defines "highway" as:

> Any public road, street, avenue, alley or boulevard, bridge, viaduct or trestle and the approaches to them[.] *and includes off-street parking facilities offered for public use, whether publicly or privately owned, except for-hire parking facilities listed in KRS 189.700.*

Maryland—Defines "highway" as:

> "The entire width between the boundary lines of every way or thoroughfare of which any part is used by the public for vehicular travel, whether or not the way or thoroughfare has been dedicated to the public and accepted by any proper authority."

Massachusetts—Defines "way" as "any public highway, private way laid out under authority of statute, way dedicated to public use, or way under control of park commissioners or body having like powers." This definition, however, applies only to Chapter 90, and although Chapter 90 contains a substantial number of the Massachusetts rules of the road, Chapter 89 contains an equally substantial number of such provisions. There is no definition of "highway" applicable to Chapter 89. Rules for driving on state highways define "highway" as "the entire width between property lines of any state highway or lawful throughway designated by the Department."

Missouri—Has two definitions of the term "highway." Section 301.010 (6), which applies to most rules of the road, provides:

> "Highway," any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality.

Section 304.025(2), which applies to some rules of the road, provides:

> The word "highway" whenever used in sections 304.014 to 304.026 shall mean any public road or thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality.

Neither definition applies to provisions concerning passing a school bus, stopping for blind pedestrians, and other related subjects.

Montana—§ 32-2114 (a) provides:

> Street or Highway. The entire width between the boundary lines of every street, highway and related structure as have been, or shall be, built and maintained with appropriated funds of the United States and which have been or shall be built and maintained with funds of the state of Montana, or any political subdivision thereof, or which have been or shall be dedicated to public use or have been acquired by eminent domain.

New Hampshire—§ 259:1(XXXV) provides:

> "Way," any public highway, street, avenue, road, alley, park or parkway, or any private way laid out under authority of statute, and ways provided and maintained by public institutions to which

state funds are appropriated for public use or any public or private parking lot which is maintained primarily for the benefit of paying customers.

The words "public highway," "highway," "roadway," "street," "avenue," "road," "alley," "park or parkway," or "private way laid out under authority of statute" are expressly made equivalent to the term "way."

Oregon—(8) "Highway," "road" or "street" means every public way, thoroughfare and place, including bridges, viaducts and other structures within the boundaries of this state, used or intended for the use of the general public for vehicles except that:

(a) The terms do not include any way, thoroughfare or place owned by a district formed under ORS chapters 545, 547 and 551 or a corporation formed under ORS chapter 554; and

(b) As used in those provisions relating to size and weight restrictions on vehicles, the terms do not include any road or thoroughfare or property in private ownership or any road or thoroughfare, other than a state highway or county road, used pursuant to any agreement with any agency of the United States or with a licensee of such agency, or both.

South Dakota—A law duplicating the UVC adds a requirement that the way be open to the use of the public as a matter of right.

Vermont—Defines the following:

"Highway," "road," "public highway" or "public road" shall include all parts of any bridge, culvert, roadway, street, square, fairground or other place open temporarily or permanently to public or general circulation of vehicles, and shall include a way laid out under authority of law.

Wisconsin—§ 340.01(22) provides:

"Highway" means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county, or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of institutions under the jurisdiction of the board of regents of state colleges or a county board of public welfare, but does not include private roads or driveways as defined in sub. (46).

Puerto Rico—Defines "public highway" as:

Any Commonwealth or municipal road, street or highway and any street or road within land belonging to public corporations, created by law, and subsidiaries thereof. It shall comprise the total width between the boundary lines of any public highway open to the public use for the traffic of vehicles.

Connecticut does not have provisions defining "highway" in its traffic laws.

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Wyo. Stat. Ann. § 31-78(h) (1) (1959).
D.C. Traffic & Motor Vehicle Regs. Pt. 1, § 2 (1966).
P.R. Laws Ann. tit. 9, § 367 (Supp. 1975).

§ 1-123—House Trailer

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

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

§ 1-124—Identifying Number

The numbers, and letters if any, on a vehicle designated by the department for the purpose of identifying the vehicle.

§ 1-125—Implement of Husbandry

Every vehicle designed or adapted and used exclusively for agricultural operations and only incidentally operated or moved upon the highways. (Revised, 1971.)

§ 1-126—Intersection

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

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

(c) The junction of an alley with a street or highway shall not constitute an intersection. (Subsection (c) new, 1968.)

Historical Note

The Code first defined "intersection" in 1926 as:

> The area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of two or more highways which join one another at an angle, whether or not one such highway crosses the other.

UVC Act IV, § 1(p) (1926). The 1930 edition added the words "or connection" so that the phrase read "the prolongation *or connection* of the lateral curb lines." UVC Act IV, § 1(u) (Rev. ed. 1930). In 1934, the section was revised to be identical with the current subsection (a): subsection (b) was added in 1944 to clarify the definition with respect to any divided highway: and subsection (c) regarding alleys was added in 1968 to avoid the creation of an intersection by an alley that is publicly maintained and open to use by the public, UVC Act V, § 13 (Rev. ed. 1934): UVC Act V, § 15 (Rev. eds. 1938, 1944, 1948, 1952): UVC § 1-124 (Rev. ed. 1954): UVC § 1-126 (Rev. eds. 1956, 1962, 1968).

Statutory Annotation

Twelve states define "intersection" in verbatim conformity with the Code except as noted:

Colorado	Idaho	Nebraska [2]	Texas
Georgia	Kansas	Nevada	Utah [4]
Hawaii	Louisiana [1]	Ohio [3]	Washington [5]

1. Substitutes "highway" for "roadway" in subsection (b).
2. Subsection (a) refers to the lateral boundary lines of roadways of two *or more* highways.
3. Adds "or with another alley," to subsection (c).
4. Omits "may" before "come in conflict" in (a).
5. Defines "intersection area."

Twenty jurisdictions define "intersection" in conformity with the definition appearing in the Code from 1944 until 1968 (i.e., the laws are identical to subsections (a) and (b) of the Code, except as noted, but do not include subsection (c)):

Alabama	Michigan	North Dakota	Tennessee [3]
Arizona [1]	Minnesota	Oklahoma	Virginia [4]
Florida	Montana	Pennsylvania	West Virginia
Indiana	New Mexico	Rhode Island	Wyoming
Maryland	New York	South Carolina [2]	District of Columbia

1. Arizona substitutes "the" for "such" in subsection (b).
2. South Carolina substitutes "contact" for "conflict" and omits "then" in both subsections (a) and (b).
3. Tennessee substitutes "when" for "then" in both subsections (a) and (b).
4. Virginia has a subsection (c) which provides, "For purposes only of authorizing installation of traffic control devices, every crossing of a highway or street at grade by a pedestrian crosswalk."

Four states have definitions which are identical, except as noted, to the 1934-1938 Code which, without subsection (b), left open the question of whether the crossing of one roadway with a divided highway constitutes one or two intersections:

Arkansas	California ;*	Iowa	Mississippi

* California omits "or connection" and replaces "at, or approximately at" with "at approximately."

Three states conform with the 1926 Code and thus define "intersection" in terms of the junction of highways rather than an area formed by the roadways of highways (if there are no curbs):

Delaware	New Jersey [1]	South Dakota [2]

1. New Jersey substitutes "another" for "the other."
2. South Dakota has an additional provision similar to the subsection added to the Code in 1968 which states that "such areas in the case of the point where an alley and a street meet within a city or town, shall not be deemed an intersection."

Twelve other states have definitions of "intersection" or a comparable term or terms, as follows:

Alaska—The definition is identical to the Code, except for the ommission of the second sentence in subsection (b) and the reference to "street" in subsection (c).

Illinois—The definition is identical to subsection (a) of the Code except for substituting "roadway" for the concluding reference to "highway." It differs from (b) by requiring that the roadways be 40, rather than 30, feet apart to constitute separate intersections, and by omitting the second sentence. Subsection (c) is duplicated.

Kentucky—§ 189.010 (4) defines intersection as follows:

> (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 (2) highways which join one another, but not necessarily continue, at approximately right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come into conflict; or
>
> (b) Where a highway includes two (2) roadways thirty (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 (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection. The junction of a private alley with a public street or highway shall not constitute an intersection.

Maine—Although not defining "intersection," that term is described as follows in § 948 (which authorizes the state highway commission and local authorities to designate intersections, erect signs and require compliance therewith): "For the purposes of this section, a way (as defined in § 1(21)) joining a through way at an angle, whether or not it crosses the same, shall be deemed to intersect it, and the word 'way,' unless the context otherwise requires, shall include a through or other way."

Massachusetts—"Intersecting way" is defined in ch. 90, § 1, as "any way which joins another at an angle, whether or not it crosses the other." For purposes of ch. 89, § 8 (dealing with right of way at intersecting ways), an "intersection of any ways" means "the area embraced within the extensions of the lateral curb lines, or, if none, then the lateral boundary lines, intersecting ways as defined in section one of chapter ninety . . . ." "Intersection" is defined by the Massachusetts regulations in the same manner as "intersection of ways" except that "including divided ways" is added.

Missouri—"Intersecting highway" means "any highway which joins another, whether or not it crosses the same."

New Hampshire—"Intersecting way" is defined as "any way which joins another at an angle whether it crosses the other or not."

North Carolina—The first part of the definition is identical to the 1926 Code and the second part is identical to subsection (b) of the present Code.

Oregon—Conforms to the 1930 Code definition but substitutes "roadways" for "highways" in (a). Oregon duplicates subsections (b) and (c).

Vermont—"Intersecting highway" is "a highway which joins another at an angle, whether or not it crosses the other: but a driveway leading to or from private grounds shall not be interpreted to be a highway."

Wisconsin—The definition is somewhat similar to subsection (a): "The area embraced within the prolongation or connection of the curb lines, or, if none, then within the boundary lines of the roadways of two or more highways which join one another at, or approximately at right angles, whether or not one such highway crosses the other, or the area within which vehicles travelling upon different highways joining at any other angle may come in conflict."

Puerto Rico—Conforms substantially with (a) but does not have (b) or (c).

Connecticut does not define "intersection" for purposes of its rules of the road. For certain right of way rules, Connecticut provides that an

intersection is the "area common to two or more highways which cross each other."

Citations

Ala. Code tit. 36, § 1(13) (1958).
12 Alaska Adm. Code § 10.135 (1971).
Ariz. Rev. Stat. Ann. § 28-602(1976).
Ark. Stat. Ann. § 75-413 (1957).
Cal. Vehicle Code § 365 (1959).
Colo. Rev. Stat. Ann. § 42-1-102 (35) (Supp. 1976).
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Fla. Stat. § 316.003 (17) (1971).
Ga. Code Ann. § 68A-101 (18) (1975).
Hawaii Rev. Stat. § 291C-1 (12) (Supp. 1971).
Idaho Code Ann. § 49-529, amended by H.B. 197, CCH ASLR 486 (1977).
Ill. Ann. Stat. ch. 95½, § 1-132 (Supp. 1972).
Ind. Ann. Stat. § 9-4-1-15 (Supp. 1978).
Iowa Code Ann. § 321.1(54) (1966).
Kans. Stat. Ann. § 8-501 (Supp. 1971).
Ky. Rev. Stat. Ann. § 189.010(4), H.B. 24, CCH ASLR 1652 (1978).
La. Rev. Stat. Ann. § 32:1 (26) (Supp. 1978).
Me. Rev. Stat. Ann. tit. 29, § 948 (Supp. 1979).
Md. Transp. Code § 21-101(G) (1977).
Mass. Ann. Laws ch. 90, § 1; ch. 89, § 8(1967); Mass. Rules & Regs. for Driving on State Highways § 1(K) (Jan. 1971).
Mich. Stat. Ann. § 9.1822 (1960).
Minn. Stat. Ann. § 169.01(36) (1960).
Miss. Code Ann. § 8138(1956).
Mo. Ann. Stat. § 301.010(8) (1963).
Mont. Rev. Codes Ann. § 32-2115(1961).
Neb. Rev. Stat. § 39-602(37) (1973).
Nev. Rev. Stat. § 484.073 (1975).
N.H. Rev. Stat. Ann. § 259:1(XIII) (1966).
N.J. Stat. Ann. § 39:1-1 (Supp. 1979).
N.M. Stat. Ann. § 64-7-1(B) (8), H.B. 112, CCH ASLR 161, 481 (1978).
N.Y. Vehicle and Traffic Law § 120 (1960).
N.C. Gen. Stat. § 20-38(12) (1965).
N.D. Cent. Code § 39:01-01(23) (Supp. 1967).
Ohio Rev. Code Ann. § 4511.01(kk) (Supp. 1978).
Okla. Stat. Ann. tit. 47, § 1-126 (1962).
Ore. Rev. Stat. § 487.005(9) (1977).
Pa. Stat. Ann. tit. 75, § 102 (1977).
R.I. Gen. Laws Ann. § 31-1-24 (1956).
S.D. Comp. Laws § 32-14-1(17) (1967).
Tenn. Code Ann. § 59-801 (1968).
Tex. Rev. Civ. Stat. art. 6701d, § 14 (Supp. 1972).
Utah Code Ann. § 41-6-8(a) (Supp. 1977).
Vt. Stat. Ann. tit. 23, § 4(8) (1967).
Va. Code Ann. § 46.1-1(11) (Supp. 1979).
Wash. Rev. Code Ann. § 46.04.220 (Supp. 1976).
W.Va. Code Ann. § 17C-1-42 (1966).
Wis. Stat. Ann. § 340.01(25) (1971).
Wyo. Stat. Ann. § 31-78(h) (7) (1967).
D.C. Traffic & Motor Vehicle Regs. Pt. 1, § 2 (1966).
P.R. Laws Ann. tit. 9, § 328 (Supp. 1975).

§ 1-127—Laned Roadway

A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

§ 1-128—License or License to Operate a Motor Vehicle

Any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this State including: (Revised, 1968.)

1. Any temporary license or instruction permit;
2. The privilege of any person to drive a motor vehicle whether or not such person holds a valid license;
3. Any nonresident's operating privilege as defined herein.

§ 1-129—Lienholder

A person holding a security interest in a vehicle.

§ 1-130—Local Authorities

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

Historical Note

The Code first defined "local authorities" in 1930 as:

> Every county, municipal and other local board or body having authority to adopt local police regulations under the constitution and laws of this State.

UVC Act IV, § 1(ee) (Rev. ed. 1930). In 1944, the current section was adopted. UVC Act V, § 11 (Rev. ed. 1934); UVC Act V, § 13 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 1-127 (Rev. ed. 1954); UVC § 1-130 (Rev. eds. 1956, 1962, 1968).

Statutory Annotation

Thirteen states define "local authorities" in verbatim or substantial conformity with the Code:

Georgia	Montana	Oklahoma	Texas
Idaho [1]	Nebraska [4]	Rhode Island [5]	West Virginia
Kansas [2]	New Mexico	Tennessee [6]	Wyoming
Michigan [3]			

1. Idaho adds "highway and good road district."
2. Adds the Kansas Turnpike Authority.
3. Michigan omits "county."
4. Nebraska adds directors of state institutions and the Game and Park Commission.
5. Rhode Island begins, "Every city, town or other local board or body."
6. Tennessee substitutes "enact ordinances or make regulations" for "enact laws."

Seventeen states are in verbatim or substantial conformity with the 1930-1944 Code:

Alabama [1]	Indiana	New Jersey [5]	Pennsylvania
Arkansas [2]	Iowa	North Dakota	South Dakota
Colorado	Minnesota [4]	Ohio [1]	Utah
Delaware	Mississippi	Oregon	Washington [6]
Illinois [3]			

1. Alabama and Ohio omit "local" before "police regulations."
2. Arkansas has a second definition which provides that "local authorities shall include all officers of counties, cities, villages, incorporated town or towns and townships."
3. Illinois adds a clause to except "the corporate authorities of park districts."
4. Minnesota adds "and the Regents of the University of Minnesota, with reference to property owned, leased or occupied by the Regents of the University of Minnesota or the University of Minnesota."
5. New Jersey additionally includes "every county board of chosen freeholders with relation to county roads."
6. The Washington provision reads: ". . . local public board or body."

Twelve jurisdictions define "local authorities" as follows:

Alaska—Defines "municipality" as a home rule or general law borough or city, including unified municipalities.

Arizona—"The county, municipal and other local board or body exercising jurisdiction over highways under the constitution and laws of this state."

California—"The legislative body of every county or municipality having authority to adopt local police regulations."

Florida—"Local authorities" include "all officers and public officials of the several counties and municipalities of this state."

Louisiana—"Local municipal authority means every council, commission, or other board given authority by the constitution and laws of this state to govern the affairs of a municipality." "Local parish authority means every police jury, commission, council, or other board given authority by the constitution and laws of this state to govern the affairs of a parish of this state."

Maryland—"Local Authority" means a political subdivision or a local board or other body that, under the laws of this state, has authority to enact laws and adopt local police regulations relating to traffic.

Nevada—"The governing board of a county, city or other political subdivision having authority to enact laws or ordinances or promulgate regulations relating to traffic over a highway."

New York—"Every county, municipal and other local board, body or officer, county park commission, parkway authority, bridge authority, bridge and tunnel authority, the office of parks and recreation, the New York state thruway authority, or similar body or person having authority to enact laws or regulations relating to traffic under the laws and constitution of this state."

North Carolina—"Every county, municipality or other territorial district with local board or body having authority to adopt local police regulations under the constitution and laws of this state."

South Carolina—"Every county and municipality in this state and any other local board or body having authority to maintain any public highways or to regulate the traffic thereon, but not including the department."

Wisconsin—"Every county board, city council, town or village board or other local agency having authority under the constitution and laws of this state to adopt traffic regulations."

Puerto Rico—Municipal assemblies of the municipalities in Puerto Rico and any government organization or public corporation with power to legislate on matters relative to motor vehicle traffic areas of their jurisdiction.

Ten jurisdictions do not have comparable definitions:

Connecticut [1]	Maine	New Hampshire	District of Columbia
Hawaii	Massachusetts	Vermont	
Kentucky	Missouri [2]	Virginia	

1. Connecticut § 14-1(20) defines "traffic authority" as "the board of police commissioners of any city, town or borough, or the city or town manager, the chief of police, the superintendent of police or any legally elected or appointed official or board having similar powers and duties, of any city, town or borough that has no board of police commissioners but has a regularly appointed force, or the board of selectmen of any town in which there is no city or borough with a regularly appointed police force, except that, with respect to state highways and bridges, 'traffic authority' means the state traffic commission. . . ."

2. Missouri defines "municipality" as including "cities, towns and villages, whether incorporated or not."

Citations

Ala. Code tit. 36, § 1(16) (1959).
Alaska Stat. § 28.35.260(10) (1977).
Ariz. Rev. Stat. Ann. § 28-101(Supp. 1978).
Ark. Stat. Ann. § § 75-411, -664 (1957).
Cal. Vehicle Code § 385 (1959).
Colo. Rev. Stat. Ann. § 42-1-102(38) (1973).
Del. Code Ann. tit. 21, § 101 (1953).
Fla. Stat. § 316.003(20) (1971).
Ga. Code Ann. § 68-1504(4) (1967).
Idaho Code Ann. § 49-534, amended by H.B. 194, CCH ASLR 487 (1977).
Ill. Ann. Stat. ch. 95½, § 11-100 (Supp. 1972).
Ind. Ann. Stat. § 9-4-1-13 (Supp. 1978).
Iowa Code Ann. § 321.1(46) (1966).
Kans. Stat. Ann. § 8-1432 (1976).
La. Rev. Stat. Ann. § § 32:1(32), (33) (Supp. 1979).
Md. Transp. Code § 11-130 (1977).
Mich. Stat. Ann. § 9.1827 (1960).
Minn. Stat. Ann. § 169.01(28) (1960).
Miss. Code Ann. § 8136 (1956).
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N.J. Stat. Ann. § 39:1-1 (Supp. 1979).
N.M. Stat. Ann. § 64-7-1(B) (10), H.B. 112, CCH ASLR 161, 482 (1978).
N.Y. Vehicle and Traffic Law § 122 (Supp. 1977).
N.C. Gen. Stat. § 20-38(13) (1965).
N.D. Cent. Code § 39-01-01(27) (Supp. 1967).
Ohio Rev. Code Ann. § 4511.01(AA) (Supp. 1978).
Okla. Stat. Ann. tit. 47, § 1-130 (1962).
Ore. Rev. Stat. § 487.005(10) (1977).
Pa. Stat. Ann. tit. 75, § 102 (1960).
R.I. Gen. Laws Ann. § 31-1-22 (1956).
S.C. Code Ann. § 56-5-380 (1976).
S.D. Comp. Laws § 32-14-1(24) (1967).
Tenn. Code Ann. § 59-801 (1968).
Tex. Rev. Civ. Stat. art. 6701d, § 12 (1969).
Utah Code Ann. § 41-6-6(h) (1960).
Wash. Rev. Code Ann. § 46.04.280 (1962).
W. Va. Code Ann. § 17C-1-34 (1966).
Wis. Stat. § 340.01(26) (1967).
Wyo. Stat. Ann. § 31.78(g) (2) (1967).
P.R. Laws Ann. tit. 9, § 312 (Supp. 1975).

§ 1-131—Mail

To deposit in the United States mail properly addressed and with postage prepaid.

§ 1-132—Manufacturer

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

§ 1-133—Metal Tire

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

§ 1-133.1—Motor Home

Every motor vehicle designed, used or maintained primarily as a mobile dwelling, office or commercial space. (New, 1971.)

§ 1-134—Motor Vehicle

Every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails, *except vehicles moved solely by human power.* (REVISED, 1975.)

Historical Note

The 1926 Code defined "motor vehicle" as "every vehicle, as herein defined, which is self-propelled." UVC Act IV, § 1(b) (1926).

From 1930 until 1975, the Code defined "motor vehicle" as:

> 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. UVC Act IV, § 1(b) (Rev. ed. 1930); UVC Act V, § 2(b) (Rev. eds. 1934, 1938, 1944, 1948, 1952); UVC § 1-130 (Rev. ed. 1954); UVC § 1-134 (Rev. eds. 1956, 1962, 1968).

In 1975, the definition was revised as follows:

> 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.*

This change was made as part of the decision to revise section 1-184 so that bicycles would be "vehicles." This section was revised to make it clear that bicycles and other devices moved by human power are not motor vehicles.

Statutory Annotation

Rhode Island and Pennsylvania are in verbatim conformity, and Minnesota has a law in substantial conformity, which provides:

> "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires. Motor vehicle does not include a vehicle moved solely by human power.

Eighteen states have provisions in verbatim conformity with the 1968 Code, except as noted:

Arkansas	Michigan	Oklahoma [5]	Utah
Idaho	Mississippi	South Carolina	Washington
Illinois [1]	Montana	Tennessee [6]	West Virginia
Indiana [2]	New Mexico [4]	Texas	Wyoming
Maryland [3]	North Dakota		

1. Illinois adds provisions classifying motor vehicles into two divisions.
2. Indiana excepts motorized bicycles.
3. Maryland excludes a bicycle equipped with assisting motor.
4. Includes vehicles propelled by electric power obtained from batteries.
5. The Oklahoma provision adds: "provided, however, the definition of 'motor vehicle' herein shall not include implements of husbandry or motorized bicycles."
6. A second law defines "motor vehicle" as every vehicle which is self-propelled. This definition applies only to its chemical test law.

The Wisconsin definition, although worded differently ("a vehicle which is self-propelled, including a trackless trolley bus"), conforms in substance with the 1968 Code.

Eight states conform more closely to the 1926 Code by defining "motor

vehicle" simply as "every vehicle which is self-propelled" or as "any self-propelled vehicle":

Alabama	Arizona	Delaware [2]	Oregon
Alaska [1]	California	Georgia	South Dakota

1. Alaska excepts vehicles moved by human or animal power.
2. Delaware adds, "except farm tractors."

Two other states—Maine and Nevada—refer to any vehicle that is self-propelled and not operated exclusively on tracks or rails. Maine additionally includes motorcycles and excludes snowmobiles. See the definition of "vehicle" in UVC § 1-184 which excludes rail-borne conveyances.

Hawaii defines "motor vehicle" as every self-propelled vehicle and "every vehicle which is propelled by electric power but not operated upon rails." It excludes mopeds.

One state—Iowa—includes all self-propelled vehicles but not trackless trolleys obtaining their power from overhead lines:

> Every vehicle which is self-propelled but not including vehicles known as trackless trolleys which are propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Eighteen jurisdictions have definitions that may not be in substantial conformity with the Code. Note that laws in some of these states (Massachusetts, Missouri, Nebraska, New Hampshire, Ohio, and Vermont) provide that some self-propelled vehicles are not motor vehicles. Nine of these states provide that mopeds are not motor vehicles. See also, the laws of Oklahoma and Delaware, noted, *supra*. Though most rules of the road apply to the driver of any "vehicle," some apply to the driver of a "motor vehicle," and any such exclusion should be considered in the context of those rules. See UVC § § 11-105, -310, -605(b), -703, -804(a), -904, -1101, -1105, -1107 and -1108. On the other hand, laws in some of these states (North Carolina, Ohio and Vermont) provide that trailers are motor vehicles. Such definitions seem to defy fact and can be illogical when applied to some rules of the road. The 18 jurisdictions are:

Colorado—"Any self-propelled vehicle which is designed primarily for travel on the public highways and which is generally and commonly used to transport persons and property over the public highways; and, for purposes of the offenses described in sections 42-4-1201 to 42-4-1203 for farm tractors operated on streets and highways, 'motor vehicle' includes a farm tractor which is not otherwise classified as a motor vehicle." The sections referred to relate to vehicular homicide, driving while drunk and reckless driving.

Connecticut—"The terms 'vehicle' and 'motor vehicle' shall for the purposes of this chapter, be synonymous and interchangeable and shall apply to all vehicles used on the public highways unless another meaning is clearly apparent from the language or context or unless such construction is inconsistent with the manifest intention of the general statutes." Another section defines "motor vehicle" as: "any vehicle which is propelled or drawn by any power other than muscular, except aircraft, motor boats, road rollers, baggage trucks used about railroad stations or other mass transit facilities, electric battery-operated wheel chairs when operated by physically handicapped persons at speeds not exceeding fifteen miles per hour, golf carts operated on highways solely for the purpose of crossing from one part of the golf course to another, agricultural tractors, farm implements, such vehicles as run only upon rails or tracks, self-propelled snow plows, snow blowers and lawn mowers, when used for the purposes for which they were designed and operated at speeds not exceeding four miles per hour, whether or not the operator rides on or walks behind such equipment, bicycles with helper motors as defined in section 14–286 and any other vehicle not suitable for operation on a highway."

Florida—Duplicates the 1968 Code and adds "but not including any bicycle or moped."

Kansas—Conforms with the 1968 Code but excludes motorized bicycles.

Kentucky—Following the definition of "vehicle," "motor vehicle" is defined as "all vehicles as defined above which are propelled otherwise than by muscular power."

Louisiana—Has the 1968 Code but excepts motorized bicycles.

Massachusetts—" 'Motor vehicles,' all vehicles constructed and designed for propulsion by power other than muscular power including such vehicles when pulled or towed by another motor vehicle, except railroad and railway cars, vehicles operated by the system known as trolley motor or trackless trolley . . . , vehicles running only upon rails or tracks, vehicles used for other purposes than the transportation of property and incapable of being driven at a speed exceeding 12 miles per hour and which are used exclusively for the building, repair and maintenance of highways or designed especially for use elsewhere than on the traveled part of ways, wheelchairs owned and operated by invalids and vehicles which are operated or guided by a person on foot. The term shall not include motorized bicycles. In doubtful cases, the registrar may determine whether or not any particular vehicle is a motor vehicle as herein defined. If he determines that it should be so classified he may require that it be registered under this chapter, but such determination shall not be admissible as evidence in any action at law arising out of the use or operation of such vehicle previous to such determination."

Missouri—"Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors."

Nebraska—"Every self-propelled land vehicle not operated on rails, except self-propelled invalid chairs."

New Hampshire—"Any self-propelled vehicle not operated exclusively upon stationary tracks, except tractors and mopeds."

New Jersey—" 'Motor vehicle' includes all vehicles propelled otherwise than by muscle power, excepting such vehicles as run only upon rails or tracks and motorized bicycles."

New York—"Every vehicle, except electrically-driven invalid chairs being operated or driven by an invalid, operated or driven upon a public highway by any power other than muscular power which includes electric power obtained from overhead trolley wires, except vehicles which run only upon rails or tracks."

North Carolina—"Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include bicycles with helper motors rated less than one brake horsepower which produce only ordinary pedaling speeds up to a maximum of 20 miles per hour."

Ohio—"Means every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, trailers used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed of twenty-five miles per hour, or less, threshing machinery, hay-baling machinery, and agricultural tractors and machinery used in the production of horticultural, floricultural, agricultural, and vegetable products."

Vermont—"All vehicles propelled or drawn by power other than muscular power, except tractors used entirely for work on the farm, vehicles running only upon stationary rails or tracks, motorized highway building equipment, road making appliances or snowmobiles."

Virginia—"Every vehicle as herein defined which is self-propelled or designed for self-propulsion except that the definition contained in § 46.1-389 (d) shall apply for the purposes of chapter 6 (§ 46.1-388 et seq.) of this title. 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, shall be considered a part of a motor vehicle. For the purposes of this chapter, any device herein defined as a bicycle shall be deemed not to be a motor vehicle."Virginia does not define "bicycle." It merely provides that "bicycle" includes certain bicycles with motors.

District of Columbia—"Every vehicle propelled by an internal combustion engine or by electricity or steam, except traction engines, road rollers, and vehicles propelled only upon rails and tracks."

Puerto Rico—"Every self-propelled vehicle except the following or similar vehicles: (a) Traction machines. (b) Rollers. (c) Tractors used exclusively for agricultural purposes. (d) Power shovels. (e) Road construction equipment. (f) Deep-well drilling machines. (g) Small-wheeled vehicles used in factories, warehouses and railroad stations. (h) Vehicles running on rails, by water or by air. (i) Vehicles operated on private property."

Citations

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Alaska Stat. § 28.35.260 (1977).
Ariz. Rev. Stat. Ann. § 28-101 (Supp. 1978).
Ark. Stat. Ann. § 75-402(b) (1957).
Cal. Vehicle Code § 415 (1960).
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Conn. Gen. Stat. Ann. § 14-212 (1970); § 14-1(26) (Supp. 1977).
Del. Code Ann. tit. 21, § 101 (1953).
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Hawaii Rev. Stat. § 291C-1(14) (Supp. 1975), amended by S.B. 782, CCH ASLR 1145 (1978).
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Ill. Ann. Stat. ch. 95½, § 1-146 (1971).
Ind. Ann. Stat. § 9-4-1-2(b) (Supp. 1978).
Iowa Code Ann. § 321.1(2) (1966).
Kans. Stat. Ann. § 8-1437 (Supp. 1976).
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La. Rev. Stat. Ann. § 32:1(40) (Supp. 1978).
Me. Rev. Stat. Ann. tit. 29, § 1(7) (Supp. 1969).
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Mass. Ann. Laws ch. 90, § 1(1967).
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Minn. Stat. Ann. § 169.01(3) (Supp. 1978).
Miss. Code Ann. § 8127(b) (1956).
Mo. Ann. Stat. § 301.010(15) (1953).
Mont. Rev. Codes Ann. § 32-2102(b) (1961).
Neb. Rev. Stat. § 39-602(52) (1978).
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N.H. Rev. Stat. Ann. § 259:1(XVII) (Supp. 1977).
N.J. Rev. Stat. § 39:1-1 (Supp. 1979).
N.M. Stat. Ann. § 64-1-4(B) (39), H.B. 112, CCH ASLR 161, 171(1978).
N.Y. Vehicle and Traffic Law § 125 (Supp. 1968).
N.C. Gen. Stat. § 20-4.01(23) (Supp. 1977).
N.D. Cent. Code § 39-01-01(32) (Supp. 1967).
Ohio Rev. Code Ann. § 4511.01(B) (Supp. 1978).
Okla. Stat. Ann. tit. 47, § 1-134 (Supp. 1978).
Ore. Rev. Stat. § 483.014(4) (1977).
Pa. Stat. Ann. tit. 75, § 102 (1977).
R.I. Gen. Laws Ann. § 31-1-3(b) (Supp. 1977).
S.C. Code Ann. § 56-5-130 (1976).
S.D. Comp. Laws § 32-14-1(2) (1967).
Tenn. Code Ann. § 59-801(1968); § 59-1044 (Supp. 1969).
Tex. Rev. Civ. Stat. art. 6701d, § 2(b) (1969).
Utah Code Ann. § 41-6-2(b) (1960).
Vt. Stat. Ann. tit. 23, § 4(15) (Supp. 1968).
Va. Code Ann. § 46.1-1(15) (Supp. 1979).
Wash. Rev. Code Ann. § 46.04.320 (1962).
W. Va. Code Ann. § 17C-1-3 (1966).
Wis. Stat. § 340.01(35) (1967).
Wyo. Stat. Ann. § 31-78(a) (2) (1967).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 2(1966).
P.R. Laws Ann.tit. 9, § 361 (Supp. 1975).

§ 1-135—Motorcycle

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

Historical Note

The 1926 and 1930 editions of the Code defined "motorcycle" as:

> Every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" as herein defined.

UVC Act IV, § 1(c) (1926); UVC Act IV, § 1(e) (Rev. ed. 1930). The substance of the present definition was adopted in 1934, and the words "seat or" were added in 1948. UVC Act V, § 2(c) (Rev. eds. 1934, 1938, 1944, 1948, 1952); UVC § 1-131 (Rev. ed. 1954); UVC § 1-135 (Rev. eds. 1962, 1968).

Statutory Annotation

Thirteen states have definitions in verbatim conformity with the Code, except as noted:

Idaho [1]	Montana	New York	Tennessee
Illinois	Nebraska	North Dakota [2]	West Virginia
Kansas	New Mexico	Oregon	Wyoming
Michigan			

1. Idaho has another definition like the 1926 Code, applicable only to a section requiring safety helmets for motorcycle riders.
2. North Dakota substitutes "implements of husbandry" for "tractor."

Five jurisdictions have definitions in conformity with the 1934 Code and thus omit the reference to "seat or":

Indiana	South Carolina	District of Columbia [2]
Mississippi	Washington [1]	

1. Washington excludes a "farm tractor" rather than a "tractor."
2. The District of Columbia provision substitutes "operator" for "rider."

In three states, "motorcycle" is defined in conformity with the 1926 Code:

Alabama	Delaware	South Dakota *

* South Dakota has another definition applicable only to a chapter on motorcycle equipment which provides:
"Motorcycle" includes motorcycles, motorbikes, mopeds, bicycles with motor attached and all motor operated vehicles of the bicycle or tricycle type, whether the motive power be a part thereof or attached thereto, and having a saddle or seat with the driver sitting astride or upon it, or a platform on which the driver stands, but excluding a tractor.

Thirty states have these definitions:

Alaska—"A motor vehicle designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and snow vehicle. A motorcycle may have four wheels in contact with the ground provided two of the wheels are a functioning part of a sidecar."

Arizona—Definition duplicates the Code, then concludes "and excluding pedal bicycles with helper motors."

Arkansas—Uses the Code definition but excludes motorized bicycles.

California—"Motorcycle is any motor vehicle other than a tractor 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 and weighing less than 1,500 pounds, except that four wheels may be in contact with the ground when two of the wheels are a functional part of a sidecar."

Colorado—Duplicates the 1926 Code then concludes, "and except a motorized bicycle as defined in paragraph (b) of subsection (47) of this section."

Florida—Definition is generally patterned after the Code but excludes motorcycles with motors rated one and one-half brake horsepower or less.

Georgia—Definition duplicates the Code, but concludes "and moped."

Hawaii—Definition is patterned after the Code but excludes "farm" tractors and mopeds.

Iowa—Definition is similar to the Code's, but it includes motor scooters and excludes tractors and motorized bicycles.

Kentucky—"Motorcycle" means "any motor-driven vehicle having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, but excluding tractors and vehicles on which the operators and passengers ride in an enclosed cab."

Louisiana—Defines "motorcycle" as the Code does but it excludes motorized bicycles.

Maine—Uses the Code definition but excludes a "parking control vehicle" which is a three-wheeled motor vehicle with 25 horsepower or less and a metal roof.

Maryland—"Motorcycle" means a motor vehicle that has two or three wheels; has a motor with a rating of more than 1.5 brake horsepower and a capacity of more than 74 cubic centimeters piston displacement; has a singular front steering road wheel mounted in a fork assembly that passes through a frame steering bearing and to which is attached a handlebar or other directly operated steering device; has a seat that is straddled by the driver; and except for a windshield or windscreen, does not have any enclosure or provision for an enclosure for the driver or any passenger. A detachable sidecar is an accessory to and not a part of a motorcycle.

Massachusetts—"Any 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, including any bicycle with a motor or driving wheel attached, except a tractor or a motor vehicle designed for the carrying of golf clubs and not more than four persons, an industrial three-wheel truck, a motor vehicle on which the operator and passenger ride within an enclosed cab, or a motorized bicycle."

Minnesota—"Motorcycle" means 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, including motor scooters and bicycles with motor attached, other than those vehicles defined as motorized bicycles in subdivision 4a, but excluding a tractor.

Missouri—"Motorcycle" is defined as "a motor vehicle operated on two wheels." "Motortricycle" is "a motor vehicle operated on three wheels, including a motorcycle while operated with any coveyance, temporary or otherwise, requiring the use of a third wheel."

Nevada—Duplicates the Code but includes power cycles and excludes mopeds.

New Hampshire—"Motorcycle shall include motor vehicles having but two wheels in contact with the ground and with pedals and saddle on which the driver sits astride, and also motorized bicycles and motor scooters having but two or three wheels in contact with the ground, but shall not include mopeds."

New Jersey—"Motorcycle" includes motorcycles, motor bikes, bicycles with motor attached and all motor operated vehicles of the bicycle or tricycle type, except motorized bicycles as defined in this section, whether the motive power be a part thereof or attached thereto and having a saddle or seat with driver sitting astride or upon it, or a platform on which the driver stands.

North Carolina—Vehicles having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including motor scooters and motor-driven bicycles, but excluding tractors and utility vehicles equipped with an additional form of device designed to transport property, three-wheeled vehicles while being used by law-enforcement agencies and bicycles with helper motors rated less than one brake horsepower which produce only ordinary pedaling speeds up to a maximum of 20 miles per hour.

Ohio—"Motorcycle" means every motor vehicle, other than a tractor, having a saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including, but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter," or "motorcycle" without regard to weight or brake horsepower.

Oklahoma—Duplicates the Code definition and concludes, "or motorized bicycles," as defined.

Pennsylvania—Duplicates the Code but omits "but excluding a tractor."

Rhode Island—Only those motor vehicles having not more than three (3) wheels in contact with the ground and a saddle on which the driver sits astride, except bicycles with helper motors as defined in subsection (s).

Texas—Has two definitions. The first omits the Code's "seat or" and excepts motor-assisted bicycles. The second, which is applicable to helmet use requirements, duplicates the Code and excepts any three-wheeled vehicle with a cab and a seat belt and motor-assisted bicycles.

Utah—"Every motor vehicle, other than a tractor, 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, and weighing less than 1,250 pounds."

Vermont—"Motorcycle shall mean any motor-driven 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 mopeds, golf carts, track-driven vehicles, tractors and vehicles on which the operator and passengers ride within an enclosed cab."

Virginia—"Every motor vehicle designed to travel on not more than three wheels in contact with the ground and any four-wheeled vehicle weighing less than 500 pounds and equipped with an engine of less than six horsepower, except any such vehicle as may be included with the term 'farm tractor' as herein defined."

Wisconsin—"Motorcycle" means "a motor-driven cycle which does not come within the definition of power-driven cycle or motor bicycle." "Motor bicycle" means "a bicycle to which a motor has been added to form a motor-driven cycle as distinguished from a power-driven cycle or motorcycle in which the motor is an integral part of the original motor vehicle." "Power-driven cycle" means "a motor-driven cycle weighing between 100 and 300 pounds fully equipped but without gasoline or oil and designed to travel not over 35 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind."

Puerto Rico—Defines "motorcycle" as any motor vehicle with braking capacity in excess of 5 horsepower, equipped with a seat for its driver, and which has been made to move upon not more than 3 wheels in contact with the pavement. It excludes tractors.

Connecticut does not define "motorcycle" for purposes of its rules of the road.

Citations

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13 Alaska Adm. Code § 10.175 (1971).
Ariz. Rev. Stat. Ann. § 28-101 (Supp. 1978).
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Ill. Ann. Stat. ch. 95½ § 1-147 (1971).
Ind. Ann. Stat. § 9-4-1-2(c) (Supp. 1978).
Iowa Code Ann. § 321.1(3) (Supp. 1978).
Kans. Stat. Ann. § 8-501 (Supp. 1971).
Ky. Rev. Stat. Ann. § 189.285(4) (1977).
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Me. Rev. Stat. Ann. tit. 29, § 4 (1978).
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Mich. Stat. Ann. § 9.1831 (1960).
Minn. Stat. Ann. § 169.01(4) (Supp. 1978).
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Mont. Rev. Codes Ann. § 32-2102(c) (1961).
Neb. Rev. Stat. § 39-602(53) (1978).
Nev. Rev. Stat. §§ 484.083, 486.041 (1975).
N. H. Rev. Stat. Ann. § 259:1 (XIV) (Supp. 1977).
N.J. Stat. Ann. § 39:1-1 (Supp. 1979).
N.M. Stat. Ann. § 64-1-4(B) (35), amended by H.B. 112, CCH ASLR 161, 170 (1978).
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N.C. Gen. Stat. § 20-4.01 (Supp. 1977).
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Pa. Stat. Ann. tit. 75, § 102 (1977).
R.I. Gen. Laws Ann. § 31-1-3(d) (Supp. 1977).
S.C. Code Ann. § 56-5-140 (1976).
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Va. Code Ann. § 46.1-1(14) (Supp. 1979).
Wash. Rev. Code Ann. § 46.04.430 (1962).
W.Va. Code Ann. § 17C-1-4 (1966).
Wis. Stat. Ann. §§ 340.01(32), (30), (45) (1967).
Wyo. Stat. Ann. § 31-78(3) (1967).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 2 (1966).
P.R. Laws Ann. tit. 9, § 340 (Supp. 1975).

§ 1-136—Motor-driven Cycle

Every motorcycle, motor scooter or motorized bicycle having an engine with less than 150 cubic centimeters dis-

placement or with five brake horsepower or less. (REVISED, 1975.)

Historical Note

A definition of "motor-driven cycle" was added to the Code in 1948. From 1948 until 1962, the definition was:

> Every motorcycle, including every motor scooter, with a motor which produces not to exceed five horsepower, and every bicycle with motor attached. UVC ACT IV, § 2(d) (Rev. eds. 1948, 1952); UVC § 1-132 (Rev. ed. 1954); UVC § 1-136 (Rev. ed. 1956).

In 1962, "horsepower" was changed to "brake horsepower." UVC § 1-136 (Rev. eds. 1962, 1968).

In 1975, the definition was amended as follows:

> Every motorcycle, [including every] motor scooter *or motorized bicycle having an engine* [which produces not to exceed] *with less than 150 cubic centimeters displacement or with* five brake horsepower *or less* [and every bicycle with motor attached]. (REVISED, 1975.)

This definition was amended in 1975 to make it easier for operators and police officers to determine which motor vehicles are "motor-driven cycles." This determination usually involves a sign indicating that "motor-driven cycles" may not be operated on a particular highway.

Statutory Annotation

One state—Idaho—duplicates the 1975 Code definition. Four states (Arkansas, Illinois, New Mexico and West Virginia) use a cubic centimeter test and at least 14 states refer to brake horsepower. The West Virginia definition is in substantial conformity to the present Code definition. It provides as follows:

> "Motor-driven cycle" means every motorcycle having a piston displacement of more than fifty cubic centimeters but not more than one hundred fifty cubic centimeters, or with not more than five brake horsepower.

Four states have laws in verbatim or substantial conformity with the 1968 Code definition:

Nebraska [1] Pennsylvania [2] Tennessee Washington [3]

1. Nebraska adds "as measured at the drive shaft." after "horsepower."
2. Pennsylvania refers to "pedalcycle" instead of "bicycle."
3. After "brake horsepower," Washington adds "(developed by a prime mover, as measured by a brake applied to the driving shaft)." This same language appeared in an explanatory footnote to § 1-136 in the 1962 Code.

Ten jurisdictions are in conformity with the pre-1962 Code by referring to five horsepower instead of five brake horsepower.

Alabama	Maine	South Carolina
Arizona	Montana	Utah
Louisiana	New Hampshire	Wyoming
		District of Columbia *

* The District of Columbia adds, after "horsepower," "as certified by the manufacturer."

Fourteen states define "motor-driven cycle" as follows:

Arkansas—A "motor driven cycle" is every motorcycle, including every motor scooter, with a motor which does not displace in excess of 250 cubic centimeters, but does not include motorized bicycles.

California—"Any motorcycle, including every motor scooter, with a motor which produces less than 15 gross brake horsepower, and every bicycle with motor attached. A motor-driven cycle does not include a motorized bicycle."

Colorado—Differs from the Code by using six brake horsepower and by adding "but not trail bikes, minibikes, go-carts, golf-carts, and similar vehicles which are not designed for or approved by the department for use on the public roads or highways and not motorized bicycles as defined in paragraph (b) of subsection (47) of this section."

Florida—Every motorcycle and every motor scooter with a motor which produces not to exceed five brake horsepower, including every bicycle propelled by a helper motor rated in excess of 1½ brake horsepower.

Georgia—Virtually duplicates the 1968 Code, then concludes, "and every moped."

Illinois—"Every motorcycle and every motor scooter with less than 150 cubic centimeter piston displacement including motorized pedalcycles."

Kansas—Has the 1968 Code definition but adds "except a motorized bicycle."

Michigan—"Every motorcycle, with a motor that produces less than five gross brake horsepower, every motor scooter and every bicycle with motor attached, except a motorized wheelchair or other similar vehicle not exceeding 1,000 pounds gross weight operated by a physically afflicted or disabled person and except pedal bicycles with helper motors rated less than one brake horsepower transmitted by friction and not by gear or chain, which produce only ordinary pedaling speeds up to a maximum of 20 miles per hour."

New Mexico—Provides that " 'motor driven cycle' means every motorcycle, motor scooter and moped having an engine with less than one hundred cubic centimeters displacement."

Oklahoma—"Every motorcycle, including every motor scooter, equipped with a motor which produces not to exceed five brake horsepower at full throttle without a governor as determined by a dynamometer test and designed to travel on not more than three wheels in contact with the ground, but excluding motorized bicycles."

Rhode Island—Every motorcycle, including every motor scooter, with a motor which produces not to exceed five (5) horsepower, except bicycles with helper motors.

Texas—Every motorcycle, including every motor scooter, with a motor which produces not to exceed 5-brake horsepower (brake horsepower developed by a prime mover, as measured by a brake applied to the driving shaft), and every bicycle with motor attached other than a motor-assisted bicycle.

Wisconsin—"A motor vehicle designed to travel on not more than three wheels in contact with the ground and having a seat for the use of the rider, including motorcycles, power-driven cycles and motor bicycles but excluding tractors and mopeds." See also, the definitions quoted in the Annotation to § 1-135, *supra*.

Puerto Rico has a definition for "motor driven bicycle or scooter" which is based on the 1962 Code definition of "motor driven cycle." It is any motorcycle, including "scooter" or motor scooter whose engine does not exceed five horsepower braking capacity and any bicycle to which an engine has been adapted. P.R. Laws Ann. tit. 9, § 304 (Supp. 1975).

Twenty-one states do not have a definition of "motor-driven cycle" applicable to their rules of the road:

Alaska [1]	Maryland	Nevada	Ohio [2]
Connecticut	Massachusetts	New Jersey [2]	Oregon
Delaware	Minnesota [2]	New York	South Dakota [2]
Indiana	Mississippi	North Carolina	Vermont
Iowa [2]	Missouri	North Dakota	Virginia
Kentucky			

1. Alaska defines "motor scooter" as "a motorcycle, motor driven cycle, moped or other motor driven device designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and snow vehicle, with a motor which produces no more than five-brake horsepower as measured by a brake applied to the drive shaft of the prime mover. The rating of the manufacturer is prima facie evidence of the brake horsepower."
2. But see the definition of "motorcycle," *supra*, in § 1-135.

Citations

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13 Alaska Adm. Code § 10.180 (1971).
Ariz. Rev. Stat. Ann. § 28-101 (Supp. 1978).
Ark. Stat. Ann. § 75-1701(b) (Supp. 1965), amended by H.B. 458, CCH ASLR 415 (1977).
Cal. Vehicle Code § 405 (Supp. 1978).
Colo. Rev. Stat. Ann. § 42-1-102(45) (1973), amended by S.B. 69, CCH ASLR 887 (1977).
Fla. Stat. § 316.003(23) (Supp. 1978).
Ga. Code Ann. § 68A-101(26), amended by H.B. 1858, CCH ASLR 2523 (1978).
Idaho Code Ann. § 49-538, amended by H.B. 197, CCH ASLR 487 (1977).
Ill. Ann. Stat. ch. 95½, § 1-148, amended by S.B. 1301, CCH ASLR 233 (1977).
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La. Rev. Stat. Ann § 32:1(39) (Supp. 1979)
Me. Rev. Stat. Ann. tit. 29, § 1(5) (Supp. 1968).
Mich. Stat. Ann. § 9.1832, amended by Gen Laws 1971, ch. 151.
Mont. Rev. Codes Ann. § 32-2102(d) (1961).
Neb. Rev. Stat. § 39-602(54) (1974).
N.H. Rev. Stat. Ann. § 259:1(XIV-a) (Supp. 1967).
N.M. Stat. Ann. § 64-1-4(B) (36), H.B. 112, CCH ASLR 161, 170 (1978).
Okla. Stat. Ann. tit. 47, § 1-136 (Supp. 1978).
Pa. Stat. Ann. tit. 75, § 102 (1977).
R.I. Gen. Laws Ann. § 31-1-3(e) (Supp. 1977).
S.C. Code Ann. § 56-5-150 (1976).
Tenn. Code Ann. § 59-801 (1968).
Tex. Rev. Civ. Stat. Art. 6701d, § 2 (1977).
Utah Code Ann. § 41-6-2 (1960).
Wash. Rev. Code Ann. § 46.04.332 (Supp. 1968).
W. Va. Code Ann. § 17C-1-5 (Supp. 1979).
Wis. Stat. § 340.01(33) (Supp. 1979).
Wyo. Stat. Ann. § 31-78(4) (1967).
D.C. Traffic & Motor Vehicle Regs. Pt. 1, § 2 (1967).
P.R. Laws Ann. tit. 9, § 304 (Supp. 1975).

§ 1-137—Nonresident

Every person who is not a resident of this State.

§ 1-138—Nonresident's Operating Privilege

The privilege conferred upon a nonresident by the laws of this State pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this State.

§ 1-139—Official Traffic-control Devices

All signs, signals, markings and devices not inconsistent with this act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

Historical Note

The 1930 Code contained this definition of "official traffic signs and signals":

> All signs, signals, markings and devices not inconsistent with this act placed or erected by authority of a public body or official having jurisdiction, for the purpose of guiding, directing, warning or regulating traffic.

UVC Act IV, § 1(aa) (Rev. ed. 1930). In 1934, the caption was changed to "official traffic-control devices" and the final phrase was changed from "guiding, directing, warning or regulating traffic" to "regulating, warning or guiding traffic." UVC Act V, § 17(a) (Rev. ed. 1934); UVC Act V, § 19(a) (Rev. eds. 1938, 1944, 1948, 1952); UVC § 1-135 (Rev. ed. 1954); UVC § 1-139 (Rev. eds. 1956, 1962, 1968).

Statutory Annotation

Thirty-eight jurisdictions have provisions in verbatim or near verbatim conformity with this Code definition:

Alabama	Illinois [2]	Nebraska [2]	Tennessee
Arizona	Indiana	Nevada [4]	Texas
Arkansas	Iowa	New Jersey	Utah
California	Kansas	New Mexico	Washington
Colorado [1]	Louisiana [3]	New York [3]	West Virginia [3]
Connecticut	Maryland	North Dakota	Wisconsin [6]
Florida	Michigan [3]	Oklahoma [5]	Wyoming
Georgia	Minnesota	Pennsylvania	District of Columbia
Hawaii	Mississippi	Rhode Island	
Idaho	Montana	South Carolina	

1. Colorado uses "displayed" and not "erected."
2. Illinois and Nebraska add after "devices" the phrase "which conforms to the State manual and."
3. The term defined is "traffic-control devices" and not "official traffic-control devices."
4. Nevada refers to devices erected by railroads and to devices that are not inconsistent with rules of the road or prohibited by law.
5. Oklahoma includes barricades as well as signs, signals and markings.
6. Wisconsin has the Code definition and adds "and includes the terms 'official traffic sign' and 'official traffic signal.' "

Two states—Maine and Ohio—have definitions very similar to the Code, but omit "not inconsistent with this act." Maine and Ohio define "traffic-control devices." Ohio adds "including signs denoting names of streets and highways."

Oregon has a provision in verbatim conformity with the 1930 Code definition but defines "official traffic control devices."

The Kentucky definition applies only to a section dealing with the adoption of a manual on uniform traffic-control devices and the necessity of conforming thereto. It uses language similar to the Code but omits the phrase "not inconsistent with this act" and concludes with "for the purpose of regulating, warning or *dividing* traffic."

Alaska defines this term as:

> (a) In the traffic regulations "official traffic control device" or "traffic control device" means a sign, signal, marking or other device placed or erected, either temporarily or permanently, by this state or local authority having jurisdiction under a law of this state, or by a police officer acting in his official capacity for the purpose of regulating, warning, guiding or otherwise controlling traffic, or vehicles on state property.
>
> (b) The term also includes a sign, signal, marking or other device temporarily placed or erected by a person working upon, along, above or under a highway or ferry facility installing or maintaining a public service facility and which is necessary or required to warn, direct or otherwise control traffic during the time of work, or when a hazard exists.

Puerto Rico defines "traffic signal" as any signal, light, marking or device that controls, orients or directs traffic. It must be consistent with law and must have been placed by an organization or official with jurisdiction.

Eight states do not define "official traffic-control device" for purposes of their rules of the road:

Delaware	Missouri	North Carolina	Vermont
Massachusetts *	New Hampshire	South Dakota	Virginia

* See Mass. Rules & Regs. for Driving on State Highways § 1(n) which defines "Official signs, signals, markings and devices" as "all signs, signals, markings and devices installed or maintained by the department." See also, §§ 1(j), (v) and (x) which define "highway traffic signals," "street marking" and "traffic-control signal."

Citations

Ala. Code tit. 36, § 1(22) (1959).
13 Alaska Adm. Code § 10.195 (1971).
Ariz. Rev. Stat. Ann. § 28-602(9) (1956).
Ark. Stat. Ann. § 75-417(a) (1957).
Cal. Vehicle Code § 440 (1960).
Colo Rev. Stat. Ann. § 42-1-102(51) (Supp. 1976).
Conn. Gen. Stat. Ann. § 14-297 (1958).
Fla. Stat. § 316.003(25) (1971).
Ga. Code Ann. § 68-1504(6) (1967).
Hawaii Rev. Stat. § 291C-1(17) (Supp. 1971).
Idaho Code Ann. § 49-519(a) (1967).
Ill. Ann. Stat. ch. 95½, § 1-154 (1971)
Ind. Ann. Stat. § 9-4-1-19(a) (Supp. 1978).
Iowa Code Ann. § 321.1(62) (1966).
Kans. Stat. Ann. § 8-501 (Supp. 1971).
Ky. Rev. Stat. Ann. § 189.337(1) (1976).
La. Rev. Stat. Ann. § 32:1(82) (Supp. 1978).
Me. Rev. Stat. Ann. tit. 29, § 1(17B) (Supp. 1968).
Md. Transp. Code § 11-167 (1977).
Mich. Stat. Ann. § 9.1870 (1968).
Minn. Stat. Ann. § 169.01(41) (1960).
Miss. Code Ann. § 8142(a) (1957).

Mont. Rev. Codes Ann. § 32-2119(a) (1961).
Neb. Rev. Stat. § 39-602(104) (1974)
Nev. Rev. Stat. § 484.089 (1975).
N.J. Stat. Ann. § 39:1-1 (Supp. 1979).
N.M. Stat. Ann. § 64-7-1(B)(11), H.B. 112, CCH ASLR 161, 482 (1978).
N.Y. Vehicle and Traffic Law § 153 (1960).
N.D. Cent. Code § 39-01-01(35) (Supp. 1967).
Ohio Rev. Code Ann. § 4511.01 (QQ) (Supp. 1978).
Okla. Stat. Ann. tit. 47, § 1-139 (1962).
Ore. Rev. Stat. § 487.005(12) (1977).
Pa. Stat. Ann. tit. 75, § 102 (1977).
R.I. Gen. Laws Ann. § 31-1-28(a) (1957).
S.C. Code Ann. § 56-5-540 (1976).
Tenn. Code Ann. § 59-801 (1968).
Tex. Rev. Civ. Stat. art. 6701d, § 18(a) (1969).
Utah Code Ann. § 41-6-9(a) (1960).
Wash. Rev. Code Ann. § 46.04.611 (Supp. 1968).
W. Va. Code Ann. § 17C-1-47 (1966).
Wis. Stat. § 340.01(38) (Supp. 1977).
Wyo. Stat. Ann. § 31-78(J)(1) (1967).
D.C. Traffic & Motor Vehicle Regs. Pt. 1, § 2 (1966).
P.R. Laws Ann. tit. 9, § 353 (Supp. 1975).

§ 1-140—Owner

A person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

§ 1-141—Park or Parking

Means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers. (Revised, 1971.)

§ 1-142—Passenger Car

Every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying 10 passengers or less and used for the transportation of persons. (New, 1962.)

§ 1-143—Pedestrian

Any person afoot.

§ 1-144—Person

Every natural person, firm, copartnership, association or corporation.

§ 1-145—Pneumatic Tire

Every tire in which compressed air is designed to support the load.

§ 1-146—Pole Trailer

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

§ 1-147—Police Officer

Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Historical Note

This Code definition has remained the same since it was adopted in 1934. UVC Act V, § 10 (Rev. ed. 1934); UVC Act V, § 12 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 1-143 (Rev. ed. 1954); UVC § 1-147 (Rev. eds. 1956, 1962, 1968).

Statutory Annotation

Thirty-five jurisdictions are in verbatim conformity with this Code definition, except as noted:

Alabama	Illinois	Nebraska	Texas
Alaska [1]	Indiana	Nevada [7]	Utah
Arizona	Iowa [3]	New Mexico [8]	Virginia [8]
Arkansas	Kansas	North Dakota	Washington
Colorado	Louisiana	Ohio	West Virginia [11]
Florida [2]	Maryland [4]	Oklahoma [9]	Wisconsin [12]
Georgia	Minnesota [5]	Rhode Island	Wyoming
Hawaii	Mississippi	South Carolina [10]	District of
Idaho	Montana [6]	Tennessee [5]	Columbia

1. The Alaska laws begins ". . . a person within the state empowered by the state or a governmental subdivision of the state as a peace officer with the authority. . . ."
2. Florida adds "including Florida highway patrolmen, sheriffs, deputy sheriffs and municipal police officers."
3. Iowa defines "peace officer" rather than "police officer" and adds "in addition to its meaning in § 748.3."
4. Maryland includes those authorized to make arrests for violations of "any of the provisions of the Maryland Vehicle Law or of local or other traffic laws or regulations."
5. Minnesota and Tennessee define comparable terms applicable only to chemical test provisions. In Minnesota: "Peace officer means a state highway patrol officer or full time police officer of any municipality or county having satisfactorily completed a prescribed course of instruction in a school for instruction of persons in law enforcement conducted by the University of Minnesota or a similar course considered equivalent by the commissioner of public safety." In Tennessee: "Any duly elected or appointed officer of the state of Tennessee or any county or municipal subdivision thereof charged with conservation of the peace."
6. Montana defines "police officer or highway patrolman."
7. Nevada adds "laws, ordinances or" before "regulations."
8. New Mexico and Virginia define "police or peace officer." New Mexico substitutes "the Motor Vehicle Code" for "traffic regulations."
9. The Oklahoma law begins "Every sheriff, constable, policeman, highway patrolman, and any other officer who is authorized" and ends with "violations of state traffic laws and municipal ordinances."
10. South Carolina substitutes "vehicular and traffic laws" for "traffic regulations."
11. West Virginia, for purposes of its implied consent provisions, defines "law enforcement officer" as "(1) any member of the department of public safety, (2) any sheriff or deputy sheriff of any county, and (3) any member of a municipal police department under civil service."
12. Wisconsin defines "traffic officer" and adds "by law" after "authorized."

Nine states have the following definitions:

California—A "*traffic officer*" is "any member of the California Highway Patrol or any peace officer who is on duty for the exclusive or main purpose of enforcing the provisions of Divisions 10 or 11 of this code." Divisions 10 and 11 deal with accidents and rules of the road. "Peace officer" is defined in the Penal Code § 817.

Kentucky—"State Police" is defined as "any agency for the enforcement of the highway laws established pursuant to law." "Peace Officer" is also defined, and includes "sheriffs, constables, coroners, jailers, marshals, policemen and other persons with similar authority to make arrests."

Massachusetts—A "police officer" or "officer" is "any constable or other officer authorized to make arrest or serve process, provided he is in uniform or displays his badge of office."

Michigan—"Every sheriff or his deputies, village marshal, officer of the police department of any incorporated city or village, and officer of the Michigan state police."

New Hampshire—"Police officer or officer shall include any constable or other officer authorized to make arrest or serve process."

New York—"Every member of the state police and every duly designated peace officer."

Oregon—" 'Police officer' includes a member of the Oregon State Police, a sheriff or deputy sheriff, and a city policeman."

Pennsylvania—A natural person authorized by law to make arrests for violations of law.

Vermont—"Enforcement Officer" is defined as including "sheriffs, deputy sheriffs, constables, police officers, state's attorneys, motor vehicle inspectors and state police."

Seven states do not have a comparable definition applicable to their rules of the road:

Connecticut	Maine	North Carolina
Delaware	Missouri	South Dakota
	New Jersey	

Citations

Ala. Code tit. 36, § 1(29) (1959).
13 Alaska Adm. Code § 10.240 (1971).
Ariz. Rev. Stat. Ann. § 28-602(11) (1956).
Ark. Stat. Ann. § 75-410 (1957).
Cal. Vehicle Code § 625 (Supp. 1969).
Colo. Rev. Stat. Ann. § 42-1-102(58) (1973).
Fla. Stat. § 316.003 (1971).
Ga. Code Ann. § 68A-101(37) (1975).
Hawaii Rev. Stat. § 291C-1(21) (Supp. 1971).
Idaho Code Ann. § 49-512 (1967).
Ill. Ann. Stat. ch. 95½, § 1-162 (1971).
Ind. Ann. Stat. § 9-4-1-12 (1973).
Iowa Code Ann. § 321.1(45) (1966).
Kans. Stat. Ann. § 8-501 (Supp. 1971).
La. Rev. Stat. Ann. § 32:1 (50) (Supp. 1978).
Md. Transp. Code § 11-147 (1977).
Mass. Ann. Laws ch. 90, § 1 (1967).
Mich. Stat. Ann. § 9.1842 (1960).
Minn. Stat. Ann. § 169.01(27) (1960); § 169.123(1) (Supp. 1970).
Miss. Code Ann. § 8134 (1956).
Mont. Rev. Codes Ann. § 32-2112 (1961).
Neb. Rev. Stat. § 39-602(69) (1978).
Nev. Rev. Stat. § 484.118 (1975).
N.H. Rev. Stat. Ann. § 259:1(XXIV) (1966).
N.M. Stat. Ann. § 64-1-4(B) (48), H.B. 112, CCH ASLR 161, 172 (1978).
N.Y. Vehicle and Traffic Law § 132 (1960).
N.D. Cent. Code § 39-01-01(43) (Supp. 1967).
Ohio Rev. Code Ann. § 4511.01(Z) (Supp. 1978).
Okla. Stat. Ann. tit. 47, § 1-147 (1962).
Ore. Rev. Stat. § 483.018(3) (1977).
Pa. Stat. Ann. tit. 75, § 102 (1977).
R.I. Gen. Laws Ann. § 31-1-21(a) (1956).
S.C. Code Ann. § 56-5-420 (1976).
Tenn. Code Ann. § 59-801 (1968); § 59-1044 (Supp. 1969).
Tex. Rev. Civ. Stat. art. 6701d, § 11 (1969).
Utah Code Ann. § 41-6-6(g) (1960).
Vt. Stat. Ann. tit. 23, § 4(6) (1967).
Va. Code Ann. § 46.1-1(19) (1967).
Wash. Rev. Code Ann. § 46.04.391 (Supp. 1968).
W. Va. Code Ann. § 17C-1-33 (1966); § 17C-5A-1 (Supp. 1969).
Wyo. Stat. Ann. § 31-78(g)(1) (1967).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 2(1967).

§ 1-148—Private Road or Driveway

Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Historical Note

The 1926 and 1930 Codes defined "private road or driveway" as: "Every road or driveway not open to the use of the public for the purposes of vehicular travel." UVC Act IV, § 1(o) (1926); UVC Act IV, § 1(r) (Rev. ed. 1930.) The present definition was adopted in 1934. UVC Act V, § 12(b) (Rev. ed. 1934); UVC Act V, § 14(b) (Rev. eds. 1938, 1944, 1948, 1952); UVC § 1-144 (Rev. ed. 1954); UVC § 1-148 (Rev. eds. 1956, 1962, 1968).

Statutory Annotation

Thirty-six jurisdictions are in verbatim or substantial conformity with the Code definition:

Alaska	Iowa	New Mexico [4]	Tennessee
Arizona	Kansas	New York [5]	Texas
Arkansas	Louisiana	North Dakota	Utah
California [1]	Maryland	Ohio [6]	Virginia [8]
Florida	Minnesota	Oklahoma	Washington [9]
Georgia [2]	Mississippi	Oregon [7]	West Virginia
Hawaii	Montana	Pennsylvania	Wyoming
Idaho	Nebraska	Rhode Island	District of Columbia
Illinois	Nevada [3]	South Carolina	
Indiana			

1. California substitutes "members of the public" for "persons." The definition of "driveway" is modified by § 22500(e) in unincorporated territory for purposes of parking restrictions.
2. Georgia substitutes "traffic" for "travel."
3. Nevada defines "private way" or "driveway."
4. New Mexico omits "by" before "other persons."
5. New York defines "private road" in verbatim conformity with the Code definition of "private road or driveway" and also defines "driveway" as: "Every entrance or exit used by vehicular traffic to or from lands or buildings abutting a highway."
6. Ohio omits "and" after "ownership."
7. Oregon substitutes "him" for the second "the owner" and adds "used" after "not."
8. Virginia omits "or place."
9. Washington refers to "travel of vehicles" rather than "vehicular travel."

Five states are identical to the 1926 Code:

Alabama	Delaware	South Dakota
Colorado	New Jersey	

Five jurisdictions have these definitions:

Maine—"Private road," for purposes of a section dealing with right of way, is defined as including "a private road, a private way of any description, an alleyway or a driveway."

Michigan—Defines "private driveway" as privately-owned and maintained property used for vehicular traffic that is not open or normally used by the public. A "private road" is normally open to the public and allows access to more than one residence.

North Carolina—"Every road or driveway not open to the use of the public as a matter of right for the purpose of vehicular traffic."

Wisconsin—"Every way or place in private ownership and used for vehicular travel only by the owner and those having express or implied permission from the owner and every road or driveway upon the grounds of public institutions other than those under the jurisdiction of the boards of regents of state colleges or a county board of welfare."

Puerto Rico—Defines "private road" as any road located within a private property and not intended by its owner for public use.

Six states do not have a comparable definition applicable to their rules of the road:

Connecticut	Massachusetts	New Hampshire
Kentucky	Missouri	Vermont

Citations

Ala. Code tit. 36, § 1(30) (1959).
13 Alaska Adm. Code § 10.245 (1971).
Ariz. Rev. Stat. Ann. § 28-602(12) (1956).
Ark. Stat. Ann. § 75-412(b) (1957).
Cal. Vehicle Code § 490 (1959).
Colo. Rev. Stat. Ann. § 42-1-102(59) (1973).
Del. Code Ann. tit. 21, § 101 (1953).
Fla. Stat. § 316.003(34) (1971).
Ga. Code Ann. § 68A-101(38) (1975).
Hawaii Rev. Stat. § 291C-1(22) (Supp. 1971).
Idaho Code Ann. § 49-552, amended by H.B. 197, CCH ASLR 489 (1977).
Ill. Ann. Stat. ch. 95½, § 1-163 (1971).
Ind. Ann. Stat. § 9-4-1-14(b) (1973).
Iowa Code Ann. § 321.1(49) (1966).
Kans. Stat. Ann. § 8-501 (Supp. 1971).
La. Rev. Stat. Ann. § 32:1 (51) (Supp. 1978).
Me. Rev. Stat. Ann. tit. 29 § 944 (1964).
Md. Transp. Code § 21-101 (l) (1977).
Mich. Stat. Ann. § 9.1844 (Supp. 1977).
Minn. Stat. Ann. § 169.01(30) (1960).
Miss. Code Ann. § 8137(b) (1956).
Mont. Rev. Codes Ann. § 32-2114(b) (1961).
Neb. Rev. Stat. § 39-602(70) (1978).
Nev. Rev. Stat. § 484.124 (1975).
N.J. Stat. Ann. § 39:1-1 (Supp. 1979).
N.M. Stat. Ann. § 64-7-1(B) (13), H.B. 112, CCH ASLR 161, 482 (1978).
N.Y. Vehicle and Traffic Law § § 114, 133 (1960).
N.C. Gen. Stat. § 20-38(23) (1965).
N.D. Cent. Code § 39-01-01(44) (Supp. 1967).
Ohio Rev. Code Ann. § 4511.01(DD) (Supp. 1978).
Okla. Stat. Ann. tit. 47, § 1-148 (1962).
Ore. Rev. Stat. § 483.018(4) (1977).
Pa. Stat. Ann. tit. 75, § 102 (1977).
R.I. Gen. Laws Ann. § 31-1-23(b) (1956).
S.C. Code Ann. § 56-5-450 (1976).
S.D. Comp. Laws § 32-14-1(16) (1967).
Tenn. Code Ann. § 59-801 (1968).
Tex. Rev. Civ. Stat. art. 6701d, § 13(b) (1969).
Utah Code Ann. § 41-6-7(b) (1960).

Va. Code Ann. § 46.1-1(22) (Supp. 1979).
Wash. Rev. Code Ann. § 46.04.420 (1962).
W. Va. Code Ann. § 17C-1-36 (1966).
Wis. Stat. § 340.01(46) (Supp. 1977).
Wyo. Stat. Ann. § 31-78(h)(2) (1967).
D.C. Traffic & Motor Vehicle Regs. Pt. 1. § 2(1966).
P.R. Laws Ann. tit. 9, § 316 (Supp. 1975).

§ 1-149—Railroad

A carrier of persons or property upon cars (other than streetcars) operated upon stationary rails. (Revised, 1968.)

§ 1-150—Railroad Sign or Signal

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

§ 1-151—Railroad Train

A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails (except streetcars). (REVISED, 1971.)

§ 1-152—Reconstructed Vehicle

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

§ 1-153—Registration

The registration certificate or certificates and registration plates issued under the laws of this State pertaining to the registration of vehicles.

§ 1-154—Residence District

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

Historical Note

The 1926 and 1930 editions of the Code defined "residential district" as:

> The territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

UVC Act IV, § 1(e) (1926); UVC Act IV, § 1(y) (Rev. ed. 1930). In 1934, the definition was amended to provide that the highway itself was to be included in the area covered by the definition, the word "frontage" was changed to "property," and the phrase "mainly occupied by dwellings" was changed to "in the main improved with residences." No further changes have been made. UVC Act V, § 16(b) (Rev. ed. 1934); UVC Act V, § 18(b) (Rev. eds. 1938, 1944, 1948, 1952); UVC § 1-150 (Rev. ed. 1954); UVC § 1-154 (Rev. eds. 1956, 1962, 1968).

Statutory Annotation

Thirty states have provisions defining "residence district" in verbatim conformity with the Code, except as noted:

Alaska [1]	Illinois	Montana	Rhode Island
Arizona [2]	Indiana [3]	Nebraska	South Carolina
Arkansas	Kansas	New Mexico	Tennessee [6]
Delaware	Kentucky [4]	New York	Texas
Florida	Maryland	Ohio [5]	Utah
Georgia	Minnesota	Oklahoma	Washington [7]
Hawaii	Mississippi	Pennsylvania	West Virginia
Idaho			Wyoming

1. Alaska inserts "fronting" and adds "within the provisions of § 40(b) of this chapter."
2. Arizona substitutes "the" for "such."
3. Indiana's definition provides that the distance must be at least 500 (rather than 300) feet.
4. Kentucky's definition applies only to a section (189.390) dealing with speed limits.
5. Ohio's definition substitutes "fronting on" for "contiguous to," "street or highway" for "highway," and "frontage" for "property on such highway," and it omits "in the main."
6. Tennessee omits the entire last clause, "or residences and buildings in use for business."
7. Washington's provision differs by referring to a "*public* highway" and to a "*continuous* distance" of 300 feet or more "*on either side thereof.*"

Nine states have provisions identical to the 1926 Code, except as noted:

Alabama [1]	Michigan	North Dakota
Colorado [2]	Nevada [3]	South Dakota
Louisiana	New Hampshire [4]	Wisconsin [5]

1. Alabama adds "not more than 200 feet apart" after "occupied by dwellings."
2. Colorado omits "highway" after "such." It does include the highway.
3. Nevada substitutes "residence" for "business" at the end.
4. New Hampshire has a definition of "urban residence district" identical to the 1926 Code. Its definition of "rural residence district" differs only by adding "or urban residence" after "business," replacing "300 feet" with "one-half mile" and adding "on any one side" at the end of the definition.
5. Wisconsin substitutes "where" for "when."

The laws of nine jurisdictions define "residence district" as follows:

California—"Residence district" means "that portion of a highway and the property contiguous thereto, other than a business district, (a) upon one side of which highway, within a distance of a quarter of a mile, the contiguous property fronting thereon is occupied by 13 or more separate dwelling houses or business structures, or (b) upon both sides of which highway, collectively, within a distance of a quarter of a mile, the contiguous property fronting thereon is occupied by 16 or more separate dwelling houses or business structures. A residence district may be longer than one-quarter of a mile if the above ratio of separate dwelling houses or business structures to the length of the highway exists."

Iowa—"Residence district" means "the territory within a city or town contiguous to and including a highway, not comprising a business district, suburban or school district, where 40 percent or more of the frontage on such highway for a distance of 300 feet or more is occupied by dwellings or dwellings and buildings in use for business."

Maine—"Business or residence district" means "the territory of any municipality contiguous to any way which is built up with structures which are situated less than 150 feet apart for a distance of at least ¼ mile." See UVC § 1-107 for the Code definition of "business district."

Massachusetts—"Thickly settled or business district" means "the territory contiguous to any way which is built up with structures devoted to business, or the territory contiguous to any way where the dwelling houses are situated at such distances as will average less than two hundred feet between them for a distance of a quarter of a mile or over."

New Jersey—"Residence district" means "that portion of a highway and the territory contiguous thereto, not comprising a business district, where within any 600 feet along such highway there are buildings in use for business or residential purposes which occupy 300 feet or more of frontage on at least one side of the highway."

North Carolina—"Residential district" is "the territory prescribed as such by ordinance of the Department of Transportation."

Oregon—"Residence district" means the territory contiguous to a highway not comprising a business district when the frontage on one or both sides of such highway for a distance of 300 feet or more is mainly occupied by dwellings, churches, public parks within cities or other residential service facilities or by dwellings and buildings used for business.

Virginia—"Residence district" is "the territory contiguous to a highway, not comprising a business district, where 75 per centum or more of the property contiguous to such highway, on either side of the highway, for a distance of 300 feet or more along the highway is occupied by dwellings and land improved for dwelling purposes, or by dwellings, land improved for dwelling purposes and land or buildings in use for business purposes."

District of Columbia—"Residence district" is "all territory not designated as a business district, except National Capital parks and government reservations."

Four jurisdictions do not define "residence district" for purposes of their rules of the road:

Connecticut Missouri Vermont Puerto Rico

Citations

Ala. Code tit. 36, § 1(34) (1959).
13 Alaska Adm. Code § 10.260 (1971).
Ariz. Rev. Stat. § 28-101 (Supp. 1978).
Ark. Stat. Ann. § 75-416(b) (1957).
Cal. Vehicle Code § 515 (1959).
Colo. Rev. Stat. Ann. § 42-1-102(63) (Supp. 1976).
Del. Code Ann. tit. 21, § 101 (1953).
Fla. Stat. § 316.003(39) (1971).
Ga. Code Ann. § 68A-101(42) (1975).
Hawaii Rev. Stat. § 291C-1(26) (Supp. 1971).
Idaho Code Ann. § 49-518 (1967).
Ill. Ann. Stat. ch. 95½, § 1-172 (1971).
Ind. Ann. Stat. § 9-4-1-18(b) (1973).
Iowa Code Ann. § 321.1(58) (1966).
Kans. Stat. Ann. § 8-501 (Supp. 1971).
Ky. Rev. Stat. Ann. § 189.390(7) (b) (1977).
La. Rev. Stat. Ann. § 32:1(56) (Supp. 1978).
Me. Rev. Stat. Ann. tit. 29, § 1-E (Supp. 1968).
Md. Transp. Code § 21-101(n) (1977).
Mass. Ann. Laws ch. 90, § 1 (1967).
Mich. Stat. Ann. § 9.1851 (1960).
Minn. Stat. Ann. § 169.01(40) (1960).
Miss. Code Ann. § 8141(b) (1956).
Mont. Rev. Codes Ann. § 32-2118(b) (1961).
Neb. Rev. Stat. § 39-602(78) (1978).
Nev. Rev. Stat. § 484.136 (1975).
N.H. Rev. Stat. Ann. § 259:1(XXXVII) (1966).
N.J. Rev. Stat. § 39:1-1(Supp. 1979).
N.M. Stat. Ann. § 64-7-1(B) (15), amended by H.B. 112, CCH ASLR 161, 482 (1978).
N.Y. Vehicle and Traffic Law § 138 (1960).
N.C. Gen. Stat. § 20-4.01 (Supp. 1977).
N.D. Cent. Code § 39-01-01(49) (Supp. 1969).
Ohio Rev. Code Ann. § 4511.01(OO) (Supp. 1978).
Okla. Stat. Ann. tit. 47, § 1-154 (1962).
Ore. Rev. Stat. § 483.020(1) (1977).
Pa. Stat. Ann. tit. 75, § 102 (1977).
R.I. Gen. Laws § 31-1-27 (1956).
S.C. Code Ann. § 56-5-530 (1976).
S.D. Comp. Laws § 32-14-1(21) (1967).
Tenn. Code Ann. § 59-801 (1968).
Tex. Rev. Civ. Stat. art. 6701d, § 17(b) (1969).
Utah Code Ann. § 41-6-8(c) (1960).
Va. Code Ann. § 46.1-1(24) (Supp. 1979).
Wash. Rev. Code Ann. § 46.04.470 (1962).
W.Va. Code Ann. § 17C-1-46 (1966).
Wis. Stat. Ann. § 340.01(50) (1967).
Wyo. Stat. Ann. § 31-78(i) (2) (1967).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 2 (1966).

§ 1-155—Revocation of Driver's License

The termination by formal action of the department of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the department after the expiration of the applicable period of time prescribed in this act. (Revised, 1968.)

§ 1-156—Right of Way

The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other. (Revised, 1962.)

Historical Note

From 1926 until 1952 the Code defined "right of way" as "the privilege of the immediate use of the highway." UVC Act IV, § 1(r) (1926); UVC Act IV, § 1(w) (Rev. ed. 1930); UVC Act V, § 19 (Rev. ed. 1934); UVC Act V, § 21 (Rev. eds. 1938, 1944, 1948).

In 1952, the word "highway" was changed to "roadway." The definition was amended to read as shown above in 1962. UVC Act V, § 21 (Rev. ed. 1952); UVC § 1-152 (Rev. ed. 1954); UVC § 1-156 (Rev. eds. 1956, 1962, 1968).

Statutory Annotation

Twenty-one jurisdictions conform with the Code definition:

Alaska	Illinois [2]	Oregon	Washington [3]
Colorado [1]	Kansas	Pennsylvania	Wyoming
Florida	Kentucky	South Carolina	District of
Georgia	Nebraska	South Dakota	Columbia
Hawaii	Nevada	Texas	
Idaho	New York	Utah	

1. Colorado refers to "vehicle operator" and not "vehicle."
2. However, a second law (§ 1-219) defines "yield right of way" as the act of granting the privilege of the immediate use of the intersecting roadway.
3. Washington defines "vehicle or pedestrian right of way."

The Maryland and Ohio definitions are probably in substantial conformity. The Maryland law provides: "Right of way means the right of one vehicle or pedestrian to proceed in a lawful manner on a highway in preference to another vehicle or pedestrian." The Ohio law defines "right of way" as: "The right of a vehicle, streetcar, trackless trolley, or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or he is moving in preference to another vehicle, streetcar, trackless trolley, or pedestrian approaching from a different direction into its or his path."

Six states have provisions that are identical to the 1956 Code provision defining "right of way" as "the privilege of the immediate use of the roadway":

Montana	North Dakota	Tennessee
New Mexico	Oklahoma	Wisconsin

Fourteen states have definitions identical to that appearing in the Code from 1926 to 1952 defining "right of way" as "the privilege of the immediate use of the *highway*":

Alabama	Delaware	Louisiana	Mississippi
Arizona	Indiana	Michigan	New Jersey
Arkansas	Iowa	Minnesota	Rhode Island
California			West Virginia

Puerto Rico defines it as "the right that a vehicle or pedestrian has to legally go on and with preference over another vehicle or pedestrian approaching thereat, when the circumstances of speed, direction and proximity are such that an accident could be precipitated, unless one of them yields the way to the other."

Eight states do not define "right of way" for their rules of the road:

Connecticut	Massachusetts	New Hampshire	Vermont
Maine	Missouri	North Carolina	Virginia

Citations

Ala. Code tit. 36, § 1(35) (1959).
13 Alaska Adm. Code § 10.270 (1971).
Ariz. Rev. Stat. Ann. § 28-101 (Supp. 1978).
Ark. Stat. Ann. § 75-419 (1957).
Cal. Vehicle Code § 525 (1960).
Colo. Rev. Stat. Ann. § 42-1-102(65) (Supp. 1976).
Del. Code Ann. tit. 21, § 101 (1953).
Fla. Stat. § 316.003(41) (1971).
Ga. Code Ann. § 68A-101(43) (1977).
Hawaii Rev. Stat. § 291C-1(27) (Supp. 1971).
Idaho Code Ann. § 49-558, amended by H.B. 197, CCH ASLR 489 (1977).
Ill. Ann. Stat. ch. 95½, § 1-177 (1971).
Ind. Ann. Stat. § 9-4-1-21 (1973).
Iowa Code Ann. § 321.1(66) (1966).

Kans. Stat. Ann. § 8-501 (Supp. 1971).
Ky. Rev. Stat. Ann. § 189.010(8), H.B. 24, CCH ASLR 1653 (1978).
La. Rev. Stat. Ann. § 32:1(57) (Supp. 1978).
Md. Transp. Code § 21-101(O) (1977).
Mich. Stat. Ann. § 9.1853 (1960).
Minn. Stat. Ann. § 169.01(45) (1960).
Miss. Code Ann. § 8144(a) (1957).
Mont. Rev. Codes Ann. § 32-2121 (1961).
Neb. Rev. Stat. § 39-602(80) (1974).
Nev. Rev. Stat. § 484.141 (1975).
N.J. Rev. Stat. § 39:1-1 (Supp. 1979).
N.M. Stat. Ann. § 64-7-1(B) (16), H.B. 112, CCH ASLR 161, 483 (1978).
N.Y. Vehicle and Traffic Law § 139 (Supp. 1966).
N.D. Cent. Code § 39-01-01(50) (Supp. 1965).
Ohio Rev. Code Ann. § 4511.01(uu) (Supp. 1978).
Okla. Stat. Ann. tit. 47, § 1-156 (1962).
Ore. Rev. Stat. § 487.005(16) (1977).
Pa. Stat. Ann. tit. 75, § 102 (1977).
R.I. Gen. Laws Ann. § 31-1-30 (1957).
S.C. Code Ann. § 56-5-580, amended by H.B. 2836, CCH ASLR 65, 66 (1978).
S.D. Comp. Laws § 32-14-1(19) (Supp. 1971).
Tenn. Code Ann. § 59-801 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 20 (Supp. 1972).
Utah Code Ann. § 41-6-9(c) (Supp. 1965).
Wash. Rev. Code § 46.04.672 (Supp. 1976).
W.Va. Code Ann. § 17C-1-51 (1966).
Wis. Stat. Ann. § 340.01(51) (1958).
Wyo. Stat. Ann. § 31-78(j) (5) (Supp. 1965).
D.C. Traffic & Motor Vehicle Regs. Pt. I. § 2 (1966).
P.R. Laws Ann. tit. 9, § 321 (Supp. 1975).

§ 1-158—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. (REVISED, 1975.)

Historical Note

The Code first defined "roadway" in 1930 as:

> That portion of a street or highway between the regularly established curb lines or that part improved and intended to be used for vehicular travel.

UVC Act IV, § 1(r) (Rev. ed. 1930). The 1934 Code stated simply that a "roadway" was "that portion of a highway improved, designed or ordinarily used for vehicular travel." UVC Act V, § 12(c) (Rev. ed. 1934); UVC Act V, § 14(c) (Rev. ed. 1938). A 1944 amendment specifically excluded any berm or shoulder and added the second sentence so that, from 1944 until 1975, the definition read as follows:

> That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively. UVC Act V, § 14(c) (Rev. eds. 1944, 1948, 1952); UVC § 1-154 (Rev. ed. 1954); UVC § 1-158 (Rev. eds. 1956, 1962, 1968).

In 1975, the definition was amended as follows:

> 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. (REVISED, 1975.)

The need to exclude sidewalks and shoulders used by bicyclists from the definition of "roadway" arose from the inclusion of bicycles as "vehicles" in UVC § 1-184.

Statutory Annotation

One state—Idaho—duplicates the 1975 Code.

Five states conform substantially with the 1975 Code:

Alaska	Pennsylvania [2]	Rhode Island [3]	Washington [4]
Minnesota [1]			

1. Minnesota omits any reference to "berm."
2. Pennsylvania refers to pedalcycles instead of bicycles and other human powered vehicles.
3. Rhode Island omits "or other human powered vehicles."
4. Washington omits "berm" and "or other human powered vehicles."

Twenty-six states are in verbatim conformity with the 1968 Code definition, except as noted:

Alabama	Illinois	New Jersey	South Carolina [5]
Arizona [1]	Kansas	New Mexico	South Dakota
Colorado	Kentucky	New York [3]	Tennessee
Delaware	Maryland [2]	North Dakota	Texas
Florida	Montana	Ohio [4]	Utah
Georgia	Nebraska	Oregon	West Virginia
Hawaii			Wyoming

1. Arizona substitutes "in this chapter" for "herein," "if" for "in the event" and "word" for "term."
2. Maryland does not exclude the "berm."
3. New York excludes shoulders and slopes from its definition of roadway. A "slope" is the part of the highway outside the roadway and shoulder. It also defines "shoulder" as the improved part of a highway that is contiguous with the roadway.
4. Ohio omits "as used herein" and substitutes "except" for "exclusive of" and "if" for "in the event."
5. South Carolina substitutes "in this chapter" for "herein."

North Carolina and Oklahoma differ from the Code only by omitting the words "berm or."

Michigan and the District of Columbia differ from the Code only by omitting the clause "exclusive of the berm or shoulder." Michigan defines "shoulder" as the part of a highway contiguous to the roadway which is not designed for vehicular travel and which is maintained for the temporary accommodation of disabled or stopped vehicles.

Six states have definitions identical to that in the 1934 Code:

Arkansas	Indiana	Mississippi
California	Iowa	Oregon

The Massachusetts regulations define "roadway" as did the 1930 Code, except for adding "exclusive of shoulders" after "part."

Five states define "roadway" as follows:

Louisiana—"That portion of a highway improved, designed, or ordinarily used for vehicular traffic, exclusive of the berm or shoulder. A divided highway has two or more roadways."

Nevada—Defines "roadway" as the portion of a highway improved and ordinarily used for vehicular traffic, exclusive of the shoulder.

Vermont—Definition copies first sentence of 1968 Code but omits "berm or."

Virginia—"That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical barrier or barriers or unpaved area."

Wisconsin—" 'Roadway' means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway the term 'roadway' refers to each roadway separately but not to all such roadways collectively."

Five jurisdictions do not define "roadway" for purposes of rules of the road:

Connecticut	Missouri *	New Hampshire *	Puerto Rico
Maine *			

* See the Annotation for § 1-122, *supra*.

Citations

Ala. Code tit. 36, § 1(37) (1959).
Alaska Stat. § 28.35.260(6) (1977).
Ariz. Rev. Stat. Ann. § 28-602(16) (1956).
Ark. Stat. Ann. § 75-412(c) (1957).
Cal. Vehicle Code § 530 (1959).
Colo. Rev. Stat. Ann. § 42-1-102(67) (Supp. 1976).
Del. Code Ann. tit. 21, § 101 (Supp. 1968).
Fla. Stat. § 316.003(43) (1971).
Ga. Code Ann. § 68A-101(44) (1975).
Hawaii Rev. Stat. § 291C-1(28) (Supp. 1971).
Idaho Code Ann. § 49-559, amended by H.B. 197, CCH ASLR 490 (1977).
Ill. Ann. Stat. ch. 95½, § 1-179 (1971).
Ind. Ann. Stat. § 9-4-1-14(c) (1973).
Iowa Code Ann. § 321.1(50) (1966).
Kans. Stat. Ann. § 8-501 (Supp. 1971).
Ky. Rev. Stat. Ann. § 189.010(9), H.B. 24, CCH ASLR 1653 (1978).
La. Rev. Stat. Ann. § 32:1(59) (Supp. 1978).
Md. Transp. Code § 11-151 (1977).
Mass. Rules & Regs. for Driving on State Highways § 1(r) (Jan. 1972).
Mich. Stat. Ann. § 9.1855 (1960).
Minn. Stat. Ann. § 169.01(31) (Supp. 1978).
Miss. Code Ann. § 8137(c) (1956).
Mont. Rev. Codes Ann. § 32-2114(c) (1961).
Neb. Rev. Stat. § 39-602(82) (1978).
Nev. Rev. Stat. § 484.145 (1975).
N.J. Stat. Ann. § 39:1-1 (Supp. 1979).
N.M. Stat. Ann. § 64-7-1(B) (17), H.B. 112, CCH ASLR 161, 483 (1978).
N.Y. Vehicle and Traffic Law § 140 (Supp. 1977).
N.C. Gen. Stat. § 20-38(29) (1965).
N.D. Cent. Code § 39-01-01(52) (Supp. 1967).
Ohio Rev. Code Ann. § 4511.01(EE) (Supp. 1978).
Okla. Stat. Ann. tit. 47, § 1-158(a) (1962).
Ore. Rev. Stat. § 487.005(17) (1977).
Pa. Stat. Ann. tit. 75, § 102 (1977).
R.I. Gen. Laws Ann. § 31-1-23(b) (Supp. 1977).
S.C. Code Ann. § 56-5-460 (1976).
S.D. Comp. Laws § 32-14-1(29) (Supp. 1971).
Tenn. Code Ann. § 59-801 (1968).
Tex. Rev. Civ. Stat. art. 6701d, § 13(c) (Supp. 1971).
Utah Code Ann. § 41-6-7(c) (1960).
Va. Code Ann. § 46.1-1(10a) (1967).
Vt. Stat. Ann. tit. 23, § 4(32) (Supp. 1977).
Wash. Rev. Code Ann. § 46.04.500 (Supp. 1978).
W.Va. Code Ann. § 17C-1-37 (1966).
Wis. Stat. § 340.01(54) (1967).
Wyo. Stat. Ann. § 31-78(h) (3) (1967).
17 D.C. Reg. § 2 (1970); 32 D.C. Reg. § 11.101(n).

§ 1-159—Safety Zone

The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

§ 1-160—School Bus

Every motor vehicle that complies with the color and identification requirements set forth in the most recent edition of *Minimum Standards for School Buses* and is used to transport children to or from school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children. (Revised, 1962.)

§ 1-161—Security Agreement

A written agreement which reserves or creates a security interest.

§ 1-162—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.

§ 1-163—Semitrailer

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

§ 1-164—Sidewalk

That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians. (Revised, 1968.)

Historical Note

The 1930 Code defined "sidewalk" as "that portion of a street between the curb lines and the adjacent property lines." UVC Act IV, § 1(s) (Rev. ed. 1930). The present definition was adopted in 1934 except that, until 1968, the final phrase read "intended for use *of* pedestrians." UVC Act V, § 12(d) (Rev. ed. 1934); UVC Act V, § 14(d) (Rev. eds. 1938, 1944, 1948, 1952); UVC § 1-158 (Rev. ed. 1954); UVC § 1-164 (Rev. eds. 1956, 1962, 1968).

Statutory Annotation

Five states duplicate the Code:

Idaho	Nebraska *	Pennsylvania	Vermont
Kansas			

* Substitutes "highway" for "street."

Maryland substitutes "highway" for "street" and uses different phraseology, but is clearly in conformity.

Thirty-three jurisdictions are in verbatim conformity with the Code definition of 1934 to 1968 except as noted (no distinction is made between states which refer to "the use" and those which simply refer to "use" of pedestrians):

Alabama	Indiana	New Mexico	South Dakota
Alaska [1]	Iowa	New York	Tennessee
Arizona	Louisiana [2]	North Dakota	Texas
Arkansas	Michigan	Ohio	Utah
Colorado	Minnesota	Oklahoma	West Virginia
Florida	Mississippi [3]	Oregon	Wisconsin [1]
Georgia	Montana	Rhode Island	Wyoming
Hawaii	Nevada [2]	South Carolina	District of Columbia
Illinois			

1. Alaska and Wisconsin substitute "highway" for "street."
2. Louisiana and Nevada substitute "a highway" for "the street" and for "a roadway."
3. Mississippi omits "the" before "curb lines."

Six jurisdictions define "sidewalk" as:

California—"That portion of a highway, other than a roadway, set apart by curbs, barriers, markings or other delineation for pedestrian travel."

Connecticut—"Sidewalk," as defined for purposes of rules of the road applicable to bicycles, means "any sidewalk laid out as such by any town, city or borough, and any walk which is reserved by custom for the use of pedestrians, or which has been specially prepared for their use. It shall not include crosswalks, nor . . . footpaths or portions of public highways outside thickly settled (districts) . . . ."

Massachusetts—"That portion of a highway set aside for pedestrian travel."

New Jersey—"That portion of a highway intended for the use of pedestrians, between the curb line or the lateral line of a shoulder, or if none, the lateral line of the roadway, and the adjacent right of way line."

Washington—"That property between the curb lines or the lateral lines of a roadway and the adjacent property, set aside and intended for the

use of pedestrians or such portion of private property parallel and in proximity to a public highway and dedicated to use by pedestrians."

Puerto Rico—"That portion of a thoroughfare between the curb lines or between the lateral borders of the roadway and the boundary of the adjacent properties, for the use of pedestrians."

Seven states have no such definition applicable to their rules of the road:

Delaware	Maine	New Hampshire	Virginia
Kentucky	Missouri	North Carolina	

Citations

Ala. Code tit. 36, § 1(41) (1959).
13 Alaska Adm. Code § 10.310 (1971).
Ariz. Rev. Stat. Ann. § 28-602(17) (1956).
Ark. Stat. Ann. § 75-412 (1957).
Cal. Vehicle Code § 555 (1959).
Colo. Rev. Stat. Ann. § 42-1-102(71) (1973).
Conn. Gen. Stat. Ann. § 14-286(1958).
Fla. Stat. § 316.003(48) (1971).
Ga. Code Ann. § 68-1504(1) (d) (1967).
Hawaii Rev. Stat. § 291C-1(31) (Supp. 1971).
Idaho Code Ann. § 49-563, amended by H.B. 197, CCH ASLR 490 (1977).
Ill. Ann. Stat. ch. 95½, § 1-188 (1971).
Ind. Ann. Stat. § 9-4-1-14(d) (1973).
Iowa Code Ann. § 321.1(51) (1966).
Kans. Stat. Ann. § 8-1465 (1976).
La. Rev. Stat. Ann. § 32:1(66) (Supp. 1978).
Md. Transp. Code § 21-101(Q) (1977).
Mass. Rules & Regs. for Driving on State Highways § 1(t) (Jan. 1972).
Mich. Stat. Ann. § 9.1860 (1960).
Minn. Stat. Ann. § 169.01(33) (1960).
Miss. Code Ann. § 8137(d) (1956).
Mont. Rev. Codes Ann. § 32-2114(d) (1961).
Neb. Rev. Stat. § 39-602(91) (1978).
Nev. Rev. Stat. § 484.171 (1975).
N.J. Stat. Ann. § 39:1-1 (Supp. 1979).
N.M. Stat. Ann. § 64-7-1(b) (19). H.B. 112, CCH ASLR 161, 483 (1978).
N.Y. Vehicle and Traffic Law § 144 (1960).
N.D. Cent. Code § 39-01-01(56) (Supp. 1967).
Ohio Rev. Code Ann. § 4511.01(FF) (Supp. 1978).
Okla. Stat. Ann. tit. 47, § 1-163 (1962).
Ore. Rev. Stat. § 487.005 (1977).
Pa. Stat. Ann. tit. 75, § 102 (1977).
R.I. Gen. Laws Ann. § 31-1-23(d) (1956).
S.C. Code § 56-5-480 (1976).
S.D. Comp. Laws § 32-14-1(3) (Supp. 1971).
Tenn. Code Ann. § 59-801 (1968).
Tex. Rev. Civ. Stat. art. 6701d, § 13d (1969).
Utah Code Ann. § 41-6-7(d) (1960).
Vt. Stat. Ann. tit. 23, § 4(35) (Supp. 1977).
Wash. Rev. Code Ann. § 46.04.540 (1962).
W. Va. Code Ann. § 17C-1-38 (1966).
Wis. Stat. § 340.01(58) (1967).
Wyo. Stat. Ann. § 31-78(h) (4) (1967).
D.C. Traffic & Motor Vehicle Regs. Pt. 1, § 2 (1966).
P.R. Laws Ann. tit. 9, § 303 (Supp. 1975).

§ 1-165—Solid Rubber Tire

Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load. (Revised, 1971.)

§ 1-166—Special Mobile Equipment

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

§ 1-167—Specially Constructed Vehicle

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

§ 1-168—Stand or Standing

Means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

§ 1-169—State

A state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of Canada. (Revised, 1968.)

§ 1-170—Stop

When required means complete cessation from movement.

§ 1-171—Stop or Stopping

When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

§ 1-172—Street

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

§ 1-173—Streetcar

A car other than a railroad train for transporting persons or property and operated upon rails principally within a municipality.

§ 1-174—Suspension of Driver's License

The temporary withdrawal by formal action of the department of a person's license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be for a period specifically designated by the department. (Revised, 1968.)

§ 1-175—Through Highway

Every highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right of way to vehicles on such through highway in obedience to a stop sign, yield sign, or other official traffic-control device, when such signs or devices are erected as provided in this act. (Revised, 1968.)

Historical Note

The Code first defined "through highway" in 1934 as:

> Every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this act.

UVC Act V, § 12(f) (Rev. ed. 1934); UVC Act V, § 14(f) (Rev. eds. 1938, 1944, 1948, 1952); UVC § 1-167 (Rev. ed. 1954).

In 1956, the section was amended to read:

> 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 right of way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this act.

UVC § 1-175 (Rev. eds. 1956, 1962). In 1968, it was changed as follows:

> 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 [either] a stop sign, [or a] yield sign, *or other official traffic-control device*, when such signs *or devices* are erected as provided in this act.

Statutory Annotation

Ten states have laws closely patterned after the 1968 Code:

Colorado	Idaho [1]	Nebraska	Pennsylvania
Georgia	Kansas	Nevada [2]	South Carolina
Hawaii			Texas

1. Idaho omits "as provided in this act."
2. Nevada inserts "an authorized" before "stop sign."

Six states are in verbatim conformity with the 1956–1962 Code definition except as noted:

Florida [1]	Louisiana [2]	Maryland	North Dakota [3]
Illinois			Oklahoma

1. Florida substitutes "or otherwise in obedience to law" for everything after "yield sign."
2. Louisiana adds "the" before "right of way," as does the present Code.
3. North Dakota substitutes "by law" for "as provided in this act," adds "and" before "in obedience," and omits "a" before "yield sign."

Fourteen jurisdictions are in verbatim or substantial conformity with the 1934–1954 Code definition:

Alabama	Mississippi	Rhode Island	Wyoming
Arizona [1]	Montana	Tennessee [2]	District of
Arkansas	New Jersey	Utah	Columbia [3]
Minnesota	New Mexico	West Virginia	

1. Arizona omits "the same."
2. Tennessee adds a sentence providing: "The department of highways and public works shall be authorized to designate such through highways."
3. The District of Columbia defines "through street or highway" and adds "and when stop signs *or flashing red signals* are erected as provided in these regulations."

The first half of the Indiana definition is identical to the first part of the 1934–1954 Code; the second half, beginning after "required by law," is identical to the 1956–1962 Code.

Seven states have these definitions:

Alaska—"Through highway means a highway or portion thereof on which vehicular traffic is given preferential right-of-way by stop or yield signs erected at entrances from intersecting roadways, or otherwise as provided by law."

California—"A through highway is a highway or portion thereof at the entrance to which vehicular traffic from intersecting highways is regulated by stop signs or traffic control signals or is controlled when entering on a right-turn roadway by a yield-right-of-way sign."

Iowa—"Through (or Thru) highway means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter or such entrances are controlled by a police officer or traffic-control signal. The term 'arterial' shall be synonymous with 'through' or 'thru' when applied to highways of this state."

Michigan—"Through highway means every state trunk line highway, or, any other highway at the entrance to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same."

New York—"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 controlled by traffic-control signals or* is required by law to yield *the* right of way to vehicles on such through highway in obedience to a *flashing red signal*, a stop sign or a yield sign when such *signals or* signs are erected as provided in this act." The italicized portions differ from the 1956–1962 Code definition.

Ohio—"Through highway means every street or highway as provided in § 4511.65 of the Revised Code." That section provides: "All state routes and all sections of streets and highways on which are operated streetcars, trackless trolleys, and other electric cars, or motor coaches for carrying passengers, for hire, along a fixed or regular route under authority granted by the municipal corporation within which such route lies, are hereby designated as through highways, provided that stop signs shall be erected at all intersections with such through highways, by the department of highways as to highways under its jurisdiction, and by local authorities as to highways under their jurisdiction, except as otherwise provided in this section . . . . Other streets or highways, or portions thereof, within a municipal corporation, with a continuous length of more than one mile between the limits of said street or highway or portion thereof, at the entrances to which vehicular traffic from the majority of intersecting streets is controlled by 'stop' or 'yield' signs or traffic-control signals are hereby designated as through highways. . . ."

Wisconsin—"Through highway" means "every highway or portion thereof which has been declared by state or local authorities pursuant to § 349.07 to be a through highway and at the entrances to which vehicular traffic from intersecting highways is required by traffic-control signals or stop signs to stop."

Fourteen states do not have definitions of "through highway" applicable to their rules of the road:

Connecticut	Massachusetts	North Carolina	Vermont
Delaware *	Missouri	Oregon	Virginia
Kentucky	New Hampshire	South Dakota	Washington
Maine			Puerto Rico

* See the Delaware definition of "express highway," cited in the Annotation to § 1-110, *supra*.

Citations

Ala. Code tit. 36, § 1(48) (1959).
13 Alaska Adm. Code § 10.350 (1971).
Ariz. Rev. Stat. Ann. § 28-602(20) (1956).
Ark. Stat. Ann. § 75-412(f) (1957).
Cal. Vehicle Code § 600 (Supp. 1971).
Colo. Rev. Stat. Ann. § 42-1-102(79) (Supp. 1976).
Fla. Stat. § 316.003(56) (1971).
Ga. Code Ann. § 68A-101(55) (1975).
Hawaii Rev. Stat. § 291C-1(36) (Supp. 1971).
Idaho Code Ann. § 49-526, amended by H.B. 197, CCH ASLR 486 (1977).
Ill. Ann. Stat. ch. 95½, § 1-205 (1971).
Ind. Ann. Stat. § 9-4-1-14(f) (1973).
Iowa Code Ann. § 321.1(53) (1966).
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La. Rev. Stat. Ann. § 32:1(80) (Supp. 1978).
Md. Ann. Code § 21-101(R) (1977).
Mich. Stat. Ann. § 9.1868 (1960).
Minn. Stat. Ann. § 169.01(35) (1960).
Miss. Code Ann. § 8137(f) (1956).
Mont. Rev. Codes Ann. § 32-2114(f) (1961).
Neb. Rev. Stat. § 39-602(102) (1978).
Nev. Rev. Stat. § 484.199 (1975).

N.J. Stat. Ann. § 39:1-1 (Supp. 1979).
N.M. Stat. Ann. § 64-7-1(B) (23), H.B. 112, CCH ASLR 161, 484 (1978).
N.Y. Vehicle and Traffic Law § 149 (1960).
N.D. Cent. Code § 39-01-01(64) (Supp. 1967).
Ohio Rev. Code Ann. § 4511.65 (Supp. 1967)
Okla. Stat. Ann. tit. 47, § 1-175 (1962).
Pa. Stat. Ann. tit. 75, § 102 (1977).
R.I. Gen. Laws Ann. § 31-1-23(f) (1956).
S.C. Code Ann. § 56-5-440, amended by H.B. 2836, CCH ASLR 65, 66 (1978).
Tenn. Code Ann. § 59-801 (1968).
Tex. Rev. Civ. Stat. art. 6701d, § 13(f) (Supp. 1971).
Utah Code Ann. § 41-6-7(f) (1960).
W.Va. Code Ann. § 17C-1-40 (1966).
Wis. Stat. § 340.01(67) (1967).
Wyo. Stat. Ann. § 31-78(h) (6) (1967).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 2(1966).

§ 1-176—Trackless Trolley Coach

Every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

§ 1-177—Traffic

Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel.

§ 1-178—Traffic-control Signal

Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

Historical Note

Except for the word "permitted," which was added in 1962, this definition has been in the Code without change since 1930. In 1934 and 1938, however, the term defined was "official traffic-control signal." UVC Act IV, § 1(cc) (Rev. ed. 1930); UVC Act V, § 17(b) (Rev. ed. 1934); UVC Act V, § 19(b) (Rev. eds. 1938, 1944, 1948, 1952); UVC § 1-170 (Rev. ed. 1954); UVC § 1-178 (Rev. eds. 1956, 1962, 1968).

Statutory Annotation

Fourteen states are identical to the Code except as noted:

Florida [1]	Illinois [2]	Minnesota	Pennsylvania
Georgia	Kansas	Nebraska [3]	Texas
Hawaii	Maryland	New York	Wisconsin
Idaho			Wyoming

1. Retains caption "official traffic control signal."
2. Illinois inserts "official traffic control" before "device."
3. Nebraska substitutes "signal" for "device."

Twenty-six jurisdictions are in verbatim or substantial conformity with the 1930–1962 Code by omitting the word "permitted." An asterisk in the following listing indicates that the state defines "*official* traffic-control signal" as the Code did in 1934 and 1938:

Alabama	Delaware	New Mexico	Tennessee
Alaska	* Indiana [1]	North Dakota	* Utah
Arizona	* Iowa	Ohio [5]	Washington [7]
* Arkansas	Michigan	Oklahoma	West Virginia
* California [1]	* Mississippi	Oregon [6]	District of
* Colorado	Montana	Rhode Island	Columbia
Connecticut [2]	New Jersey [4]	South Carolina	

1. California adds "erected by authority of a public body or official having jurisdiction."
2. Connecticut's definition applies only to rules of the road in chapter 249.
3. Indiana adds "not inconsistent with this chapter" after "device."
4. New Jersey refers to devices "manually, electrically, mechanically *or otherwise controlled.*"
5. The Ohio law reads ". . . directed to stop, to proceed, to change direction, or not to change direction."
6. Oregon substitutes "directed" for "alternately directed to stop and permitted to proceed."
7. The Washington definition refers to any *traffic* device . . . by which *traffic alternately* is directed to stop *or* proceed *or otherwise controlled.*

Louisiana defines "traffic control signal" as a "type of highway traffic signal, manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed."

Massachusetts provides that a "traffic-control signal" is a "highway traffic signal which, through its indications, alternately directs traffic to stop and permits it to proceed and which has been erected by the department of public works." A "highway traffic signal" is any "power-operated traffic-control device, except a sign, by which traffic is warned or is directed to take some specific action, and which has been erected by the department of public works."

Nevada defines this term as any official device (whether manually, electrically or mechanically operated) by which traffic is alternately directed to stop or proceed and which is placed or erected by a public authority *or railroad.*

Puerto Rico defines "traffic signals" as signals, traffic-control lights, markings or devices that have been "installed or placed by authority of an organization or official with jurisdiction therefor, for the purpose of installing, orientating or directing traffic."

Eight states do not define "traffic-control signal" for purposes of their rules of the road:

Kentucky	Missouri	North Carolina	Vermont
Maine	New Hampshire	South Dakota	Virginia

Citations

Ala. Code tit. 36, § 1(46) (1959).
13 Alaska Adm. Code § 10.365 (1971).
Ariz. Rev. Stat. Ann. § 28-602(ZZ) (1956).
Ark. Stat. Ann. § 75-417(b) (1957).
Cal. Vehicle Code § 445 (1959).
Colo. Rev. Stat. Ann. § 42-1-102(52) (1973).
Conn. Gen. Stat. Ann. § 14-297 (1970).
Del. Code Ann. tit. 21, § 501(a) (Supp. 1968).
Fla. Stat. § 316.003(24) (1971).
Ga. Code Ann. § 68-1504(6) (b) (1967).
Hawaii Rev. Stat. § 291C-1(38) (Supp. 1971).
Idaho Code Ann. 49-574, amended by H.B. 197, CCH ASLR 492 (1977).
Ill. Ann. Stat. ch. 95½, § 1-208 (1971).
Ind. Ann. Stat. § 9-4-1-19(b) (Supp. 1978).
Iowa Code Ann. § 321.1(63) (1966).
Kans. Stat. Ann. § 8-1475 (1976).
La. Rev. Stat. Ann. § 32:1(83) (Supp. 1978).
Md. Transp. Code § 11-168 (1977).
Mass. Rules & Regs. for Driving on State Highways §§ 1(x), (j) (Jan. 1972)
Mich. Stat. Ann. § 9.1872 (1960).
Minn. Stat. Ann. § 169.01(42) (Supp. 1969).
Miss. Code Ann. § 8142(b) (1956).
Mont. Rev. Codes Ann. § 32-2119(b) (1961).
Neb. Rev. Stat. § 39-602(105) (1974).
Nev. Rev. Stat. § 484.205 (1975).
N.J. Stat. Ann. § 39:1-1 (Supp. 1979).
N.M. Stat. Ann. § 64-7-1(B) (25), H.B. 112, CCH ASLR 161, 484 (1978).
N.Y. Vehicle and Traffic Law § 154 (Supp. 1968).
N.D. Cent. Code § 39-01-01(67) (Supp. 1967).
Ohio Rev. Code Ann. § 4511.01(RR) (Supp. 1978).
Okla. Stat. Ann. tit. 47, § 1-178 (1962).
Ore. Rev. Stat. § 483.028(2) (1977).
Pa. Stat. Ann. tit. 75, § 102 (1977).
R.I. Gen. Laws Ann. § 31-1-28(b) (1956).
S.C. Code Ann. § 56-5-550 (1976).
Tenn. Code Ann. § 59-801 (1968).
Tex. Rev. Civ. Stat. art. 6701d, § 18(b) (Supp. 1972).
Utah Code Ann. § 41-6-9(b) (1960).
Wash. Rev. Code Ann. § 46.04.600 (1962).
W.Va. Code Ann. § 17C-1-48 (1966).
Wis. Stat. Ann. § 340.01(69) (Supp. 1977).
Wyo. Stat. Ann. § 31-78(3) (1967).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 2 (1966).
P.R. Laws Ann. tit. 9, § 353 (Supp. 1975).

§ 1-179—Trailer

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

§ 1-180—Transporter

Every person engaged in the business of delivering vehicles of a type required to be registered hereunder from

a manufacturing, assembling or distributing plant to dealers or sales agents of a manufacturer.

§ 1-181—Truck

Every motor vehicle designed, used or maintained primarily for the transportation of property.

§ 1-181.1—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. (New, 1971.)

§ 1-182—Truck Tractor

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

§ 1-183—Urban District

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

§ 1-184—Vehicle

Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks. (REVISED, 1975.)

Historical Note

The basic definition of "vehicle" has been the subject of only slight modification. The 1926 definition provided that for limited purposes a bicycle and a ridden animal were to be considered vehicles. That definition read as follows:

> (a) "*Vehicle.*" Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks; provided, that for the purposes of (Title II of) this act, a bicycle or a ridden animal shall be deemed a vehicle.

UVC Act IV, § 1(a) (1926). In 1930, the clause concerning bicycles and ridden animals was deleted from the definition (and a separate section, the predecessor of § 11-104, was added). The basic definition of vehicle, however, was retained without revision:

> (a) "*Vehicle.*" Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

UVC Act IV, § 1(a) (Rev. ed. 1930). In 1934, the word "public" was deleted and in 1954 the word "except" was changed to "excepting." UVC Act V, § 2(a) (Rev. eds. 1934, 1938, 1944, 1948, 1952); UVC § 1-176 (Rev. ed. 1954); UVC § 1-184 (Rev. eds. 1956, 1962, 1968).

In 1975, this definition was revised as follows:

> Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices [moved by human power or] used exclusively upon stationary rails or tracks.

The decision to make bicycles and other human powered devices "vehicles" arose from a need to simplify the application of rules of the road and to have drivers of all such vehicles comply with most rules of the road. However, it should be noted that this amendment was accompanied by changes in other parts of the Code to avoid applying requirements to bicycles which were not intended to apply to them. All these changes are shown in *Agenda for National Committee Meeting* 48-52 (April 1, 1975).

Statutory Annotation

Six states have adopted the 1975 Code definition:

Alaska [1]	Idaho	Pennsylvania [2]
Georgia	Minnesota	Rhode Island

1. Alaska includes devices transporting persons or property on *or immediately over* a highway *or vehicular way or area.*
2. Pennsylvania omits "stationary."

Eight states define "vehicle" to include bicycles and/or animal-drawn vehicles, as does the Code definition. Alabama and South Dakota have provisions in verbatim conformity with the 1926 Code. The laws of the other six states are as follows:

Louisiana—§ 32:1(65) provides:

> "Vehicle" means every device by which persons or things may be transported upon a public highway or bridge, except devices moved by human power or used exclusively upon stationary rails or tracks. A bicycle or a ridden animal shall be a vehicle, and a trailer or semitrailer shall be a separate vehicle.

Maryland—Vehicle means any device in, on, or by which any individual or property is or might be transported or towed on a highway.

Massachusetts—§ 1(z) of the Regulations for Driving on State Highways provides:

> "Vehicle," Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including bicycles when the provisions of these rules are applicable to them, except other devices moved by human power or used exclusively upon stationary rails or tracks and devices which derive their power for operation from stationary overhead wires.

North Carolina—§ 20-38(38) provides:

> Vehicle.—Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes of this chapter bicycles shall be deemed vehicles, and every rider of a bicycle upon a highway shall be subject to the provisions of this chapter applicable to the driver of a vehicle except those which by their nature can have no application.

Ohio—§ 4511.01(A) provides:

> "Vehicle" means every device, including a motorized bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except devices moved by power collected from overhead electric trolley wires, or used exclusively upon stationary rails or tracks, and except devices other than bicycles moved by human power.

Wisconsin—§ 340.01(74) provides:

> Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except railroad trains.

Except as noted, laws in 29 states are similar to the 1968 Code definition. Thus, they exclude devices moved by human power:

Arizona	Kansas	New Jersey [3,7]	Texas
Arkansas	Maine [5]	New Mexico [8]	Utah
California [1]	Michigan [6]	New York	Virginia [3]
Colorado	Mississippi	North Dakota	Washington [9]
Delaware [2]	Montana	Oregon	West Virginia
Florida [3]	Nebraska	South Carolina	Wyoming
Hawaii [4]	Nevada	Tennessee	Puerto Rico
Indiana			

1. California says a "vehicle" is a device by which any person or property may be propelled, moved or drawn on a highway excepting devices moved exclusively by human power or used exclusively on rails or tracks.
2. Delaware also excepts "electric trackless trolley coaches."
3. These states exclude bicycles and mopeds.
4. Hawaii excludes "mopeds."
5. The Maine definition provides: " 'vehicle' shall include all kinds of conveyances on ways for persons and for property, except those propelled or drawn by human power or used exclusively on tracks." It excepts snowmobiles.
6. Michigan excludes devices moved exclusively by human power and mobile homes.
7. New Jersey omits "or drawn" and excepts motorized bicycles.
8. New Mexico includes "any frame, chassis or body of any vehicle or motor vehicle."
9. The Washington definition provides: " 'Vehicle' includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks."

Eight jurisdictions define "vehicle" in a manner that may not conform with the Code definition, as follows:

Connecticut—§ 14-212 provides:

> The terms "vehicle" and "motor vehicle" shall for the purposes of this chapter, be synonymous and interchangeable and shall apply to all vehicles used on the public highways unless another meaning is clearly inconsistent with the manifest intention of the general statutes.

Section 14-1(56) defines "vehicle" as any device suitable for the conveyance, drawing or other transportation of persons or property, whether operated on wheels, runners, air cushion or by other means except those propelled by human power or used exclusively upon tracks.

Illinois—Definition duplicates the 1968 UVC but excepts "snowmobiles as defined in the Snowmobile Registration and Safety Act." This exception could have the effect of exempting snowmobile operators from all rules of the road. The Illinois law also adds provisions classifying vehicles into two divisions.

Iowa—"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway. "Vehicle" does not include:

a. Any device moved by human power.

b. Any device used exclusively upon stationary rails or tracks.

c. Any steering axle, dolly, or other integral part of another vehicle, except an auxiliary axle as defined in subsection 69, which in and of itself is incapable of commercially transporting any person or property but is used primarily to support another vehicle.

d. Any integral part of a truck tractor or road tractor which is mounted on the frame of the truck tractor or road tractor immediately behind the cab and which may be used to transport persons and property but which cannot be drawn upon the highway by the truck tractor or another motor vehicle.

Kentucky—§ 189.010(12) provides:

> "Vehicle" includes all agencies for the transportation of persons or property over or upon the public highways of this Commonwealth and all vehicles passing over or upon said highways, excepting road rollers, road graders, farm tractors, vehicles on which power shovels are mounted, such other construction equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways, such vehicles as travel exclusively upon rails, and such vehicles as are propelled by electric power obtained from overhead wires while being operated within any municipality or where said vehicles do not travel more than five miles beyond the city limit of any municipality. . . .

Missouri—Has two definitions. Section 301.010(28), applicable to most rules of the road, provides:

> "Vehicle," any mechanical device on wheels, designed primarily for use on highways, except those propelled or drawn by human power, or those used exclusively on fixed rails or tracks.

Section 304.025(1), applicable to some rules of the road, provides:

> The word "vehicle" whenever used in sections 304.014 to 304.026 shall mean any device operated on highways, except those used exclusively on rails or tracks.

New Hampshire—§ 259:1(XXXIV) provides:

> "Vehicle," any mechanical device suitable for use on highways, except those propelled or drawn by human power or those used exclusively upon stationary tracks.

Oklahoma—Definition duplicates 1968 Code provision but adds "provided, however, the definition of vehicles as used in this act shall not include implements of husbandry."

District of Columbia—§ 2 of the traffic regulations defines "vehicle" as:

> Any appliance moved over a highway on wheels or traction tread including draft animals and beasts of burden.

Vermont does not have a definition of "vehicle" for purposes of its rules of the road.

Citations

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Alaska Stat. § 28.35.260 (1977).
Ariz. Rev. Stat. Ann. § 28-101 (Supp. 1978).
Ark. Stat. Ann. § 75-402(a) (1957).
Cal. Vehicle Code § 670 (Supp. 1978).
Colo. Rev. Stat. Ann. § 42-1-102(88) (1973).
Conn. Gen. Stat. § 14-212 (Supp. 1966); § 14-1(56) (Supp. 1972).
Del. Code Ann. tit. 21, § 101 (1953).
Fla. Stat. § 316.003(64) (Supp. 1977).
Ga. Code Ann. § 68A-101(63), amended by H.B. 1434, CCH ASLR 2265 (1978).
Hawaii Rev. Stat. § 291C-1(40) (Supp. 1971), amended by S.B. 782, CCH ASLR 1146 (1978).
Idaho Code Ann. § 49-578, amended by H.B. 197, CCH ASLR 493 (1977).
Ill. Ann. Stat. ch. 95½, § 1-217 (Supp. 1972).
Ind. Ann. Stat. § 9-4-1-2(a) (Supp. 1978).
Iowa Code Ann. § 321.1(1) (Supp. 1978).
Kans. Stat. Ann. § 8-501 (Supp. 1971).
Ky. Rev. Stat. Ann. § 189.010(12) (1977).
La. Rev. Stat. Ann. § 32:1(92) (Supp. 1978).
Me. Rev. Stat. Ann. tit. 29, § 1(20) (Supp. 1970).
Md. Transp. Code § 11-176 (1977).
Mass. Rules & Regs. for Driving on State Highways § 1(z) (Jan. 1972).
Mich. Stat. Ann. § 9.1879, amended by S.B. 1693, CCH ASLR 1425 (1978).
Minn. Stat. Ann. § 169.01(2) (Supp. 1978).
Miss. Code Ann. § 8127(a) (1957).
Mo. Ann. Stat. §§ 301.010(28), 304.025(1) (1953).
Mont. Rev. Codes Ann. § 32-2102(a) (1961).
Neb. Rev. Stat. § 39-602(112) (1978).
Nev. Rev. Stat. § 484.217 (1975).
N.H. Rev. Stat. Ann. § 259:1(XXXIV) (1966).
N.J. Rev. Stat. § 39:1-1 (Supp. 1979).
N.M. Stat. Ann. § 64-1-4(B) (71), as amended by H.B. 112, CCH ASLR 161, 177-78 (1978).
N.Y. Vehicle and Traffic Law § 159 (1960).
N.C. Gen. Stat. § 20-4.01 (1975).
N.D. Cent. Code § 39-01-01(72) (Supp. 1965).
Ohio Rev. Code Ann. § 4511.01(A) (Supp. 1978).
Okla. Stat. Ann. tit. 47, § 1-186 (1962).
Ore. Rev. Stat. § 483.030(4) (1977).
Pa. Stat. Ann. tit. 75, § 102 (1977).
R.I. Gen. Laws Ann. § 31-1-3(a) (Supp. 1977).
S.C. Code Ann. § 56-5-120 (1976).
S.D. Comp. Laws § 32-14-1(1) (Supp. 1971).
Tenn. Code Ann. § 59-801 (1968).
Tex. Rev. Civ. Stat. art. 6701d, § 2(a) (1960).
Utah Code Ann. § 41-6-2(a) (1960).
Va. Code Ann. § 46.1-1(34) (Supp. 1977).
Wash. Rev. Code Ann. § 46.04.670 (1962).
W. Va. Code Ann. § 17C-1-2 (1966).
Wis. Stat. Ann. § 340.01(74) (Supp. 1967).
Wyo. Stat. Ann. § 31-78(a) (1) (1959).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 2 (1966).
P.R. Laws Ann. tit. 9, § 360 (Supp. 1975).

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.

Historical Note

The Uniform Vehicle Code from 1926 until 1954 was divided into separate acts. One of these, a "Uniform Act Regulating Traffic on Highways," contained the provisions now covered in Chapters 10 through 14 of the Code on accidents, rules of the road, equipment, inspection, and size, weight and load. One section of this Act (the present § 11-101) stated that, while most provisions applied only on the highways, those on accidents and accident reports and certain other "serious offenses" applied throughout the state. In 1954, the five acts were consolidated into a single book of 19 chapters and provisions on accidents and accident reports became Chapter 10. Section 10-101, which is, in effect, a restatement of UVC § 11-101(2), was adopted at that time and has not since been amended. UVC § 10-101 (Rev. eds. 1954, 1956, 1962, 1968).

Statutory Annotation

Twenty-three states expressly provide, as does the Code, that laws describing the duties of a driver at the scene of an accident and laws requiring accident reports apply everywhere in their respective jurisdictions, on the highways and off:

Arizona	Illinois	Mississippi	Rhode Island
Arkansas	Indiana	Montana	South Carolina
California	Iowa	New Hampshire *	Utah
Colorado	Kansas	New Jersey	Washington
Hawaii	Maryland	New Mexico	Wyoming
Idaho	Minnesota	Oklahoma	

* The New Hampshire law is worded somewhat differently than the others but probably has the same effect. It provides: "The provisions of this section shall be of general application and shall not be restricted to a public way as defined . . . ."

Of these 23 states, however, only California, Hawaii, Maryland, New Jersey and Oklahoma have separate, introductory provisions similar to UVC § 10-101. The others cover the matter either in a general provision on application of all rules of the road, as could be done under UVC § 11-101, or specify in the accident laws themselves that they apply throughout the state.

The laws of seven states and the District of Columbia do not expressly indicate their place of application, but may apply, either by implication or by court interpretation, anywhere in the jurisdiction (see Annotation in § 11-101, *infra*)

Alabama	Louisiana	Oregon
Alaska	Nevada	South Dakota
	North Dakota	

The remaining states have these provisions on application of accident and accident report laws:

Connecticut—§ 14-224 on duties at the scene of an accident does not indicate where it applies, but may be interpreted to exclude accidents occurring on private property. See 25 Op. Atty. Gen. 26 (Feb. 25, 1947). Section 14-225 on accidents involving drivers of non-motor vehicles and § 14-108 on written accident reports apply only to vehicles operated on a highway or in an off-street parking area open to public use with or without payment of a fee, or school property.

Delaware—A law dealing with accidents resulting in property damage applies "on the public highways." Other provisions on accidents and accident reports do not indicate where they apply.

Florida—Accident laws are silent as to place of application. A general provision suggests that they apply on public ways "and wherever vehicles have the right to travel."

Georgia—Laws on duties at the scene of an accident apply throughout the state, but provisions on accident reporting do not indicate where they apply.

Kentucky—Provisions on duties at the scene of an accident refer to accidents occurring "on a highway," but provisions on accident reporting contain no such limitation.

Maine—Laws prescribing duties at the scene of an accident expressly apply "upon any way or in any other place in the State," but a law providing when immediate notice of an accident must be given to the police and when a written report must be filed does not contain an express reference to where it applies.

Massachusetts—A law on leaving the scene of an accident applies "upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees." A law on written accident reports and a law requiring a driver to exhibit his license at the scene of an accident do not indicate where they apply.

Michigan—A law requiring drivers to stop at the scene of an accident causing personal injury applies "upon either public or private property, when such property is open to travel by the public." Subsequent sections on accidents and accident reports do not contain similar language. One law on collisions with vehicles applies "upon either public or private property."

Missouri—A law describing the duties of a driver at the scene of an accident refers to "a vehicle on the highway," but a law requiring accident reports refers to "the operator of every motor vehicle which is in any manner involved in an accident within this state, upon the streets or highways thereof . . . ."

Nebraska—A law defining an operator's duty at the scene of an accident applies "upon either a public highway, private road, or private drive." The law on written accident reports does not indicate where it applies.

New York—Provisions on duties of a driver at the scene of an accident do not indicate their place of application, but a section on written accident reports expressly applies to "every person operating a motor vehicle which is in any manner involved in an accident, anywhere within the boundaries of this State. . . ."

North Carolina—A law on striking an unattended vehicle refers to "any street or highway of this State." Other provisions on accidents and accident reports do not indicate where they apply.

Ohio—One law on stopping at the scene of an accident applies "upon any of the public roads or highways" and a second applies "upon any public or private property other than public roads or highways." Accident

report laws do not indicate where they apply; however, they may be interpreted as applying everywhere in the state. See 1955 Op. Atty. Gen. 4704.

Pennsylvania—Accident laws apply on "highways and trafficways."

Tennessee—Accident and accident report laws apply "exclusively . . . upon the highways."

Texas—Accident and accident report laws apply upon highways, public places, roads of water districts, and upon roads or parking areas provided by business establishments, without charge, for the convenience of customers, clients or patrons.

Vermont—Law like UVC § 11-101 probably applies accident laws only on public highways.

Virginia—Laws on the driver's duties at the scene of an accident "shall apply irrespective of whether such accident occurs on the public streets or highways or on private property." Laws on written accident reports do not expressly state where they apply.

West Virginia—§ 17C-2-1 is in verbatim conformity with the Code, providing that the provisions of articles "four and five" (containing accident and accident report laws) shall apply upon highways and elsewhere throughout the state. However, the section on written accident reports (§ 17C-4-7) applies to accidents "occuring on the public highways of this State," which is inconsistent with the law cited above (§ 17C-2-1).

Wisconsin—Accident and accident report laws apply on highways and on "all premises held out to the public for use of their motor vehicles, whether such premises are publicly or privately owned and whether or not a fee is charged for the use thereof."

Citations

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Cal. Vehicle Code § 20000 (1972).
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§ 10-102—Accidents Involving Death or Personal Injury

(a) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of § 10-104. Every such stop shall be made without obstructing traffic more than is necessary.

Historical Note

UVC § 10-102(a), requiring a driver who is involved in an accident resulting in injury to or death of any person to stop at the accident scene and remain there until he has performed certain required duties, has been in the Code without substantive amendment since 1934. The reference to "§ 10-104" replaced earlier references to "section 41" (or "section 38" in the 1934 Code) in 1954 when the five separate acts comprising the Code were arranged into 19 chapters using the present numbering system. UVC Act V, § 36 (Rev. ed. 1934); UVC Act V, § 39 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 10-102(a) (Rev. eds. 1954, 1956, 1962, 1968).

The 1926 and 1930 editions of the Code provided:

> The driver of any vehicle involved in an accident resulting in injury or death to any person shall immediately stop such vehicle at the scene of such accident . . . .

UVC Act IV, § 30(a) (1926); UVC Act IV, § 15(a) (Rev. ed. 1930). In 1934, the provision was revised to permit stopping "as close thereto as possible" and to require returning to the accident scene. An express provision was added requiring drivers to remain at the scene until the duties specified had been performed. The second sentence, on obstructing traffic as little as possible, was also added in 1934. As amended, the section provided:

> The driver of any vehicle involved in an accident resulting in injury *to* or death *of* [to] any person shall immediately stop such vehicle at the scene of such accident *or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requiements of section 38. Every such stop shall be made without obstructing traffic more than is necessary.* (Italicized language added and bracketed language deleted in 1934.)

As previously noted, the substance of this subsection has not been amended since 1934.

Statutory Annotation

All 50 states and the District of Columbia have laws requiring drivers involved in accidents resulting in death or injury to stop. Some of the differences between the Code and a minority of these laws can be summarized as follows:

Two laws apparently require stops only by drivers whose vehicles actually collide with other vehicles or persons, while the Code requires such stops by any driver "involved" in an accident even though there is no collision or striking of another vehicle or person. See the laws of Kentucky and Massachusetts quoted, *infra*.

Five laws apply only to the driver of a *motor* vehicle, rather than all "vehicles" as in the Code. See the laws of Massachusetts, New Hampshire, New York, Ohio and Vermont, quoted, *infra*. The Wisconsin law on accidents and accident reports expressly excludes accidents involving only "vehicles propelled by human power or drawn by animals."

Ten states expressly make their laws applicable only to drivers who are conscious of the fact that an accident has occurred. See Connecticut, Georgia, Massachusetts, Michigan, Missouri, New Hampshire, New York, Ohio, Oklahoma and Rhode Island, *infra*.

Seventeen jurisdictions require stops by drivers at the accident scene but do not expressly include the Code alternative of "or as close thereto as possible." See the laws of California, Connecticut, Delaware, Kentucky, Louisiana, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, South Dakota, Vermont and the District of Columbia.

Nineteen jurisdictions do not have the Code requirement that stops be made so as to obstruct other traffic as little as possible. See the laws of Alaska, California, Connecticut, Delaware, Kentucky, Louisiana, Maine, Massachusetts, Missouri, Nebraska, New Hampshire, New York, North

Carolina, Ohio, South Dakota, Vermont, Washington, Wisconsin and the District of Columbia.

Except as noted, the laws of 31 states are in verbatim or substantial conformity with UVC § 10-102(a):

Arizona	Iowa	New Mexico	Texas
Arkansas	Kansas	North Dakota	Utah
Colorado	Maryland [3]	Oklahoma [6]	Washington
Georgia [1]	Minnesota [4]	Oregon	West Virginia
Hawaii	Mississippi	Pennsylvania	Wisconsin [7]
Idaho	Montana	Rhode Island [5]	Wyoming
Illinois [2]	Nevada	South Carolina	Puerto Rico
Indiana	New Jersey [5]	Tennessee	

1. The Georgia law is in verbatim conformity, but the penalty provision applies to any person who "knowingly" fails to stop.
2. Section 11-401(a) of the Illinois law is identical to UVC § 10-102(a) but subsection (b) provides: "Any person who has failed to stop or to comply with said requirements shall within 48 hours after such accident or, if hospitalized, within 48 hours after being discharged . . . report the place of accident, the date, the approximate time, his name, address, the registration number of the vehicle driven, and the names of the occupants, if any, of such vehicle, at a police station or sheriff's office near the place where such accident occurred. No report made as required under this Subsection shall be used, directly or indirectly, as a basis for the prosecution of any violation of Subsection (a) of this section."
3. Maryland (§ 20-101) applies the requirement to stop to any owner who is at the scene even though he is not driving.
4. The Minnesota law, however, requires a driver to remain at the scene until he has "fulfilled the requirements of this chapter *as to the giving of information*." The Code would require a driver to remain at the scene until he had assisted the injured *and* identified himself.
5. New Jersey and Rhode Island add "knowingly" before "involved."
6. The Oklahoma penalty provision applies to any person who "wilfully, maliciously or feloniously" fails to stop.
7. The requirement that stops be made so as to obstruct traffic no more than necessary is not included.

The laws of four states are substantially similar to the 1930 Code provision (see Historical Note, *supra*) and thus differ from the current Code by not expressly permitting a driver to stop as close to the accident scene as possible, by not requiring drivers to return to and remain at the scene until the specified duties are performed, and by not proscribing stops that obstruct traffic unnecessarily:

Delaware	Nebraska [1]	North Carolina [2]	South Dakota

1. Law applies "upon a public highway, private road, or private drive."
2. Requires a stop by a driver involved in an accident "or collision."

The laws of the remaining 17 states and the District of Columbia provide as follows:

Alabama—Has two laws comparable to UVC § 10-102(a). The first (§ 117) applies to drivers of *motor* vehicles and is similar to the Code except that it refers to the "requirements of section 119" describing the duty of drivers striking unattended vehicles. The second law, applicable to the driver of any vehicle (§ 128), differs from the first law and the Code by not expressly permitting a stop as close to the accident as possible, by not requiring a driver to remain at the scene, and by not requiring a stop that will obstruct traffic as little as possible. Section 128 expressly provides that it would take precedence over § 117 where there is any conflict.

Alaska—The law is similar to UVC § 10-102(a) but does not have the second sentence about obstructing traffic as little as possible. The first sentence differs slightly by referring to "operator" instead of "driver," by omitting "any" before "vehicle" and "person," by substituting "to it" for "thereto," and by omitting "forthwith" and "in every event shall."

California—§ 20001 provides:

> The driver of any vehicle involved in an accident resulting in injury to any person, other than himself, or death of any person shall immediately stop the vehicle at the scene of the accident and shall fulfill the requirements of Sections 20003 and 20004 . . . .

Connecticut—§ 14-224, in pertinent part, provides:

> (a) Each person operating a motor vehicle who is *knowingly* involved in an accident which causes injury, whether or not resulting in death, to any other person . . . shall at once stop . . . . (Emphasis added.)

Section 14-225, applicable to non-motor vehicles, provides:

> Any person riding on, propelling, driving or directing any vehicle, except a motor vehicle, upon a public street or highway or parking area for 10 or more cars . . . who has knowledge of having caused any injury to the person . . . of another and neglects, at the time of such injury, to stop . . . .

Florida—Duplicates the first sentence in the Code. As to obstructing traffic, a separate subsection provides:

> (4) Every stop shall be made without obstructing traffic more than is necessary and if a damaged vehicle is obstructing traffic, the driver of such vehicle shall make every reasonable effort to move the vehicle or have it moved so as not to obstruct the regular flow of traffic. Any person failing to comply with the provisions of this subsection shall be punished as provided in s. 316.026.

Kentucky—§ 189.580 provides:

> (a) Any person who, while operating a vehicle on a highway, runs against or over, any other person, vehicle or personal property, in possession of any other person in such a manner as to injure the other person or damage the property shall immediately stop . . . .

Louisiana—§ 14:100 provides:

> Hit and run driving is the *intentional* failure of the driver of a vehicle involved in or causing any accident, to stop such vehicle at the scene of the accident, to give his identity and to render reasonable aid. (Emphasis added.)

Maine—§ 893 provides:

> The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible, but shall then forthwith return to the scene. The driver shall remain at the scene of the accident until he has given his name, address and the registration number of the vehicle he is driving, and shall, upon request and if available, exhibit his operator's license to the person struck or the driver or occupant of any vehicle collided with, and shall render to any person injured in the accident reasonable assistance.

Massachusetts—§ 24(a) provides:

> . . . whoever operates a motor vehicle upon any way, or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees, and, without stopping and making known his name, residence and the register number of his motor vehicle, goes away after knowingly colliding with or otherwise causing injury to any person shall be punished . . . .

Michigan—Has two laws. One applies when there is death or serious injury. The second applies when there is personal injury. Both apply to drivers who know or who have reason to believe they have been involved in an accident. An immediate stop that does not obstruct traffic more than is necessary is required. One must remain at the scene until certain duties are performed.

Missouri—§ 564.450 provides:

> No person operating or driving a vehicle on the highway *knowing* that an injury has been caused to a person . . . due to the culpability of said operator or driver, or to accident, shall leave the place of said injury . . . or accident without stopping . . . . (Emphasis added.)

New Hampshire—§ 262-A:67 provides:

> Any person who is the operator of a *motor* vehicle who is *knowingly* involved in any accident which results in death, per-

sonal injury . . . shall immediately to stop such vehicle at the scene of such accident . . . . (Emphasis added.)

New York—§ 600 provides:

> Any person operating a motor vehicle or motorcycle who, *knowing* that injury has been caused to a person, due to the culpability of the person operating such motor vehicle or motorcycle, or to accident, leaves the place of said injury or accident, without stopping . . . . (Emphasis added.)

Ohio—§ 4549.02, paragraph 1, provides:

> In case of accident to or collision with persons . . . upon any of the public roads or highways, due to the driving or the operation thereon of any *motor* vehicle, the person so driving or operating such motor vehicle, *having knowledge of such accident or collision* shall immediately stop his motor vehicle at the scene of the accident or collision and shall remain at the scene of such accident or collision until he has given his name . . . . (Emphasis added.)

Section 4549.021 provides:

> In case of accident or collision resulting in injury or damage to persons . . . upon any public or private property *other than public roads or highways*, due to the driving or operation thereon of any *motor* vehicle, the person so driving or operating such motor vehicle, having knowledge of such accident or collision, shall stop . . . . (Emphasis added.)

Vermont—§ 1004(a) provides:

> The operator of a *motor* vehicle who has caused or is involved in an accident resulting in injury to any person . . . shall immediately stop . . . . (Emphasis added.)

Virginia—§ 46.1-176(a) provides:

> The driver of any vehicle involved in an accident in which a person is killed or injured . . . shall immediately stop as close to the scene of the accident as possible without obstructing traffic . . . .

District of Columbia—D.C. Code § 40-609(a) provides: "Any person operating a vehicle who shall injure any person therewith . . . and fail to stop . . . ."

§ 10-102—Accidents Involving Death or Personal Injury

(b) Any person failing to stop or to comply with said requirements under such circumstances shall, upon conviction, be punished by imprisonment for not less than 30 days nor more than one year or by fine of not less than $100 nor more than $5,000, or by both such fine and imprisonment.

Historical Note

This penalty, applicable to drivers involved in an accident resulting in death or personal injury who fail to stop, provide information, or render assistance to the injured, has not been revised by the National Committee since 1934. UVC Act V, § 36(b) (Rev. ed. 1934); UVC Act V, § 39(b) (Rev. eds. 1938, 1944, 1948, 1952); UVC § 10-102(b) (Rev. eds. 1954, 1956, 1962, 1968).

The 1926 and 1930 editions of the Code provided the following penalty:

> . . . and any person violating this provision shall upon conviction be punished by imprisonment in the county or municipal jail for not less than thirty days nor more than one year or in the state prison for not less than one nor more than five years, or by fine of not less than one hundred dollars nor more than five thousand dollars, or by both such fine and imprisonment . . . .

UVC Act IV, § 65 (1926); UVC Act IV, § 15 (Rev. ed. 1930).

Statutory Annotation

Eleven states provide penalties identical to that specified in UVC § 10-102(b):

Arkansas	Mississippi	South Carolina	West Virginia
Idaho	Montana	Tennessee	Wyoming
Iowa	New Mexico	Utah	

Penalties identical to the one contained in the 1926 and 1930 editions of the Code are found in the laws of three states:

California [1] Texas Virginia [2]

1. One to five years in the state prison or not more than one year in a county jail or a fine of not more than $5,000. The fine and county jail term carry no minimum.
2. The minimum fine is $50 rather than $100 as in the 1926 and 1930 Codes.

The penalty provisions of the remaining states are compared with the Code in the following Table. Other notable differences in these laws are explained following the Table for any state with an asterisk.

State	Penalties: Fine	Penalties: Imprisonment
UVC	$100-5,000	30 days to 1 year
Alabama *	$500 (or 100 to 5,000)	30 days (or 1 to 5 years)
Alaska *	10,000	10 years
Arizona *	—	—
Colorado	100-1,000	10 days to 1 year
Connecticut *	50-100	1 year
Delaware	100-5,000	30 days to 5 years
Florida *	5,000	1 year
Georgia *	—	—
Hawaii	1,000	10 years
Illinois *	100-1,000	30 days to 1 years
Indiana	10-5,000	10 days to 1 year
Kansas	1,000	1 year
Kentucky	10-2,000	1 year
Louisiana	500	1 year
Maine *	—	—
Maryland	500	2 months
Massachusetts	—	2 months to 2 years
Michigan *	5,000	2 years
Minnesota *	—	—
Missouri *	100	5 years
Nebraska *	—	—
Nevada *	—	—
New Hampshire	100	3 years
New Jersey *	100	30 days
New York *	—	—
North Carolina *	500	1 to 5 years
North Dakota *	—	—
Ohio	200	6 months
Oklahoma *	50-1,000	10 days to 1 year
Oregon *	—	—
Pennsylvania *	—	—
Rhode Island	5,000	5 years
South Dakota	100-500	1 year
Vermont	2,000	2 years
Washington *	100-500	30 days to 1 year
Wisconsin	5-5,000	10 days to 1 year
District of Columbia *	500	6 months
Puerto Rico	100-500	30 days to 6 months

Note: All states with alternative penalties (fine or imprisonment) permit fine or imprisonment, *or both*, except Wisconsin.

Alabama—It has already been noted that Alabama has two laws on stopping, giving information and rendering aid following an accident resulting in death or personal injury. Section 117(b) states: "Any person failing to stop or comply with the requirements of this section shall be guilty of a misdemeanor and shall upon conviction be fined not more than $500.00 and in addition thereto may be imprisoned in the county jail not more than thirty days." Section 128(2) provides a penalty substantially the same as that of the 1930 Code: "Every person convicted . . . shall be punished by a fine of not less than one hundred dollars nor more than five thousand dollars, or by imprisonment in the county or municipal jail or hard labor for the county for not less than thirty days nor more than one year or by imprisonment in the penitentiary for not less than one nor more than five years or by both such fine and hard labor or imprisonment."

Alaska—The Alaska penalty shown here applies only to failure to render aid. The maximum penalty for failure to give information is $500 or one year. No specific penalty is provided for failure to stop and the offense would therefore be covered by a lesser, general penalty provision (§ 28.35.230—fine of not more than $200, imprisonment for not more than 90 days, or both).

Arizona—Violation is a class 1 misdemeanor.

Connecticut—For any subsequent offense, Connecticut provides a penalty of $100 to $200 fine or imprisonment for not more than one year, or both. Section 14-225, applicable to drivers of non-motor vehicles, provides a penalty of not more than $500 fine or imprisonment for not more than six months, or both.

Florida—Violation is specifically declared to be a felony and only wilful violations are punished.

Georgia—Section 68-1619 provides: "Any person knowingly failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor."

Illinois—A second provision in the Illinois law provides a penalty of one to three years and/or $500 to $3,000 for failing to report within 48 hours after failing to stop at the scene.

Maine—Violation is a class D crime.

Michigan—Has two laws. Penalty in table applies to accidents involving death or aggravated injury. For all other personal injury cases, the maximum penalty is $1,000 and/or one year.

Minnesota—Though no penalty is specified in Minnesota, violation is a misdemeanor.

Missouri—Violation is termed a felony and carries a fine of not more than $100 or imprisonment from one to five years in the state prison or up to one year in the county jail, or both fine and imprisonment.

Nebraska—Violation is a class 1 misdemeanor.

Nevada—Though no penalty is specified, violation is a felony.

New Jersey—A subsequent offense carries a penalty of $500 fine or six months imprisonment, or both. Violation by a driver of a non-motor vehicle is subject to a general penalty (§ 39:4-203).

New York—Violation is simply termed a misdemeanor.

North Carolina—Fine of *not less than* $500. The North Carolina law sets no maximum fine.

Oklahoma—"Any person wilfully, maliciously, or feloniously failing to stop, or to comply with said requirements under such circumstances, shall be guilty of a felony and upon conviction thereof be punished by . . . ."

North Dakota—Violation is a class A misdemeanor.

Oregon—Violations are class C felonies.

Pennsylvania—Violations are third degree misdemeanors.

Washington—Penalty is inapplicable to persons physically incapable of complying.

District of Columbia—A subsequent offense is punishable by a fine of not more than $1,000 or imprisonment for not more than one year, or both.

Citations

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§ 10-103—Accidents Involving Damage to Vehicle or Property

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

Historical Note

The 1926 and 1930 editions of the Code contained the following provision:

> The driver of any vehicle involved in an accident resulting only in damage to *property* shall immediately stop such vehicle at the scene of such accident and any person violating this provision shall upon conviction be punished as provided in Section 62 of the Act. (Emphasis added.)

UVC Act IV, § 30(b) (1926); UVC Act IV, § 15(b) (Rev. ed. 1930).

In 1934, the National Committee adopted three sections defining the duties of drivers involved in accidents resulting only in damage to property. The first applied if the property damaged was a *vehicle driven or attended by any person* and is covered in this Note and Annotation. The second and

third sections, applicable to drivers involved in accidents resulting in damage to unattended vehicles or to fixtures, are the subject of the Historical Note and Annotation in § 10-105, *infra*.

The above section appearing in the 1930 Code was revised in 1934 to provide:

> The driver of any vehicle involved in an accident resulting only in *damage to a vehicle which is driven or attended by any person* shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of section 38. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor.

UVC Act V, § 37 (Rev. ed. 1934).

As noted, separate provisions were added to cover accidents involving damage to "fixtures" or to unattended vehicles and are discussed, *infra*, in connection with UVC § 10-105.

Except for numbering, the above section appeared unchanged in all editions of the Code from 1934 through 1956. UVC Act V, § 40 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 10-103 (Rev. eds. 1954, 1956).

In 1962, the National Committee approved the following revision in this Code section:

> Sec. 10-103—Accidents involving damage to vehicle *or property*.
>
> The driver of any vehicle involved in an accident resulting only in damage to a vehicle *or other property* which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of section 10-104. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor *and upon conviction, shall be punished as provided in section 17-101. (Revised, 1962.)*

The reference to "other property" inserted in the Code is designed to cover all accidents involving damage to attended property because, as discussed in § 10-105, *infra*, the Code provisions on damage to "fixtures" and certain other property were deleted. See also, § 10-106, *infra*, requiring immediate notice to the police of any accident resulting in more than a stated dollar amount of property damage.

Statutory Annotation

While all the states, and the District of Columbia, provide in some way for accidents involving damage to attended vehicles or property, only ten are in substantial conformity with the current version of UVC § 10-103:

Florida [1]	Maryland	New Jersey [3]	Utah
Hawaii	Nevada [2]	Pennsylvania	Virginia [4]
Kansas			Washington

1. If vehicle is damaged and obstructing traffic, drivers must make reasonable effort to remove it.
2. Nevada does not have the last sentence.
3. New Jersey adds "knowingly" before involved.
4. The Virginia law differs to the extent that the driver must immediately "stop as close to the scene of the accident as possible without obstructing traffic." The Code requires the driver to stop at the scene "or as close thereto as possible" without obstructing traffic "more than is necessary." Also, Virginia does not specifically require that the driver remain at the scene until his duties are fulfilled, although this may be implied.

Twenty-two states have laws in verbatim or substantial conformity with the 1956 Code, applicable to accidents resulting in damage to a "vehicle driven or attended by any person" (see Annotation in § 10-105, *infra*, for state laws covering damage to attended property other than vehicles):

Alabama	Illinois	Montana	Rhode Island
Alaska	Iowa	New Mexico	South Carolina
Arizona	Michigan *	North Dakota	Tennessee
Arkansas	Minnesota	Oklahoma	West Virginia
Colorado	Mississippi	Oregon	Wisconsin
Idaho			Wyoming

* The Michigan law provides: "The driver of any vehicle *who knows or has reason to believe* that he has been involved in an accident resulting only in damage to a vehicle which is driven. . . ." (Emphasis added.) A second law (§ 9.2320) requires immediate stops by drivers colliding with any attended or unattended vehicles upon public or private property.

With the exception of Alabama and Alaska, all of these states and a majority of the remaining jurisdictions conform with the Code in providing a lesser penalty for violations in cases of accidents involving damage to vehicles or other property than to those involving injury or death. Generally, violation is termed a misdemeanor. [1]

This Code section, like § 10-102, requires the driver to stop at the scene, or as close thereto as possible, and remain at the scene until certain duties are discharged. Every stop must be made without obstructing traffic more than necessary. While the duty to stop is specified in all the state laws, 16 jurisdictions [2] do not include the Code alternative "or as close thereto as possible" and 19 jurisdictions [3] do not have the Code requirement that every stop be made without obstructing traffic more than necessary. In addition, six states [4] specifically apply their law to accidents which result in damage to a vehicle or property *other than that of the driver*. The Code would impose the duty to stop even though the only damage is to the driver's own vehicle or property. Other differences are noted below:

California—§ 20002 provides that the driver of any vehicle involved in an accident resulting in "damage to property" shall immediately "stop the vehicle at the scene of the accident and [notify the owner and identify himself]. . . ." The section applies to all property, including vehicles, whether attended or unattended. The penalty for failing to stop and comply is a fine up to $500 or imprisonment for not more than six months, or both. Violation is made a misdemeanor.

Connecticut—§ 14-224 applies to accidents involving any property damage as well as to those involving injury or death. See § 10-104, *infra*, for a discussion of the driver's duties at the scene. Unlike the Code, the same penalty would apply in both types of accidents. Section 14-225, on operators of *non-motor vehicles* applies also to accidents involving damage to property. See § 10-102, *supra*.

Delaware—§ 4201 states:

> (a) The driver of any vehicle involved in an accident *on the public highways* resulting in apparent damage to property shall immediately stop . . . at the scene of the accident. If the damage resulting from such accident is to the property of the driver only, with no damage to the person or property of another, the driver need not stop at the scene of the accident, but shall immediately make report of the damage resulting. (Emphasis added; the pro-

1. Alabama's two laws on the subject (§§ 117 and 128), and the Alaska laws, provide the same penalty for failing to stop whether the accident results in death or injury or merely in damage to a vehicle. At least five other states—Connecticut, Kentucky, Louisiana, Missouri, and Vermont—apply the same penalty to accidents involving only vehicle or property damage as to those involving death or personal injury.
2. California, Connecticut, Delaware, Kentucky, Louisiana, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New York, North Carolina, Ohio, South Dakota, Vermont and the District of Columbia.
3. Alaska, California, Connecticut, Delaware, Kentucky, Louisiana, Maine, Massachusetts, Missouri, Nebraska, New Hampshire, New York, North Carolina, Ohio, South Dakota, Vermont, Washington, Wisconsin, and the District of Columbia.
4. Delaware, Georgia, Kentucky, New York, Vermont and Wyoming. Massachusetts might also be included since the law refers to a motor vehicle "colliding with or *otherwise* causing injury to *any other vehicle or property*."

vision on accidents involving *injury or death* is not limited to highways.)

Section 4211 provides a penalty of $10 to $100 fine or 10 to 30 days imprisonment, or both. See § 10-104, *infra*, for a description of the driver's duties after stopping.

Georgia—Has the 1956 Code provision and a second law (§ 68-1623.1) providing that a driver need not stop when there is no personal injury or damage to another person's property or when the accident involves no other person. Georgia adopted a law (§ 68-1623.2) providing that when accidents occur on expressways in metropolitan areas, drivers or occupants with licenses must remove the vehicles from the roadway into a safe refuge on the shoulder, emergency lane or median when the vehicle can be normally and safely driven without further damage or hazard. A person who moves a vehicle in compliance with this law is not regarded as being at fault merely because he moved it. UVC §§ 10-102(a), 10-103 and 10-105 each require drivers involved in an accident to stop in a manner that will obstruct traffic as little as possible. This duty applies to all accidents and is intended to impose upon drivers substantially the same requirements as the above law. Unlike the Georgia law, no duty to move vehicles is placed on passengers other than the driver.

Indiana—§ 9-4-1-40(a), which is comparable to UVC § 10-102(a), applies also to accidents involving "injury to property." Subsection (b) provides that failing to stop after such an accident is a class B misdemeanor. The provision requires the driver to comply with the requirements of § 9-4-1-42 on duty to give information and render aid (see § 10-104, *infra*); however, that section, like the pre-1962 UVC § 10-104(a), states: "The driver of any vehicle involved in an accident resulting in injury to or death of any person *or damage to any vehicle* which is driven or attended by any person. . . ." Indiana also has a law (§ 9-4-1-41) on accidents involving *only* damage to attended vehicles, which is identical to § 10-103 of the 1956 Code (violation is a "misdemeanor").

Kentucky—§ 189.580 applies to accidents involving property: "(1) Any person who, while operating a vehicle on a highway, runs against or over, any other person, *vehicle or personal property*, in possession of any other person in such a manner as to injure the other person or damage the property, shall immediately stop . . . ." The section does not define "personal property, in possession." It would appear that no stop need be made in accidents involving only damage to real property or to property not in anyone's *possession*. The same penalty applies as that for leaving the scene after an accident involving injury or death.

Louisiana—§ 14:100 on hit-and-run driving would appear to apply also to accidents involving damage to any property. See the Statutory Annotations to §§ 10-102 and 10-104.

Maine—§ 894 applies to accidents involving damage to vehicle:

> The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible, but shall forthwith return to the scene and in every event shall remain at the scene of the accident until he has given his name, address and the registration number of the vehicle he is driving, and exhibited, upon request and if available, his operator's license to the driver or occupant of or person attending any vehicle with which he collided. A violation of this section is a Class E crime.

Massachusetts—§ 24(2) (a) provides:

> . . . or whoever without stopping and making known his name, residence and the register number of his motor vehicle goes away after knowingly colliding with or otherwise causing injury to *any other vehicle or property*. . . shall be punished by a fine of not less than twenty dollars nor more than two hundred dollars or by imprisonment for not less than two weeks nor more than two years, or both . . . .

Missouri—§ 564.450 on leaving the scene of an accident applies to accidents causing damage to property. The same penalty applies whether persons or property are affected.

Nebraska—§ 39-6,104.02 provides:

> The driver of any vehicle involved in an accident either upon a public highway, private road, or private drive, resulting in damage to property, shall (1) immediately stop such vehicle at the scene of such accident. . . . Any person violating this section shall, if he shall report such accident, by telephone or otherwise, to the appropriate peace officer within twelve hours, be guilty of a Class V misdemeanor or, if he does not report such accident within twelve hours, be guilty of a Class IV misdemeanor.

See § 10-104, *infra*, for a description of the driver's additional duties at the scene.

New Hampshire—§ 262-A:67 applies the duty to stop to accidents resulting in death, personal injury or damage to property. Section 262-A:69 imposes a penalty of not more than $500 if the accident involves property damage only.

New York—§ 600 provides:

> Any person operating a motor vehicle or motorcycle who, knowing that damage has been caused to the real property or to the personal property, not including animals, of another, due to the culpability of the person operating such motor vehicle or motorcycle, or to accident, leaves the place where the damage occurred without stopping . . . shall be guilty of a misdemeanor.

See § 10-104, *infra*, for a description of the driver's additional duties.

North Carolina—§ 20-166(b) requires drivers involved in accidents resulting only in property damage to stop immediately at the scene. Violation is a misdemeanor with a discretionary fine or imprisonment for up to two years, or both.

Ohio—§ 45.49.02, discussed in § 10-102(a), *supra*, applies to accidents involving death, injury or damage to property. Section 4549.99 provides a penalty of not more than $200 fine or imprisonment for not more than six months, or both. Another law (§ 4549.021) similarly applies to accidents occurring other than on public roads or highways. The specific requirement that the driver remain at the scene until his duties are discharged is not included in this second law.

South Dakota—Law discussed above in connection with UVC § 10-102, applies also to accidents involving damage to property. It simply expresses a duty to stop without further detail about such stopping. The general misdemeanor penalty applies.

Texas—Law is comparable to the 1956 Code provision and additionally provides that "when an accident occurs on a main lane, ramp, shoulder, median, or adjacent area of a freeway in a metropolitan area and each vehicle involved can be normally and safely driven, each driver shall move his vehicle as soon as possible off the freeway main lanes, ramps, shoulders, medians, and adjacent areas to a designated accident investigation site, if available, a location on the frontage road, the nearest suitable cross street, or other suitable location to complete the requirements of Section 40, so as to minimize interference with the freeway traffic."

Vermont—§ 1004 applies to accidents resulting in damage to property "other than the vehicle then under [the operator's]. . . control," and the same penalty applies whether the accident involves personal injury or only damage to property.

District of Columbia—§ 17 applies also to accidents resulting in "substantial damage to property" and imposes the same duties as in cases of death or personal injury. The penalty for leaving the scene after an accident resulting only in "substantial" property damage is a fine up to $100 or imprisonment for not more than 30 days or both.

Puerto Rico—The driver of a vehicle involved in an accident in which only another vehicle or property is damaged to stop immediately at the scene

or as near as possible, avoiding obstruction of traffic, then return to the scene and remain until complying with the statute.

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§ 10-104—Duty to Give Information and Render Aid

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

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

Historical Note

Subsection (b) of the above section, requiring a report to the nearest police authority when none of the persons entitled to receive information is in condition to receive it, was added to the Code in 1962.

In the 1926 and 1930 editions of the Code, the provisions now appearing in subsection (a) were worded as follows:

> The driver of any vehicle involved in any accident resulting in injury or death to any person or damage to property shall also give his name, address and the registration number of his vehicle and exhibit his operator's or chauffeur's license to the person struck or the driver or occupants of any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying of such person to a physician or surgeon for medical or surgical treatment if it is apparent that such treatment is necessary or is requested by the injured person.

UVC Act IV, § 30(c) (1926); UVC Act IV, § 15(c) (Rev. ed. 1930). The only difference between the 1926 and 1930 provisions was an additional sentence in the 1930 Code which read: "Any violation of this subdivision shall constitute a misdemeanor." This sentence was deleted from the Code and the section further revised as follows in 1934:

> The driver of any vehicle involved in *an* [any] accident resulting in injury *to* or death *of* [to] any person or damage to [property] *any vehicle which is driven or attended by any person* shall [also] give his name, address, and the registration number of *the vehicle he is driving*, [his vehicle] and *shall upon request and if available* exhibit his operator's or chauffeur's license to the person struck or the driver or occupant[s] of *or person attending* any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying, *or the making of arrangements for the carrying*, of such person to a physician, [or] surgeon *or hospital* for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

UVC Act V, § 38 (Rev. ed. 1934). This section, as revised, appeared in all editions of the Code from 1934 through 1956. UVC Act V, § 41 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 10-104 (Rev. eds. 1954, 1956).

In 1962, it was amended by the National Committee as follows:

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

Statutory Annotation

State laws comparable to the portions of the Code section requiring a driver to identify himself to persons at the scene of an accident have been adopted by all 50 states and the District of Columbia. Differences among

these laws generally involve the description of the identifying information that must be given, and the persons to whom it must be given. Florida, Hawaii, Kansas, Maryland, Nevada, New Jersey, New York and Puerto Rico are the only states that conform with the 1962 Code insofar as the required information must be given to the person injured *and* to any police officer at the accident scene.

Provisions in substantial conformity with UVC § 10-104(b), requiring a driver to report to a police authority in the event no person is in condition to receive the required information and no police officer is present at the scene, have been adopted by 15 jurisdictions: Colorado, Connecticut, Florida, Hawaii, Illinois, Kansas, Maryland, New Hampshire, New Jersey, Ohio, Pennsylvania, South Dakota, Washington, Virginia and Puerto Rico. California requires such reports when any accident results in death. In this connection, see also, the laws of Missouri, Nevada and New York in this Annotation and all state laws discussed in § 10-106, *infra*.

On rendering aid at the scene, the Code requires the driver to give reasonable assistance, including the carrying or making arrangements for the carrying, of injured persons to a physician, surgeon or hospital on request or if it appears necessary. Five jurisdictions simply require the rendering of reasonable assistance [1] and eight others, although specifically requiring transportation of injured persons to medical facilities if necessary or on request, do not include the Code alternative of permitting the driver to *make arrangements for* such transportation rather than performing the duty himself.[2] The laws of five states do not expressly require the driver to render any assistance at the scene of an accident.[3]

Five states have laws patterned closely after UVC § 10-104 except as noted:

Florida	Kansas [2]	Maryland [3]	Pennsylvania [4]
Hawaii [1]			

1. Hawaii substitutes "police officer" for "duly authorized police authority" in (b) but is otherwise identical to (a) and (b).
2. Kansas also requires drivers to show proof of insurance upon request "if available."
3. Another Maryland law (§ 20-101) applies this section to the owner of a vehicle who is present when the accident occurs even though he is not driving.
4. Pennsylvania duplicates (b). Subsection (a) omits "if available" and drivers must show proof of insurance. Drivers need not transport injured persons to hospitals. Occupants must perform driver's duties if driver cannot.

The laws of 21 states are in verbatim or substantial conformity with this section as it appeared in the 1956 edition of the Code. Thus, they: (1) do not generally contain subsection (b) on reporting to the nearest police authority when persons are in no condition to receive the required information, (2) require giving information to the person "struck" or to the occupant of any vehicle "collided with," and (3) do not expressly require giving such information also to a police officer at the scene. Except as otherwise noted, however, the portions of these laws requiring reasonable assistance to the injured are identical to the Code provisions. The 21 states are:

Arizona [1]	Iowa [5]	Oklahoma	Utah
Arkansas	Mississippi	Oregon [6]	Washington [7]
Colorado [2]	Montana [1]	South Carolina	West Virginia
Georgia	New Mexico	Tennessee	Wisconsin
Idaho [3]	North Dakota	Texas	Wyoming
Illinois [4]			

1. The laws of these states omit the phrase "and if available" from the requirement that the driver "shall upon request and if available exhibit his operator's or chauffeur's license."
2. The Colorado law differs from the 1956 Code section by omitting the phrase "and if available" and by preceding the Code provisions on rendering reasonable assistance with the words "where practical." A second subsection of the Colorado law is identical to UVC § 10-104(b) except that it requires a report to the nearest office of a duly authorized police authority "as required in section 42-4-1406." That section contains, *inter alia*, provisions that are comparable to those in UVC § 10-106 on immediate notice to the police of any accident resulting in death or personal injury.
3. Idaho also requires the driver to give the name of his insurance agent or company if he has automobile liability insurance.
4. The Illinois law is identical to UVC § 10-104(a) as it appeared in the 1956 Code. The second paragraph of the Illinois law appears to be in substantial conformity with UVC § 10-104(b):

> If none of the persons entitled to information pursuant to this Section is in condition to receive and understand such information and no police officer is present, such driver after rendering reasonable assistance shall forthwith report such accident at the nearest office of a duly authorized police authority, disclosing the information required by this Section.

The Iowa law has this added subsection:

> If the accident causes the death of any person, the surviving driver shall not leave the scene of the accident except to seek necessary aid for himself or to report the accident to law enforcement authorities. Before leaving the scene of the accident, the surviving driver shall leave his automobile registration receipt or other identification data at the scene of the accident. After leaving the scene of the accident, the surviving driver shall promptly report the accident by telephone to law enforcement authorities, and shall immediately return to the scene of the accident, or shall inform the authorities where he can be located.

6. Oregon requires giving one's name, address and registration to "the other driver or surviving passenger, or any person not a passenger injured as a result of such accident." The law additionally requires the driver to furnish the names and addresses of other occupants in his vehicle and provides that witnesses to an accident must furnish their names and addresses to an injured person, driver or occupant of such vehicles. Unlike the 1956 Code, however, the Oregon law requires information to be given to "persons injured" or an occupant or person attending "any vehicle damaged" in substantial conformity with the 1962 Code provisions on the persons to receive the information.
7. The Washington law (§ 46.52.020(3)) is essentially similar to the 1956 Code but contains several variations. The more significant of these include a requirement that the driver show his "operator's" license even though it may not be requested or be available. The law is very similar to Code provisions on rendering reasonable assistance when it is apparently necessary or "is requested by the injured person *or on his behalf*." The law concludes, "under no circumstances shall the rendering of assistance or other compliance with the provisions of this subsection be evidence of liability of any operator for such accident." Washington has subsection (b).

The laws of the remaining states are summarized or quoted below:

Alabama—Has two laws. Section 118 is applicable to the driver of a *motor* vehicle involved in an accident resulting in death, injury or damage to any driven or attended vehicle. Section 128 is applicable to the driver of any vehicle involved in an accident resulting in death, injury or damage to a "vehicle." The first law omits the phrase "and if available" from the requirement that a driver exhibit his "driver's license" but is otherwise identical to the 1956 Code provisions describing the information that must be given, the person to whom it must be given and the rendering of assistance to the injured. The second law, however, requires a driver to give his name, address and registration number only to an injured person and further differs from the first law and the Code by not requiring assistance when it is requested by the injured person and by not mentioning the alternative permitting a driver to make arrangements for transporting such persons for treatment. In the event of a conflict, the second law (§ 128) would apply.

Alaska—§ 28.35.060 does not require exhibiting a license and requires making arrangements for transporting injured persons to medical facilities "in a manner which will not cause further injury . . . if it is apparent that treatment is desirable," but does not mention such transportation by the driver or when requested. The law provides that giving assistance is not evidence of liability for causing the accident and exempts persons who are physically incapable of complying. In most other respects, it is similar to the 1956 version of UVC § 10-104.

California—§ 20003, applicable to any accident resulting in injury or death, requires a driver to give the same information required by the Code and the name of the vehicle's owner to "the person struck or the driver or occupants of any vehicle collided with *or*. . . to any traffic or police officer at the scene." The law requires exhibition of a "driver license" to such persons "upon request and if available" but if the driver elects to identify himself to an officer, the law apparently provides that it must be exhibited. In this connection, however, § 20006 requires a driver to exhibit other "valid evidences of identification" to occupants if he does not have his license. Section 20004 is comparable to UVC § 10-104(b) but requires giving the requisite information "to the nearest office of the . . . California Highway Patrol or office of a duly authorized police authority" *whenever a death has resulted* and no officer is present, while the Code subsection would require such a report whenever none

1. Connecticut, Louisiana, Rhode Island, Vermont and the District of Columbia.
2. Delaware, Maine, Maryland, Nebraska, New Jersey, North Carolina, South Dakota and Virginia.
3. Massachusetts, Missouri, New Hampshire, New York and Ohio.

of the persons entitled to receive the information is in condition to receive it. With respect to all property damage accidents, § 20002 requires a driver to locate and give to the owner or person in charge his name and address and that of the owner of the vehicle, or to leave a written notice containing this information and immediately report to a police department. See UVC § 10-105, *infra*. Portions of this law on assisting persons injured are identical to those in the Code.

Connecticut—§ 14-224 provides:

> (a) Each person operating a motor vehicle . . . which causes injury . . . or death to any other person or injury or damage to property shall at once stop and render such assistance as may be needed and shall give his name, address and operator's license and registration number to the person injured or to the owner of the injured or damaged property, or to any officer or witness to the death of any person or to the injury to person or injury or damage to property, and if such operator of the motor vehicle causing the death or injury of any person or injury or damage to property is unable to give his name, address and operator's license number and registration number to the person injured or the owner of the property injured or damaged, or to any witness or officer, for any reason or cause, such operator shall immediately report such death or injury of any person or injury or damage to property to a police officer, constable, a state police officer or an inspector of motor vehicles or at the nearest police precinct or station, and shall state in such report the location and circumstances of the accident causing the death or injury of any person . . . and his name, address, operator's license number and registration number.
>
> Section 14-225, applicable to an accident involving a non-motor vehicle, provides:
>
> Any person riding . . . driving or directing any vehicle, except a motor vehicle . . . who has knowledge of having caused any injury to the person or property of another and neglects . . . to stop and ascertain the extent of the same and to render assistance, or refuses to give his name and address, or gives a false name or address when the same is asked for by the person so injured or by any other person in his behalf or by a police officer, sheriff, deputy sheriff, motor vehicle inspector or constable, shall be fined not more than five hundred dollars or imprisoned not more

The above section differs from the Code by authorizing the driver to give the required information to injured persons or to a police officer. The Missouri laws do not require a driver to render assistance to persons injured in an accident.

Nebraska—§ 39-762 is virtually identical to the 1930 Code, but applies only to accidents involving death or personal injury. Section 39-762.01 covers property damage accidents and requires a driver to give the same information to the owner of the property struck or to the occupants or driver of any other vehicle involved in the collision.

Nevada—§ 484.010 provides:

> 1. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall:
>
> (a) Give his name, address and the registration number of the vehicle he is driving, and shall upon request and if available exhibit his license to operate a motor vehicle to any person injured in such accident or to the driver or occupant of or person attending any vehicle or other property damaged in such accident; and
>
> (b) Give such information and upon request manually surrender such license to any police officer at the scene of the accident or who is investigating the accident; and
>
> (c) Render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary, or if such carrying is requested by the injured person.
>
> 2. If no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of subsection 1 and section 81 of this act, insofar as possible on his part to be performed, shall forthwith report such accident to the nearest office of a police authority or of the Nevada highway patrol and submit thereto the information specified in subsection 1.

This law is in substantial conformity with UVC § 10-104(a), differing only by omitting "or permit" and substituting "operate a motor vehicle" for "drive" and "manually surrender" for "exhibit." It differs from UVC § 10-104(b) by omitting the entire introductory phrase. Therefore Nevada would require immediate notice to the police of any accident involving damage to attended property, regardless of the amount of damage, if no police officer is present. The Code would require such notice only if the damage were in excess of $100. See UVC § 10-106.

New Hampshire—§ 262-A:67 provides that "any person who is the operator of a motor vehicle who is *knowingly* involved in any accident" resulting in death, injury or damage to property must stop, give his name, address, driver license number, registration number of the motor vehicle, and names and addresses of the occupants "to the operator of any other vehicle involved in said accident, and to the person injured, or the owner of the property damaged." The second sentence, dealing with the duty to give information in the event no person is in condition to receive it, provides:

> If by reason of injury, absence or removal from the place of the accident, or other cause, such injured person, or operator of such other motor vehicle, or owner of the property damaged, or any of them, is unable to understand or receive the information required hereunder, such information shall be given to any uniformed police officer arriving at the scene of the accident or immediately to a policeman at the nearest police station.

The New Hampshire laws contain no requirement for rendering assistance by drivers to persons injured in an accident.

New Jersey—Law is virtually identical to UVC § 10-104(b), differing only by requiring a report to the nearest office of the local, county or state police. Its law comparable to subsection (a) reads as follows:

> The driver of any vehicle knowingly involved in an accident resulting in injury or death to any person or damage to any vehicle or property shall give his name and address and exhibit his operator's license and registration certificate of his vehicle to the person injured or whose vehicle or property was damaged and to any police officer or witness of the accident, and to the driver or occupants of the vehicle collided with and render to a person injured in the accident reasonable assistance, including the carrying of that person to a hospital or a physician for medical or surgical treatment, if it is apparent that the treatment is necessary or is requested by the injured person.

Although this New Jersey law is similar to UVC § 10-104(a), it does contain some differences. It is applicable to drivers "knowingly" involved in an accident. As to identification at the scene by the driver, the law requires exhibiting the "registration certificate of his vehicle" while the Code would require that the driver provide "the registration number of the vehicle he is driving." The law also requires a driver to exhibit his license and so does the Code, but the Code specifies only "upon request and if available." As to the persons to whom this information must be given, the law mentions the person injured or the person whose property was damaged and the driver or occupants of the vehicle "collided with," while the Code mentions any person injured or the driver, occupant or person attending the damaged property. The law also requires giving the information to a police officer "or witness

of the accident" while the Code would require giving it to a police officer at the scene or to a police officer investigating the accident. In its description of what is included in the requirement to assist any person injured, the law is very similar but does not have the Code's alternative about making arrangements for transportation of an injured person to receive medical attention in lieu of the driver's actually carrying the person.

New York—§ 600 provides:

> Any person operating a motor vehicle who, knowing or having cause to know that damage has been caused . . . to the personal property, not including animals, of another . . . shall, before leaving the place where the damage occurred, stop, exhibit his license and insurance identification card for such vehicle, when such card is required pursuant to articles six and eight of this chapter, and give his name, residence including street and number, insurance carrier and insurance identification information and license number to the party sustaining the damage, or in case, the person sustaining the damage is not present . . . then he shall report the same as soon as physically able to the nearest police station, or judicial officer.
>
> Any person operating a motor vehicle who, knowing or having cause to know that personal injury has been caused to another person, due to the culpability of the person operating such motor vehicle, or to accident, shall, before leaving the place where the said personal injury occurred, stop, exhibit his license and insurance identification card for such vehicle, when such card is required pursuant to articles six and eight of this chapter, and give his name, residence, including street and street number, insurance carrier and insurance identification information and license number, to the injured party and also to a police officer, or in the event that no police officer is in the vicinity of the place of said injury, then, he shall report said incident as soon as physically able to the nearest police station or judicial officer.

North Carolina—§ 20-166(c), applicable to accidents involving death or injury, is virtually identical to the 1930 Code but requires *giving* a license number, not *exhibiting* it. See Historical Note, *supra*. Section 20-166(b), applicable to property damage accidents, requires giving the same information "to the driver or occupants of any other vehicle involved in the accident or collision or to any person whose property is damaged."

Ohio—§ 4549.02, applicable to any accident or collision on public highways, requires the driver to give his name and address, and the name and address of the owner of the motor vehicle if he is not the owner, and the registration number of such motor vehicle to any person injured in the accident or collision or to the operator, occupant, owner or attendant of any motor vehicle damaged, or to any police officer at the scene. The second paragraph, which is comparable to UVC § 10-104(b), provides:

> In the event the injured person is unable to comprehend and record the information required to be given by this section, the other driver involved in such accident or collision shall forthwith notify the nearest police authority concerning the location of the accident or collision, and his name, address, and the registered number of the motor vehicle he was operating, and then remain at the scene of the accident or collision until a police officer arrives, unless removed from the scene by an emergency vehicle operated by a political subdivision or an ambulance.

A second Ohio law (§ 4549.021), applicable to now-highway accidents resulting in injury or damage to persons or property, requires a driver, upon request of the person injured or damaged, or any other person, to give the same information required in the first law and, if available, to exhibit his operator's or chauffeur's license. The first law does not require a driver to exhibit his license and neither law requires assistance to persons injured.

Rhode Island—§ 31-26-3 is similar to the 1956 Code section but conditions the driver's duty to identify himself on a request for such information: "The driver . . . shall *upon request*, give his name, address and the registration number of the vehicle he is driving and shall exhibit his . . . license to the person struck." The Code requires the giving of identifying information, whether or not requested, and calls for the display of a license if such display is requested and if it is available. The non-availability of a license is not mentioned in the Rhode Island law. Rhode Island also differs from the Code by requiring a driver to render reasonable assistance to injured persons without specifying, as the Code does, what that assistance might include.

South Dakota—Duplicates subsection (b). A law like (a) requires a driver to give his name and address, the name and address of the owner, and the registration number of the vehicle he is driving to the person struck or to the driver or occupant of any vehicle collided with. This differs from the UVC by not requiring exhibition of the driver's license, and by not requiring information to be given to police officers, to any person injured, or to any occupant of any involved vehicle or any person attending damaged property. Its description of aiding the injured differs by omitting any reference to making arrangements for transportation.

Vermont—§ 1004(a) provides:

> The operator of a motor vehicle who has caused or is involved in an accident resulting in injury to any person or property, other than the vehicle then under his control or its occupants, shall immediately stop and render such assistance as may be reasonably necessary. He shall give his name, residence, license number and the name of the owner of such motor vehicle to the party whose person or property is injured and to any enforcement officer.

Virginia—§ 46.1-176(a) provides:

> The driver of any vehicle involved in an accident in which a person is killed or injured or in which an attended vehicle or other attended property is damaged shall immediately stop as close to the scene of the accident as possible without obstructing traffic and report forthwith to the police authority; and, in addition, to the person struck and injured if such person appears to be capable of understanding and retaining the information, or to the driver or some other occupant of the vehicle collided with or to the custodian of other damaged property, his name, address, operator's or chauffeur's license number and the registration number of his vehicle. The driver shall also render reasonable assistance to any person injured in such accident, including the carrying of such injured person to a physician, surgeon or hospital for medical treatment if it is apparent that such treatment is necessary or is requested by the injured person.

The principal differences between the above law and UVC § 10-104 are that the law requires a driver to display his "license number" rather than his license, requires giving the information to involved persons *or* to an officer (the Code would require the giving of information to both if the officer were at the scene), requires giving information to persons "struck" or in the vehicle "collided with," and does not expressly include the Code alternative of making arrangements for transporting the injured to medical facilities.

District of Columbia—§ 40-609(a) provides:

> Any person operating a vehicle, who shall injure any person therewith, or who shall do substantial damage to property therewith and fail to stop and give assistance, together with his name, place of residence, including street and number, and the name and address of the owner of the vehicle so operated, to the person so injured, or to the owner of such property so damaged, or to the operator of such other vehicle, or to any bystander who shall request such information on behalf of the injured person, or, if such owner or operator is not present, then he shall report the

information above required to a police station or to any police officer within the District immediately . . . .

This law briefly mentions "giving assistance" but does not contain provisions comparable to those in the Code describing such assistance in terms of persons injured in the accident.

Puerto Rico—Requires the driver of a vehicle involved in an accident to fulfill two duties. 1) give his name, address, license number of the vehicle he is driving, and if requested to show his license or driver's permit to any injured person or the driver or occupant of the other vehicle, or the person in charge of the vehicle or any damaged property, or to a peace officer; 2) render assistance to any injured person, including taking them to the hospital or other place to receive medical assistance except if it may be dangerous to move the injured, or when expressly not consented to by the injured or anyone accompanying him. The driver need not do this if his physical condition does not enable him. If there is no one in condition to receive the required information and no peace officer present, the driver must report the accident to the nearest police station.

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§ 10-105—Duty Upon Damaging Unattended Vehicle or Other Property

The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to such other vehicle or property shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle or other property of his name, address and the registration number of the vehicle he is driving or shall attach securely in a conspicuous place in or on such vehicle or other property a written notice giving his name, address and the registration number of the vehicle he is driving and shall without unnecessary delay notify the nearest office of a duly authorized police authority. Every such stop shall be made without obstructing traffic more than is necessary. (Revised, 1968.)

Historical Note

The 1926 and 1930 editions of the Code did not contain separate provisions on accidents involving damage to *unattended* vehicles or property. However, the use of the word "property" in those editions, without qualification, meant at least that the driver had to stop at the scene of the accident even when the property damaged was unattended; but once having stopped, he was under no specific duty to locate and notify the owner or leave a written notice. See UVC Act IV, § 30 (1926) requiring the driver to stop after an accident resulting in "damage to property" and to identify himself to "the driver or occupants *of any vehicle collided with.*" discussed in the Historical Notes to §§ 10-103 and 10-104, *supra*.

In 1934, the National Committee adopted three separate sections defining the duties of drivers involved in accidents resulting only in damage to property: One applied to accidents resulting in damage to vehicles driven or attended by any person, discussed above in connection with § 10-103. The second and third, discussed in this Note and Annotation, applied, respectively, to accidents involving damage to unattended vehicles, and to accidents resulting in damage to highway fixtures.

The 1934 Code provision on unattended vehicles stated:

> The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.

UVC Act V, § 39 (Rev. ed. 1934). This section appeared without change in all editions of the Code from 1934 through 1956. UVC Act V, § 42 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 10-105 (Rev. eds. 1954, 1956).

Another section of the 1934 Code applied to highway fixtures. As revised in 1948, it provided:

> The driver of any vehicle involved in an accident resulting only in damage to fixtures *or other property* legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's license and shall make report of such accident when and as required in section 45 hereof.

UVC Act V, § 40 (Rev. ed. 1934); UVC Act V, § 43 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 10-106 (Rev. eds. 1954, 1956).

In 1962, the above provision on striking fixtures or other property (whether attended or unattended) was deleted from the Code, and the section on striking unattended vehicles was amended to make it applicable to accidents involving unattended vehicles *or other unattended property*, as follows:

> The driver of any vehicle which collides with *or is involved in an accident with* any vehicle *or other property* which is unattended *resulting in any damage to such other vehicle or property* shall immediately stop and shall then and there [either] locate and notify the operator or owner of such vehicle *or other property* of the name and address of the driver and owner of the vehicle

striking the unattended vehicle *or other property* or, *in the event an unattended vehicle is struck*, shall *attach securely* [leave] in a conspicuous place in *or on such* [the] vehicle a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking [and a statement of the circumstances thereof].

The 1962 version would not allow a driver to attach a written notice to property *other than an unattended vehicle* in the event the owner cannot be located, nor could he merely take "reasonable steps" to locate and notify the owner of such other property as he could have done under former § 10-106 (on fixtures or other property). Note also that this section applied to accidents or collisions which result in *damage* to unattended property. Earlier versions applied to "collisions" with unattended vehicles, without mention of damage. See UVC Act V, § 39 (Rev. ed. 1934), quoted above. The removal of the provision on fixtures "or other property legally upon or adjacent to a highway" clearly made the Code provision on property accidents applicable anywhere, eliminating any possible inconsistency with UVC § 10-101.

In 1968, this section was changed as follows:

The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to such other vehicle or property shall immediately stop and shall then and there *either* locate and notify the operator or owner of such vehicle or other property of *his* [the] name, [and] address [of the driver] and the *registration number of the vehicle he is driving* [owner of the vehicle striking the unattended vehicle or other property] or [in the event an unattended vehicle is struck] shall attach securely in a conspicuous place in or on such vehicle *or other property* a written notice giving *his* [the] name, [and] address *and the registration number of the vehicle he is driving* [of the driver and owner of the vehicle doing the striking] *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.*

In addition, the word "striking" in the caption was replaced by "damaging."

As a result of the 1968 changes, the Code now requires drivers who damage any vehicle or property which is unattended to either (1) locate and notify the owner of the vehicle or property or (2) leave a note and notify the nearest police office without delay. For consistency with other Code sections, reference was added to the registration number of the vehicle and an express requirement was added that such stops be made without obstructing traffic unnecessarily.

Statutory Annotation

The laws of 11 jurisdictions—California, Florida, Hawaii, Illinois, Kansas, Maryland, Nevada, Pennsylvania, South Dakota, Virginia and Puerto Rico—are in substantial conformity with the 1968 Code insofar as they require a driver damaging unattended property to either locate and notify the owner or leave a note in a conspicuous place at the scene and notify a specified authority. California and Illinois require immediate notice to the police in the event the owner is not located. Virginia requires such notice to be given within 24 hours. Nevada requires immediate notice to the police whether the owner can be located or not.

Alaska and Rhode Island have similar laws, but they apply only to accidents involving unattended vehicles. The Rhode Island law requires immediate notice to the police if the owner is not located, while the Alaska regulation requires a report to the state police or U.S. marshal within 48 hours.

Eight jurisdictions—Connecticut, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina and the District of Columbia—conform with the 1968 Code insofar as they require immediate notice to a police authority in the event the owner of the property cannot be located, but differ by not expressly providing for leaving a note at the scene of the accident. The Michigan law applies only to accidents involving vehicles.

Eleven jurisdictions have laws closely patterned after the 1968 Code section:

Colorado [1]	Illinois [4]	Maryland [6]	South Dakota [8]
Florida [2]	Kansas	Nevada [7]	Puerto Rico
Hawaii [3]	Kentucky [5]	Pennsylvania	

1. Colorado law does not apply to drivers who strike highway fixtures and traffic control devices nor does it require immediate notice when leaving a note. Another law (§ 42-4-1406) requires immediate notice of all accidents causing property damage. Drivers damaging fixtures or devices must notify road authority having charge of that property.
2. If a damaged vehicle is obstructing traffic, the driver must make every reasonable effort to move it.
3. Hawaii requires notice to "nearest police office."
4. Applies to all property damage accidents and not only to those where property is unattended.
5. The Kentucky provision concludes "or shall file a report with the local police department," instead of the Code's "and shall without unnecessary delay notify the nearest office of a duly authorized police authority." It does not have the Code's last sentence.
6. The Maryland law applies to any owner who is at the scene. It does not require notice to the nearest police authority.
7. Nevada omits last sentence and requires notice to police whether or not the owner is located.
8. Requires name and address of vehicle's owner.

The New Jersey law is similar to the 1962 Code, differing by adding "knowingly" before both collides and involved. Also, the law requires giving notice to a local police department when the owner can't be located and notice to the owner as soon as he can be found.

Twenty-one states have provisions in verbatim or substantial conformity with the Code section as it appeared in the 1934 through 1956 editions. Thus, except as noted, these laws generally differ from the 1962 Code insofar as they apply only to collisions "with any vehicle which is unattended":

Alabama [1]	Iowa	North Dakota	Texas [4]
Arizona [2]	Maine	Oklahoma	Washington
Arkansas	Mississippi [3]	Oregon	West Virginia
Georgia [2]	Montana	South Carolina	Wisconsin
Idaho	New Mexico	Tennessee	Wyoming
Indiana			

1. The driver may leave the notice "in or on" the vehicle struck. The 1934–1956 Code read "in" the vehicle struck.
2. The Arizona and Georgia laws omit the phrase "and a statement of the circumstances thereof."
3. Section 8164 adds the following proviso: "Provided, however, the provisions herein shall not apply where no material damage is done, and where the owner of the unattended vehicle was guilty of negligence in leaving said vehicle parked as same was when so struck."
4. The Texas law provides: "The driver of any vehicle which collides with *and damages* any vehicle which is unattended shall [stop and either locate and notify the operator or owner] . . . or shall leave in a conspicuous place in, *or securely attached to and plainly visible*, the vehicle struck . . . ." Italicized portions show that the Texas law conforms to some extent with the 1962 Code.

Of these 21 states, all have laws in verbatim or substantial conformity with former Code sections on accidents resulting in damage to "fixtures legally upon or adjacent to a highway." See the Historical Note, *supra*, indicating that these provisions were deleted from the Code in 1962. Eleven of the states listed, like the 1956 Code, apply the law to fixtures "or other property" legally upon or adjacent to a highway:

Arizona	New Mexico	Oregon	Wisconsin
Idaho	North Dakota *	Tennessee	Wyoming
Montana	Oklahoma	West Virginia	

* North Dakota omits "legally upon or adjacent to a highway."

Six apply to damaged "fixtures" only, in conformity with the pre-1948 Code:

Alabama	Georgia	South Carolina
Arkansas	Mississippi	Texas

The Iowa law applies to "property legally upon or adjacent to a highway," and the driver must take reasonable steps to "locate and notify the owner, a peace officer or person in charge of such property." The Maine law applies to fixtures "or other property" without the limiting phrase "legally upon or adjacent to a highway." The Indiana law applies to damaged "fixtures legally upon or adjacent to a highway" and adds that if the owner or custodian of such property cannot be found, the driver "causing such damage" must notify the county sheriff or a member of the State Police. The Washington law omits the reference to fixtures and applies to "property fixed or placed upon or adjacent to any public highway."

Five states—Delaware, Louisiana, Massachusetts, Nebraska and Vermont—do not have provisions referring specifically to unattended vehicles or property, but the duty of a driver to identify himself when involved in an accident resulting in damage to such property may either be implied from the wording of the statutes (there is at least a duty to stop in all of these states) or may be imposed by judicial interpretation.*

The remaining jurisdictions compare as follows:

Alaska—§ 28.35.050, on accidents involving only damage to unattended vehicles, requires the driver to stop immediately and "undertake reasonable means and efforts to locate and notify the operator or owner . . . . If the operator or owner . . . cannot be located then the operator shall leave in a conspicuous place in or on the unattended vehicle a writing stating the name and address of the operator and of the owner . . . and setting forth a statement of the circumstances of the accident."

California—§ 20002 requires the driver involved in an accident resulting in damage to property (including vehicles) to either locate and notify the owner or person in charge or leave in a conspicuous place *on the vehicle or other property damaged* a written notice, including a statement of the circumstances, "and shall without unnecessary delay notify the police department of the city wherein the collision occurred or . . . . the local headquarters of the California Highway Patrol." Failing to stop or comply is a misdemeanor punishable by imprisonment for not more than six months or fine of not more than $500, or both.

Connecticut—§ 14-224(a) states:

> . . . and if such operator of the motor vehicle causing . . . injury or damage to any property is unable to give his name, address and operator's license number and registration number to . . . the owner of the property injured or damaged, or to any . . . officer [at the accident scene], for any reason or cause, such operator shall immediately report such injury or damage to property to a police officer, a constable, a state police officer or an inspector of motor vehicles or at the nearest police precinct or station, and shall state in such report the location and circumstances of the accident causing the . . . injury or damage to property and his name, address, operator's license number and registration number . . . .

Michigan—§ 9.2320 provides:

> The driver of any vehicle which collides with any vehicle which is attended or unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or, if such owner cannot be located, shall forthwith report it to the nearest or most convenient officer.

Section 9.2321 is in conformity with the pre-1948 Code section on fixtures.

Minnesota—§ 169.09(4) provides:

> The driver of any vehicle which collides with *and damages* any vehicle which is unattended shall immediately stop and either locate and notify the driver or owner of the vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle, shall report the same to a police officer, or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking. (Emphasis added.)

Section 169.09(5) is in conformity with pre-1948 Code provisions on fixtures and it requires a written report on all such accidents.

Missouri—§ 564.450 requires that in the event no one is present to receive the information (e.g., where unattended property is struck) a report must be made to a police officer or to the nearest police station or judicial officer.

New Hampshire—§ 262-A:67 states:

> . . . . If by reason of injury, *absence* or removal from the place of the accident, or other cause, such injured person, or operator of such other motor vehicle, *or owner of the property damaged*, or any of them, is unable to understand or receive the information required hereunder, such information shall be given to any uniformed police officer arriving at the scene of the accident or immediately to a policeman at the nearest police station . . . . (Emphasis added.)

New York—§ 600 states that the driver of a motor vehicle or motorcycle causing damage to real or personal property must stop, give his name and address, and exhibit his license and license number to the "party sustaining the damage, or to a police officer,*or in case no police officer nor the person sustaining the damage is present* at the place where the damage occurred then [report] as soon as physically able the same to the nearest police station, or judicial officer." Violation is a misdemeanor. Section 601 provides separately for accidents involving injury to any "horse, dog, or animal classified as cattle." The driver must stop and attempt to locate the owner or custodian, or an officer, and must "take any other reasonable and appropriate action so that the animal may have necessary attention," and must promptly report to the owner, custodian, or officer, giving his name, address and license number.

North Carolina—A driver involved in an accident causing damage to property must immediately stop and give his name, address, license and registration number to occupants of any other involved vehicle or to any person whose property is damaged. If a parked and unattended vehicle is damaged and the name and location of its owner "is not known to or readily ascertainable by the driver of the responsible vehicle," the driver must notify the nearest available officer or place a note on or in the vehicle and report within 48 hours to the owner. If the latter report is written, a copy must go to the department. If a highway appurtenance is damaged and a report can not readily be made at the scene, "the responsible driver" must notify the nearest peace officer or file a written report by certified mail to the department within five days. Violation carries a maximum penalty of two years.

Ohio—Paragraph 3 of § 4549.02, on accidents *on public highways* involving persons or property provides: "If such accident or collision is with *an unoccupied or unattended motor vehicle*, the operator so colliding with such motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on said unoccupied or unattended motor vehicle." Section 4549.021, on accidents resulting in damage to property (not limited to vehicles) in places *other than public roads or highways*, provides that "if the owner or person in charge of such damaged property is not furnished such information, the driver . . . shall within 24 hours . . . forward to the police department [or county sheriff] . . . the same information required to be given to the owner or person in control of such

* Section 24(2)(a) of the Massachusetts laws requires the driver to "make himself known," inferring that in the event the accident involves unattended property, someone—whether a witness, a police officer, the owner of the property, or even a neighbor—must be informed of the driver's identity, residence and vehicle number.

damaged property and give the date, time, and location of the accident or collision." Paragraph 3 of this section is identical to paragraph 3 of § 4549.02, quoted above. Another section, 4549.03, resembles former Code provisions on fixtures:

> The driver of any vehicle involved in an accident resulting in damage to real property, or personal property attached to such real property, legally upon or adjacent to a public road or highway shall immediately stop and take reasonable steps to locate and notify the owner or person in charge of such property of such fact, of his name and his address, and of the registration number of [the] vehicle he is driving and shall, upon request and if available, exhibit his operator's or chauffeur's license.
>
> If the owner or person in charge of such property cannot be located after reasonable search, the driver . . . shall, within twenty-four hours after such accident, forward to the police department [or county sheriff] . . . the same information required to be given to the owner or person in control of such property and give the location of the accident and a description of the damage insofar as it is known.

It appears that although § 4549.02 applies the duty to stop to accidents involving personal injury or damage to any "property" on public roads, the driver nevertheless is under no specific duty to attempt to locate and inform an absent owner of damaged property, even if such property is an unattended vehicle, and, if no police officer is present, he need not inform the nearest police authority. The specific duty to locate and inform the owner, or notify the police if the owner is not found, applies if the accident involves "real property, or personal property attached to such real property, legally upon or adjacent to a public road or highway."

Rhode Island—§ 31-26-4 provides:

> The driver of any vehicle which collides with another vehicle which is unattended *and damage results to either vehicle* shall immediately stop and shall then and there either locate and notify the operator or owner of the unattended vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in or upon the unattended vehicle a notice *written in the English language* giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances of the collision, and shall immediately give notice of such accident to a nearby office of local or state police . . . . (Emphasis added.)

Section 31-26-5 is in conformity with pre-1948 Code provisions on fixtures.

Utah—§ 41-6-32 provides:

> The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended which results in damage to the other vehicle or property shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle or other property of such driver's name and address and the registration number of the vehicle causing such damage or shall attach securely in a conspicuous place on the vehicle or other property a written notice giving such driver's name and address and the registration number of the vehicle causing such damage. If applicable, the driver shall also give notice as provided in section 41-6-34. Any person failing to comply with said requirements under such circumstances is guilty of an infraction.

§ 41-6-34 requires immediate notice to police if property is damaged to an apparent extent of $400 or more.

Virginia—§ 46.1-176(c) requires the driver of any vehicle involved in an accident resulting in damage to an unattended vehicle or other unattended property to make a reasonable effort to find the owner or custodian and report the required information. Otherwise, he must "leave a note in a conspicuous place *at the scene* of the accident and shall report the accident in writing within twenty-four hours" to the police. (Emphasis added.)

District of Columbia—D.C. Code § 40-609(a) states that ". . . if such owner or operator is not present then [the driver]. . . shall report the information above required to a police station or to any police officer within the District immediately."

Citations

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§ 10-106—Immediate Notice of Accident

(a) The driver of a vehicle involved in an accident resulting in injury to or death of any person or in any vehicle becoming so disabled as to prevent its normal and safe operation shall immediately by the quickest means of communication give notice of such accident to the nearest 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. (REVISED, 1975.)

(b) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in subsection (a) and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver. (Revised, 1962.)

Historical Note

Until 1938, the Code had no provision requiring immediate notice of an accident. The 1926 Code simply required the driver of any vehicle involved in an accident resulting in death or personal injury, or property damage in excess of $50, to report, either orally or in writing, to the department or to municipal police headquarters within 24 hours. UVC Act

IV, § 31 (1926). The 1930 revision expressly called for such reports to be forwarded in writing. UVC Act IV, § 16 (Rev. ed. 1930). In 1938, a new section was added to the Code requiring immediate notice "by the quickest means of communication" only if the accident resulted in death or personal injury:

> (a) The driver of a vehicle involved in an accident resulting in injury to or death of any person shall immediately by the quickest means of communication give notice of such accident to the local police department if such accident occurs within a municipality, otherwise to the office of the county sheriff or the nearest office of the (State highway patrol) department.

UVC Act V, § 44(a) (Rev. ed. 1938). This new section also required immediate reports by coroners:

> (b) Every coroner or other official performing like functions upon learning of the death of a person in his jurisdiction as the result of a traffic accident shall immediately notify the nearest office of the department.

Subsection (b) was in addition to one requiring periodic reports of deaths from coroners and was deleted from the Code in 1944, after which only periodic reports were required. See § 10-110, *infra*.

Another new section was added in 1938, which provided:

> Whenever the driver of a vehicle is physically incapable of making an immediate or a written report of an accident as required in sections 44 and 45, and there was another occupant in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause to be made said report not made by the driver.

UVC Act V, § 46 (Rev. ed. 1938).

Section 44 on immediate notice of accidents was amended in 1952 to apply to drivers of vehicles *or streetcars* involved in accidents resulting in death or personal injury *or property damage to an apparent extent of $25 ($50, $100) or more*. The section continued to require immediate notice to "the local police department if such accident occurs within a municipality, otherwise to the office of the county sheriff or the nearest office of the (State highway patrol) department" until 1962, when that phrase was replaced by "the nearest office of a duly authorized police authority." UVC Act V, § 44 (Rev. eds. 1944, 1948, 1952); UVC § 10-107 (Rev. eds. 1954, 1956); UVC § 10-106 (Rev. ed. 1962).

In 1968, the reference to streetcars was deleted (see UVC § 11-1401) and a single reporting threshold of $100 was adopted to provide a uniform standard for describing property damage accidents that must be immediately reported:

> (a) The driver of a vehicle involved in an accident resulting in injury to or death of any person or total damage to all property to an apparent extent of $100 or more shall immediately by the quickest means of communication give notice of such accident to the nearest office of a duly authorized police authority.

In 1975, this subsection was revised as follows:

> (a) The driver of a vehicle involved in an accident resulting in injury to or death of any person or *in any vehicle becoming so disabled as to prevent its normal and safe operation* [total damage to all property to an apparent extent of $100 or more] shall immediately by the quickest means of communication give notice of such accident to the nearest office of a duly authorized police authority. *For purposes of this section, a disabled vehicle shall not include a bicycle or any other vehicle moved by human power.* (REVISED, 1975.)

The 1975 revisions in this section deal with notifying the police of an accident causing only damage to property. Prior to 1975, the section required notice of a property damage only accident when a dollar threshold ($100) had been exceeded. However, many police agencies do not want to receive notice of property damage only accidents unless a vehicle has been disabled and is obstructing traffic or otherwise constitutes a safety hazard. It also was thought difficult at the scene of an accident to determine whether at least $100 in damage had occurred. The lack of uniformity among state laws was another factor that was considered as were current recommendations of the National Highway Traffic Safety Administration. For further discussion of this change, see *Agenda for National Committee Meeting* 2 (April 1, 1975). See also, UVC § 10-105 requiring notice of property damage only accidents when the owner of the property cannot be located.

Former § 46, covering situations where the driver is unable to report, was divided into two separate subsections in 1948 to apply to immediate reports and to written reports. The provision applicable to immediate reports by an occupant has not been substantively changed since then. UVC Act V, § 46 (Rev. ed. 1944); UVC Act V, § 46(a) (Rev. eds. 1948, 1952); UVC § 10-111(b) (Rev. eds. 1954, 1956); UVC § 10-106(b) (Rev. eds. 1962, 1968).

Statutory Annotation

Subsection (a).

Pennsylvania, Rhode Island and Texas substantially conform with the revised subsection. Pennsylvania requires notice when a vehicle is damaged so it cannot be driven and requires towing. Devices moved by human power are not expressly excepted. Texas requires notice when a vehicle is damaged to the extent that it cannot be normally and safely driven. Devices moved by human power are not expressly excepted.

Eleven jurisdictions require immediate notice only when the accident involves death or personal injury, in conformity with the pre-1952 Code provisions. Some of these, however (marked with an asterisk), also require immediate notice after certain other types of accidents, such as those to unattended property where the owner or custodian cannot be located, and are set out in greater detail below:

Alabama	Iowa [1]	New York *	West Virginia
Arizona	Minnesota	Oklahoma	District of
Indiana *	Nevada *	South Carolina	Columbia *

1. Notice must given to the sheriff of the county in which the accident occurred, the nearest office of the Iowa Highway Safety Patrol, or to "any other peace officer as near as practicable to the place where the accident occurred." The other states in this category, except for New York and the District of Columbia, call for notice to authorities in conformity with the 1952-1956 Code provision.

Like the 1968 Code, laws in 20 jurisdictions require immediate notice for accidents involving death, injury or property damage exceeding the amounts shown in parentheses for each state:

Alaska (100)	Louisiana (100)	South Dakota (400)
Delaware (250) [1]	Michigan (200) *	Tennessee (50)
Georgia (250)	Montana (100)	Utah (400) [5]
Hawaii (300)	New Jersey (200) [3]	Wisconsin (200) [6]
Idaho (100) [2]	New Mexico (100)	Wyoming (250) [7]
Illinois (100) * [2]	North Carolina (200) *	Puerto Rico (100)
Kansas (300)	North Dakota (300) [4]	

* Law discussed, *infra*.

1. Nearest state police station or Wilmington Department of Public Safety.
2. Property of one person not total damage.
3. Notify local police, nearest county police or nearest state police.
4. Omits "by quickest means of communication."
5. Notify local police department if the accident occurs within a municipality, otherwise to the office of the county sheriff or to a state trooper.
6. The driver must notify the police department, the "sheriff's department or the traffic department of the county or municipality in which the accident occurred or . . . a state traffic patrol officer." The law then proceeds to define "injury" and "total property damage." See 43 Op.

Atty. Gen. 90 (1954) construing "immediately" to mean within a reasonable time under all of the circumstances of the case.

7. The law requires notification of the accident "as soon as practicable thereafter" rather than "immediately," as in the Code.

Other notable variations in state laws are as follows:

California—§ 20004 provides that in the event of death, and if no police officer is present at the scene, the driver must "without delay report the accident to the nearest office of the Department of the California Highway Patrol or office of a duly authorized police authority. . . ." Section 20002 states that in the event of an accident resulting in damage to property, and if the driver is unable to locate and notify the owner or custodian, he must leave a written notice and "shall without unnecessary delay notify the police department of the city wherein the collision occurred or, if the collision occurred in unincorporated territory, the local headquarters of the Department of the California Highway Patrol."

Colorado—§ 42-4-1406(1) states:

> The driver of a vehicle involved in a traffic accident resulting in injury to or death of any person *or any property damage* shall after fulfilling the requirements of sections 42-4-1402 and 42-4-1403 [duty to stop, give information, and render aid], give immediate notice of the location of such accident and such other information as is specified in section 42-4-1403 to the nearest office of the duly authorized police authority and, if so directed by the police authority, shall forthwith and without delay return to and remain at the scene of the accident until said police have arrived at the scene and completed their investigation thereat. (Emphasis added.)

Connecticut—§ 14-224(a) provides that ". . . if such operator of the motor vehicle causing the death or injury of any person or injury or damage to any property is unable to give his name, address and operator's license number and registration number to the person injured or the owner of the property injured or damaged, or to any witness or officer, for any reason or cause, such operator shall immediately report such death or injury . . . or damage . . . to a police officer, a constable, a state police officer, or an inspector of motor vehicles or at the nearest police precinct or station, and shall state in such report the location and circumstances of the accident . . . and his name, address, operator's license number and registration number." Thus, an immediate report is required, somewhat like California, only if the driver is unable to inform an officer or any other person at the scene. See also, § 14-226 which requires notice whenever an accident results in injury to a dog and the owner cannot be located.

Florida—Law requires immediate notice when there is any property damage. Notice must be given to a municipal police department or to the sheriff or highway patrol.

Illinois—Requires notice when property of any one person has been damaged to the extent of $100. It does not require an "immediate" notice and specifies use of "the fastest available means of communication" to the local police department if the accident occurred in a municipality, otherwise to the county sheriff or the nearest office of the Illinois Highway Police.

Indiana—§ 9-4-1-45(a) requires immediate notice from drivers involved in an accident resulting in the injury or death of any person. Section 9-4-1-44, specifying the duties of a driver involved in an accident causing damage only to fixtures upon or adjacent to the highway, provides that if the owner or custodian of such fixtures can not be located, the driver must notify the county sheriff or a member of the state police.

Maine—Requires an immediate report by the quickest means of communication to a state police officer or to the nearest state police office, to the sheriff's office or to a deputy sheriff in the county where the accident occurred, or to the police department or a police officer in the municipality where the accident occurred. Absence of notice to these persons or agencies is prima facie evidence of a violation. This law applies to drivers involved in accidents resulting in death, injury or property damage to the apparent extent of $200, or more, or the owner of the vehicle having knowledge of the accident should the driver be unknown.

Michigan—§ 9.2322 provides that a driver of a motor vehicle involved in an accident resulting in personal injury or death of any person or in an accident resulting in total damage of $200 or more "forthwith report such accident to the nearest or most convenient police station or police officer." Sections 9.2320 and 9.2321 require similar reports when the accident involves unattended vehicles or fixtures and the owner cannot be located.

Missouri—§ 564.450 requires drivers involved in accidents to stop and give information to "the injured party or to a police officer." If no police officer is present, the information must be given to the nearest police station or judicial officer. In the event of death, at least, Missouri appears to require immediate notice to the police since "the injured party" could not be given the necessary information.

Nevada—Laws noted in §§ 10-104 and 10-105, *supra*, require the driver of a vehicle involved in an accident resulting in death, injury or damage to attended property, regardless of amount, to give immediate notice to the police if no police officer is present at the scene, and require the driver involved in an accident resulting in damage to unattended property to give immediate notice to the police, regardless of the amount of damage.

New Hampshire—§ 262-A:67 requires immediate notice to "a policeman at the nearest police station" if, due to "injury, absence or removal from the place of the accident, or other cause, such injured person, or operator of such other motor vehicle, or owner of the property damaged, or any of them, is unable to understand or receive the information required hereunder," and no "uniformed police officer" is present.

New York—§ 600 provides that where the accident involves property damage the driver must report to the party sustaining the damage, or to a police officer, or if neither is present then report "as soon as physically able the same to the nearest police station, or judicial officer." If the accident results in personal injury the driver must give information to the injured party "*and also* to a police officer," or, if no officer is present, to the nearest police station or judicial officer as soon as physically able. Thus, slightly different report requirements are imposed depending on whether the accident involved personal injury or only damage to property. If the latter, the driver must report to the party sustaining the damage *or* to an officer, but not necessarily both; if the former, the driver must report to the injured party *and* to a police officer, or if no officer is present then to the nearest police station. In the event of death, and if no officer is present, New York would require an immediate report to the nearest police station, although the statute is not explicit.

North Carolina—§ 20-166.1(a) is in substantial conformity with the 1956 Code but applies only to vehicles involved in "collisions." Apparent property damage must equal or exceed $200. The notice is to the local police department when the accident occurs in a municipality and to the "sheriff or other qualified rural police of the county" where the accident occurred.

Ohio—§ 4549.02, applicable to accidents occurring on public highways, provides that a driver "shall forthwith notify the nearest police authority" if an injured person is unable to "comprehend and record" the required information, and remain at the scene until a police officer arrives. This section would probably require such notice in the event of death as well. Section 4549.021, pertaining to accidents occurring in places other than public highways, does not require immediate notice of an accident involving death or personal injury, even though the person injured is unable to comprehend and record information. Under the same section, notice to the police of accidents involving property damage is

required within 24 hours if the owner or custodian of the property cannot be located: and the driver must also leave a note if the property damaged is an unattended vehicle.

Virginia—§ 46.1-399 provides:

> The driver of any vehicle involved in any accident resulting in injury to or death of any person *or some person acting for him* shall immediately by the quickest means of communication give notice of the accident to a State trooper, sheriff or other police official or to the local police department when the accident occurs within a municipality. . . . (Emphasis added.)

Section 46.1-176 provides:

> The driver of any vehicle involved in an accident in which a person is killed or injured or in which an attended vehicle or other attended property is damaged shall immediately stop . . . and report forthwith to the police authority; and, in addition . . . .

This law differs from the UVC by requiring immediate notice to the police of all accidents involving any damage to attended property. Virginia has two other laws which deal with certain property-damage accidents. Section 46.1-329(c) provides:

> The operator or owner of any vehicle colliding with an overhead bridge or structure shall notify immediately, either in person or by telephone, the public authority, or railroad company, owning or maintaining such overhead bridge or structure, or a police officer, of the fact of such collision, and his name, address, operator's or chauffeur's license number, and the registration number of his vehicle.

Another provision, § 46.1-248(a), states:

> No vehicle shall be stopped in such manner as to impede or render dangerous the use of the highway by others, except in the case of an emergency as the result of an accident or mechanical breakdown, in which case report shall be made to the nearest police officer as soon as practicable and the vehicle shall be removed from the roadway to the shoulder as soon as possible and removed from the shoulder without unnecessary delay; and if said vehicle is not promptly removed, such removal may also be ordered by a police officer at the expense of the owner if the disabled vehicle creates a traffic hazard.

District of Columbia—§ 40-609(a) of the D.C. Code requires immediate notice to any police station or police officer if the accident involves personal injury (or death). In accidents involving only "substantial" property damage, the driver must report immediately to the police if the owner or custodian of the property is not present.

Nine states do not require immediate notice of any accident:

Arkansas	Massachusetts	Nebraska	Vermont
Kentucky	Mississippi	Oregon	Washington
Maryland			

Subsection (b).

With respect to UVC § 10-106(b), which requires an occupant of a vehicle involved in an accident to give the immediate notice to the police whenever the driver is incapable of doing so, the laws of 26 jurisdictions are in verbatim or substantial conformity:

Alaska	Illinois	New Mexico	South Dakota
Arizona	Indiana	North Dakota	Tennessee
California	Iowa	Oklahoma	Utah
Colorado	Kansas	Oregon	West Virginia
Florida	Montana	Pennsylvania	Wisconsin
Hawaii	New Jersey	South Carolina	Wyoming
Idaho			Puerto Rico

The accident report laws of four other states also contain comparable provisions:

Maine—§ 891 requires immediate notice to the police by the driver "or some person acting for him, or the owner of said vehicle having knowledge of the accident should the operator of same be unknown." Though this provision is probably not in substantial conformity with the Code, it may require notice by an owner who is an occupant of a vehicle driven by a person who can not give the notice. An occupant who gives the immediate notice would, of course, probably be a person "acting" for the driver in compliance with the Maine law, but this is not tantamount to the specific Code requirement that an occupant give the notice.

Nevada duplicates the Code but its provision applies only to accidents involving unattended property.

New Hampshire—§ 262-A:67 combines immediate notice requirements with those dealing with written accident reports. It provides that, in the event the driver is incapable of making "such report," the owner or his representative shall, after learning of the accident, "forthwith make such report." Although the owner's responsibility is probably to file a written report, it is possible that he may also be required to give immediate notice to the police. Such notice would, of course, be effective in terms of causing the police to come to the scene only in the event the owner were also an occupant of the vehicle at the time of the accident.

Virginia—§ 46.1-402 requires such immediate notice by *each* occupant when personal injury or death is involved and the driver is physically incapable of giving it. In addition, § 46.1-176 requires occupants to notify the police if a driver fails to stop and give certain information to a police officer or certain other persons at the scene of the accident.

Nine states, as noted, *supra*, do not require immediate notice of accidents and 14 jurisdictions that do have such laws do not specify who is required to give such notice if the driver involved cannot. These jurisdictions are:

Alabama	Louisiana	Missouri	Ohio
Connecticut	Michigan	New York	Rhode Island
Delaware	Minnesota	North Carolina	Texas
Georgia			District of Columbia

Notice by coroner. Five states—Alabama, Florida, Indiana, New York and Virginia—have provisions comparable to § 44(b) of the 1938 Code, requiring immediate notice by coroners or medical examiners of any traffic death within their jurisdiction. See Historical Note, *supra*.

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§ 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 ($100, $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. (REVISED, 1975.)

Historical Note

The 1926 Code contained two identical provisions in different Acts requiring the driver of any vehicle involved in an accident resulting in injury, death or property damage to an apparent extent of $50 or more to "forward a report" to the department or, if the accident occurred within an incorporated city or town, to the police headquarters (which would then "forward a copy of every such report" to the department) within 24 hours. UVC Act IV, § 31 and UVC Act I, § 7(c) (1926). In 1930, the references to local police departments were deleted, so that written reports would be forwarded to the department only and were expressly required to be made in writing. UVC Act IV, § 16 and UVC Act I, § 7(c) (Rev. ed. 1930). Act I of the 1926 and 1930 editions of the Code was the Uniform Motor Vehicle Registration Act, and accident reporting provisions were included among other sections, generally comparable to those now appearing in Chapter 2 of the Code, creating and defining the responsibilities of a department of motor vehicles.

In the 1934 Code, the duplicatory provisions appearing in Act I were deleted and the word "total" was added to the phrase "property damage." UVC Act V, § 41 (Rev. ed. 1934). In 1938, the property damage threshold was lowered to $25. UVC Act V, § 45 (Rev. eds. 1938, 1944). In 1948, the time for filing the report was increased from 24 hours to five days. UVC Act V, § 45 (Rev. ed. 1948).

A 1952 amendment inserted a choice of property damage dollar amounts below which no report need be filed—"$25, ($50 or $100)"—and applied the section to "the driver of a vehicle *(or streetcar)* which is *in any manner involved* in an accident resulting in *bodily* injury to or death of any person or total property damage. . . . " No further changes were made until 1962. UVC Act V, § 45 (Rev. ed. 1952); UVC § 10-108 (Rev. eds. 1954, 1956). The 1962 revision substituted "total damage to all property" for the phrase "total property damage" in order to clarify the requirement that a written report must be filed if *all* damage. whether to property or to the driver's vehicle, or both, exceeds a given dollar amount. That revision also substituted a choice as to the time within which the report must be filed—"(5 or 10 days)"—for the requirement of filing within "5 days," and the provision was renumbered.

To provide a uniform and reasonable standard as to the time within which a written accident report must be submitted, the National Committee in 1968 adopted a time limit of 10 days and deleted the previous alternatives of five or 10 days. The reference to "streetcar" was deleted because of the addition of UVC § 11-1401 and the diminished number of such vehicles in operation. UVC § 10-107(a) (1968).

In 1975, the subsection was amended:

> (a) The driver of a vehicle which is [in any manner] involved in an accident resulting in bodily injury to or death of any person or total damage to all property to an apparent extent of *($100, $200* [$25, $50, $100]) 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.*

This subsection was amended to suggest that states use $100 or $200 as the threshold for requiring written accident reports. The final clause does not require reporting an accident that has been investigated and reported by a police officer because reports by police officers are far more useful in determining the causes of accidents.

In 1944, in addition to the above subsection, the Uniform Motor Vehicle Safety Responsibility Act contained the following provision:

> The operator of every motor vehicle which is in any manner involved in an accident within this State, in which any person is killed or injured, or in which damage to the property of any one person, including himself, in excess of $50 is sustained, shall within 10 days after such accident report the matter in writing to the commissioner. . . .

UVC Act IV, § 4(a) (Rev. ed. 1944). Thus, in 1944, the Code had one section requiring a report within 24 hours when total property damage exceeded $25 and another section requiring a report within 10 days when total damage to the property of any one person exceeded $50. It was not contemplated that both sections would be enacted, however, and the following "Note" in the 1944 Safety Responsibility Act so indicated:

> Note: In the event the law of the State enacting this act already requires that the operator of a motor vehicle shall make written report to the commissioner of any traffic accident in which he is involved resulting in the death or injury of any person or damage to the property of any one person in excess of $50, or any lesser amount, then it is not necessary to include paragraph (a) of section 4 in this act.

UVC Act IV, page 3 (Rev. ed. 1944). In the 1952 revision of the Uniform Motor Vehicle Safety Responsibility Act, § 4(a) of the 1944 Code was changed to read:

> The driver of a vehicle of a type subject to registration under the motor vehicle laws of this state which is in any manner involved in an accident within this State, which accident has resulted in damage to the property of any one person in excess of $100 or in bodily injury to or in the death of any one person shall within 5 days after such accident report the accident. . . .

UVC Act IV, § 18 (Rev. ed. 1952). A "Headnote" in the 1952 Code suggested that each state adopt "*one* series of sections" covering written accident report requirements like those appearing in Acts IV and V of the 1952 Code. Again, the 1952 note suggested that "if the laws of a State include all such provisions covering written reports of accidents, it is not necessary to repeat the same and this article should be omitted." In addition, the 1952 Note recommended that the "motor vehicle commissioner in each State devise and employ one form of accident report, which, with copies thereof, shall serve the purpose of" safety responsibility and general accident reporting requirements.

When the five acts which comprised the Uniform Vehicle Code of 1952 were consolidated into one chaptered document in 1954, the above section and Headnote were not retained.

Statutory Annotation

This Annotation is divided into three parts. Part I compares states having one law requiring drivers to file written accident reports with UVC § 10-

107(a). Part II discusses states having more than one comparable law. Part III contains tables showing the specified time periods within which a driver must file a written report, the dollar amounts of property damage that must be met or exceeded before a driver must report, and the agency with which the report must be filed.

Summary: As to the dollar threshold for a report, fifteen states use $100, one uses $150 and eight use $200 in agreement with the Uniform Vehicle Code. Nineteen states, however, use $250 or more while three states use $25 or $50. One state (Pennsylvania) requires a report if the vehicle is disabled. Five states no longer require reports from drivers and owners (Hawaii, Idaho, Kansas, Michigan and South Dakota). In preparing this paragraph, the lower of two thresholds was used in the states with more than one. As to the UVC provisions that reports from drivers and owners are not required when a police report has been filed, the Florida, Maryland and Pennsylvania laws agree substantially.

Part I—States having one law requiring a written accident report.

One law in each of the following 16 jurisdictions requires the driver of a vehicle involved in an accident resulting in death, personal injury or total property damage that apparently equals or exceeds a specified dollar amount to forward a written report of such accident to the appropriate state agency:

Arizona	Kentucky	North Carolina [4]	Virginia
Florida [1]	Maine [3]	North Dakota	West Virginia [6]
Indiana	Minnesota	Oklahoma [5]	Wisconsin [7]
Iowa [2]	New Mexico	Utah	Puerto Rico

1. But Florida does not require a report from the driver if the investigating officer makes one.
2. If an accident occurs in a city with a population of more than 15,000, Iowa requires that a report be sent to the chief of police of that city.
3. The Maine law requires a report from the driver "or some person acting for him."
4. The North Carolina law requires a driver involved in a "collision" to file a written report. A second law requires a report to the owner of any unattended vehicle that has been damaged within 48 hours. If written, a copy must be sent to the department.
5. The Oklahoma law applies to accidents resulting in apparent damage "to one vehicle or other property," rather than "total damage to all property," as in the Code.
6. The West Virginia law applies only to accidents occurring "on the public highways," though a law comparable to UVC §§ 10-101 and 10-101(2) makes it applicable "upon highways and elsewhere throughout the State. The law requires reports by the driver "or the attorney or agent of such driver."
7. Wisconsin requires a report from any operator of a vehicle involved in an accident resulting in "injury," death or total property damage to an apparent extent of $100 or more. The law defines "injury" in terms of physical damage to a person that results in death or requires "first aid or attention by a physician or surgeon," whether or not such aid or treatment was actually received. The law also defines "total property damage" as the "sum total cost" of restoring damaged property to its original condition or replacing it if repair is impractical. The law also provides that "the department may accept or require a report . . . to be filed by an occupant or the owner in lieu of a report from the operator."

The written accident report provisions of five jurisdictions are included among financial responsibility laws rather than among general accident report laws and are phrased in terms differing somewhat from UVC § 10-107(a), particularly with respect to property damage accidents. Generally, they apply only to drivers or operators of *motor* vehicles in any manner involved in accidents resulting in death or personal injury, or "damage to *the property of any person*" (including that of the driver) in excess of a certain amount. These laws do not include the word "apparent." The jurisdictions are:

Alabama [1]	Missouri [3]	District of
Georgia [2]	Ohio [4]	Columbia [5]

1. The Alabama law limits the content of such report to such information as may be necessary to administer financial responsibility laws. Thus, Alabama may not be in substantial conformity with UVC §§ 10-107(a) and 10-113 which serve the additional purpose of providing "sufficiently detailed information to disclose . . . the cause" of an accident.
2. Georgia additionally provides that the owner of any parked motor vehicle involved in an accident shall file the report within 10 days after learning of the accident.
3. The Missouri law applies to any "accident within this state, upon the streets or highways thereof."
4. The Ohio law (§ 4509.06) applies to the driver of a motor vehicle involved in a "motor vehicle accident" and defines that phrase (in § 4509.01(j)) as an accident "involving a motor vehicle which results in bodily injury to or death of any person, or damage to the property of any person in excess of one hundred dollars." The law also provides, however, that if the owner forwards a report, the driver need not do so. See § 10-107(b), *infra*.
5. The law applies to "the driver of a vehicle of a type subject to registration" under the motor vehicle laws of the District of Columbia.

The laws of five more states, which are not financial responsibility laws, also apply only to the driver of a *motor* vehicle involved in an accident. Notable differences among these laws are italicized:

Connecticut—§ 14-108 provides:

> Any operator, whether resident or nonresident, of any *motor vehicle or any road roller* involved in an accident on a highway in this state or in an off-street parking area offered for public use with or without payment of a fee in which any person is killed or injured, or in which *damage to the property of any one person*, including the operator, in excess of two hundred dollars is sustained, shall, within five days thereafter, make a written report *of the circumstances thereof* to the commissioner and shall supplement such report by a detailed statement, on blanks . . . provided . . . .

Section 14-116 (financial responsibility law) merely requires that the report filed pursuant to § 14-108 contain enough information to enable the commissioner to determine whether security deposit provisions are inapplicable.

Another Connecticut law (Gen. Laws 1967, ch. 832, CCH ASLR 1073) requires the learning driver and the licensed person accompanying him to file a report.

> The driver and/or owner of every motor vehicle which is in any manner involved in an accident within this State, in which any person is killed or injured, or in which damage to the property of any person, including himself, in excess of $100 is sustained, within 15 days shall report the matter in writing to the Department and file with the report any evidence of liability insurance which satisfies the requirements of Part II of Subtitle 7. This report shall state, in addition to all other information required to be contained therein, the name and address of the insurance carrier for the person making the report, the policy number and the name and address of the local agent for the insurance carrier. If the driver is physically incapable of making the report or is unavailable or refuses to do so the Department in its discretion may accept a report of the accident from the owner. The owner of the motor vehicle involved in the accident shall report the matter in writing to the Department and file the evidence of insurance required above.

Massachusetts—§ 26 provides:

> Every person operating a *motor vehicle* which is in any manner involved in an accident in which any person is killed or injured or in which there is damage in excess of two hundred dollars *to any one vehicle or other property* shall within five days after such accident report in writing to the registrar on a form approved by him and send a copy thereof to the police department having jurisdiction over the place *on the way* where such accident occurred. . . .

The phrase "one vehicle or other property" appears also in the Oklahoma law. See footnote 5, *supra*.

New Hampshire—§ 262-A:67 provides:

> . . . . Any person operating a motor vehicle which is in any manner involved in an accident shall within five days after such accident report in writing to the director of the division of motor vehicles the facts required hereunder together with a statement of the circumstances (a) if any person is injured or killed, or (b) if damage to property is in excess of three hundred dollars. . . .

New York—§ 605(a) states:

> Every person operating a *motor vehicle* which is in any manner involved in an accident, anywhere within the boundaries of this state, in which any person is killed or injured, or in which *damage to the property of any one person*, including himself, in excess

of four hundred dollars is sustained, shall within ten days after such accident report the matter in writing to the commissioner. . . .

Vermont—§ 1129 provides:

(a) The operator of a *motor vehicle* involved in an accident whereby a person is injured or whereby *the motor vehicle then under his control or any property is damaged to the extent of* $200.00 or more shall make a written report concerning the accident to the commissioner of motor vehicles . . . . The written report *shall be mailed* to the commissioner within seventy-two hours after the accident. The commissioner may require further facts concerning the accident. . . . (b) As used in this section the word "accident" refers only to incidents and events *in which the motor vehicle involved comes into physical contact* with a person, object or another motor vehicle.

On the other hand, the accident report laws in five states resemble the Code insofar as they apply to *any vehicle*, but also resemble the financial responsibility laws listed previously in their use of the term "damage to the property of any one person":

Illinois—§ 11-406(a) requires a report from any driver involved in any manner in an accident resulting in injury or death or in damage to the property of any one person (including himself) that exceeds $250.

Maryland—Drivers of each vehicle in an accident resulting in injury, death or damage to property of any one person over $100, must file a written report within 15 days unless it was investigated and reported by a police officer.

Montana—Requires operators to report within 10 days after an accident in which any person is injured or killed or in which the property of any one person is damaged to the extent of more than $250.

New Jersey—§ 39:4-130 applies to the driver of a vehicle or a streetcar, but applies its $200 property damage threshold to "the property of any one person" and provides:

Such written report shall contain sufficiently detailed information with reference to a motor vehicle accident, including the cause, the conditions then existing, the persons and vehicles involved and such information as may be necessary to enable the director to determine whether the requirements for the deposit of security required by law are inapplicable by reason of the existence of insurance or other circumstances. . . .

With reference to the contents of all written accident reports, see UVC § 10-113.

Washington—§ 46.52.030 provides:

The driver of any vehicle involved in any accident resulting in injury to or death of any person or *damage to the property of any one person to an apparent extent of* one hundred dollars or more, shall, within twenty-four hours after such accident, make a written report . . . to the chief of police of the city or town if such accident occurred within an incorporated city or town or the county sheriff or state patrol if such accident occurred outside incorporated cities and towns, the original of such report to be immediately forwarded by the authority receiving such report to the chief of the Washington state patrol at Olympia, Washington, and the second copy of such report to be forwarded to the department of motor vehicles at Olympia, Washington.

Note the inclusion of the word "apparent." Identical language is found also in the laws of Nebraska and Texas. See below.

In Delaware, section 4203(a) may be more comparable to UVC § 10-106 on immediate *notice* than to UVC § 10-107(a). However, § 4203(a) uses the term "immediate *report*," and because the remainder of § 4203 resembles other parts of UVC § 10-107 dealing with written accident reports, it may require that an immediate, *written* report be filed in case of death, injury or apparent property damage in excess of $250.

In Pennsylvania, if a police officer does not investigate the accident, the driver of a vehicle involved in an accident resulting in death, injury, or damage to the vehicle to an extent that it cannot be driven and must be towed must file a written report within five days.

Part II—States having more than one law requiring written accident reports.

Fourteen states have more than one law requiring drivers to file a written accident report:

Alaska	Louisiana	Nevada	South Carolina
Arkansas	Mississippi	Oregon	Tennessee
California	Nebraska	Rhode Island	Texas
Colorado			Wyoming

In all of these states, one provision requiring a written accident report is included among financial responsibility laws and the second among general accident reporting laws.

The laws of each of these states are discussed below in alphabetical order. In some, the two laws differ as to the property damage valuation, or the time for filing, or the type of vehicle involved, and/or the agency to which the report must be submitted. Several of these states have resolved some of the differences by (1) incorporating the provision of one law into the other by reference (Colorado, Nebraska and South Carolina), (2) writing the report provisions of the financial responsibility law in terms identical or nearly identical to those in the general accident report law (South Carolina), or (3) stating explicitly that a report filed pursuant to one law will satisfy the other if it contains all the necessary information (Colorado, Mississippi, Tennessee and Texas). In addition, the respective executive agencies may have resolved such differences administratively by formulating and distributing one accident report form that can be used by drivers

Alaska—§ 28.35.080(b) requires the driver of a vehicle involved in an accident resulting in bodily injury, death or total property damage to an apparent extent of $100 or more to forward a written report within two days to the Department of Public Safety and to the local police department if the accident occurs within a municipality. A safety responsibility regulation (§ 08.085) requires a report of the same accidents to the Department within two days and, if damages exceed $200, the insurance portion of the form must be completed.

Arkansas—§ 75-906(a) requires the driver of a vehicle involved in an accident resulting in injury, death or total property damage that apparently exceeds $50 to forward a written report to the State Police within 48 hours. Subsection (b) requires a written report from the driver of any motor vehicle carrying passengers for hire involved in an accident resulting in injury or death, which report must list the names and addresses of all passengers at the time of the accident. A financial responsibility law (§ 75-1418) requires a report within 30 days from the driver of a vehicle *of a type subject to registration* which is in any manner involved in an accident resulting in bodily injury, death or *damage to the property of any one person* in excess of $250. The report must be forwarded to the Department of Revenue.

California—§ 20008 provides:

(a) The driver of a vehicle, other than a common carrier vehicle, involved in any accident resulting in injuries to or death of any person shall within 24 hours after the accident make or cause to be made a written report of the accident to the Department of the California Highway Patrol or, if the accident occurred within a city, to either the Department of the California Highway Patrol or the police department of the city in which the accident occurred. If the agency which receives the report is not responsible for investigating the accident, it shall immediately forward the report to the law enforcement agency which is responsible for investigating the accident.

On or before the fifth day of each month, every police department which received a report during the previous calendar month of an accident which it is responsible for investigating shall forward the report or a copy thereof to the main office of the Department of the California Highway Patrol at Sacramento.

(b) The owner or driver of a common carrier vehicle involved in any such accident shall make a like report to the Department of the California Highway Patrol on or before the 10th day of the month following the accident.

Section 16000 of the financial responsibility laws states:

The driver of *every motor vehicle* which is in any manner involved in an accident originating from the operation of a motor vehicle *on any street or highway* which accident has resulted in *damage to the property of any one person* in excess of three hundred fifty dollars or in bodily injury or in the death of any person shall within *15 days* after the accident, report the accident . . . to the office of the *department* at Sacramento . . . . Reports are not required from drivers of government vehicles. (Emphasis added. Here, "department" means the Department of Motor Vehicles.)

Colorado—§ 42-4-1406 explicitly avoids any conflict with the financial responsibility law and the possibility of a driver's having to file two reports:

The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total damage to all property, *to the extent specified in section 42-7-202*, shall, within ten days after such accident, submit to the department on the form provided a written report of such accident as provided in section 42-7-202. Except when supplemental reports are required as provided in subsection (3) of this section, *this shall be the only written report required of the driver for any of the purposes specified in this article and in article 7 of this title*, and said report shall be required of the driver whether or not the accident was investigated by the police authority. (Emphasis added.)

Section 42-7-202 requires a written report from the operator or owner of every motor vehicle which is in any manner involved in an accident in which any person is killed or injured or when "damage to the property of any one person" exceeds $250, to be forwarded to the "director" within 10 days.

Louisiana—The general accident report law (§ 32.398B) requires a report from the driver of any vehicle involved in an accident or collision resulting in injury, death or total property damage that apparently exceeds $100, within 24 hours. The financial responsibility law (§ 32:871) requires a report from the operator of every *motor* vehicle which is in any manner involved in an accident in which any person is killed or injured or in which *damage to the property of any one person* exceeds $200, within 10 days.

Mississippi—The general accident report law (§ 8166) requires a driver involved in an accident resulting in injury, death or total property damage which apparently equals or exceeds $50 to forward a written report within 24 hours. The financial responsibility law (§ 8285-04) requires a report from the operator of a *motor vehicle in any manner involved in an accident when any person is killed or injured or damage to the property of any one person*, other than himself, exceeds $100. The second law provides that any report filed pursuant to the first law "shall be sufficient provided it also contains the information required herein."

Nebraska—The general accident report law and the financial responsibility law are virtually identical. Both apply when the property of any one person has been damaged to an apparent extent of more than $250 or when any person has been injured or killed. Both require a report within 10 days and the first law adds "as provided by subsection (1) of section 60-505." The financial responsibility law refers to the operator of any *motor* vehicle *in any manner* involved in such an accident, but the first law does not contain these italicized words.

Nevada—General law requires a report within 10 days of any accident resulting in death, injury or "total damage to any vehicle or item of property to an apparent extent of $250 or more." The financial responsibility law differs by referring to the property of any one person.

Oregon—§ 483.606(1) provides:

The driver of any vehicle involved in an accident resulting in injury or death to any person or damage to the property of any one person in excess of $200 shall, within 72 hours, forward a complete written report of such accident to the sheriff of the county, or to the chief of police of the city in which such accident occurs, or to such other agency as the Motor Vehicles Division may establish for the purpose of receiving such accident reports. Every sheriff, chief of police or other designated agency shall forward every report so filed, or a copy of the same, to the Motor Vehicles Division . . . not later than seven days following the date of filing.

Section 486.106 of the financial responsibility law requires a report in different terms:

The driver of a vehicle which is in any manner involved in an accident *upon any highway within this state*, which has resulted in damage to the property of any one person is excess of $200 or in bodily injury to or death of any person, shall, within 72 hours after such accident, report it to the *division*. . . . (Emphasis added).

Rhode Island—The general accident report law (§ 31-26-6) requires a report, within 10 days, by any driver of a vehicle involved in an accident resulting in injury, death, or damage to property of any person of $200 or more. The financial responsibility law requires a report within 10 days of any accident resulting in damage to the property of any one person in excess of $150.

South Carolina—The general accident report law (§ 56-5-1270) requires a written report and verification of liability insurance coverage within 15 days of a motor vehicle accident resulting in injury to or death of any person or total property damage to an apparent extent of $200 or more, if the accident was not investigated by a law-enforcement officer. The financial responsibility law (§ 56-9-350) differs by omitting "apparent," requires a report within 15 days from the date the form was delivered by the investigating officer, and does not give a time for submission of reports and proof of liability coverage if the accident was not investigated by a law-enforcement officer. Both laws require the reports by the "operator or owner" of the vehicle involved in the accident.

Tennessee—The general accident report law (§ 59-1007) calls for a report within 10 days to the "department" in case of death, injury or damage to the property of any one person in excess of $100, and explicitly attempts to avoid duplications caused by § 59-1203 of the financial responsibility law: "persons making written reports to the department under chapter 12 [§ 59-1203] of this title will not be required to make reports under this section . . . ." Section 59-1203 does not contain a similar clause and therefore the filing of a report pursuant to § 59-1007 does not excuse a driver from reporting also under the financial responsibility law, which differs from the first law and the Code: "The operator of a *motor* vehicle which is in any manner involved in an accident *on a highway* within this state in which any person is killed or injured, or in which damage to the property of any one person, including himself, in excess of 200 dollars is sustained, shall within *ten* days after such accident, report the matter in writing to the *commissioner*." (Emphasis added.) Thus, it is possible to construe Tennessee law as requiring two separate reports in some instances, although, as a practical matter, one report would probably suffice since both the

accident report law and the financial responsibility law appear to be administered by the same state agency (Department of Safety).

Texas—The general accident report law (art. 6701d, § 44) requires the driver of a vehicle involved in an accident resulting in injury, death or damage to the property of any one person, including himself, to an apparent extent of at least $250, to forward a report within 10 days. The financial responsibility law (art. 6701h, § 4) differs by requiring a report from the *operator of a motor vehicle* when damage to the *property of any one person apparently exceeds $250* and provides that a report filed pursuant to the first law "shall be sufficient provided it also contains the information required herein."

Wyoming—The general accident report law (§ 31-224(a)), which requires drivers to report to the Highway Department within five days when total property damage apparently exceeds $250, is virtually identical to UVC § 10-107(a). The financial responsibility law (§ 31-288) requires an immediate written report to the Superintendent of the State Board of Equalization when the damage to the property of any one person exceeds $250.

Part III—Time for filing written accident reports; dollar amounts; where filed.

Time for Filing Written Accident Report

The Code specifies that a written report of an accident is to be forwarded to the department within 10 days after the accident. All state laws requiring accident reports specify time periods within which a driver must file a written report. The list below indicates the time periods specified in the 50 state laws, the District of Columbia and Puerto Rico. In four states—Arkansas, California, Louisiana and Wyoming—the general accident report law and the financial responsibility law provide different time periods; for these states, the time specified in the *financial responsibility law* is shown in parentheses:

"At once" or "promptly," one state:
Delaware

24 hours, 4 states:

California (15 days)	Louisiana (10 days)	Mississippi (5 days)
		Washington

2 days, 3 states:

Alaska	Arkansas (30 days)	Maine

3 days, 3 states:

Vermont	Iowa	Oregon

5 days, 15 jurisdictions:

Arizona	New Jersey	Virginia
Connecticut	New Mexico	West Virginia
Florida	North Carolina	Wyoming (immediate)
Indiana	Pennsylvania	
Massachusetts	Utah	District of Columbia
New Hampshire		

10 days, 18 jurisdictions:

Alabama	Missouri	Oklahoma
Colorado	Montana	Rhode Island
Georgia	Nebraska	Tennessee
Illinois	Nevada	Texas
Kentucky	New York	Wisconsin
Minnesota	North Dakota	Puerto Rico

15 days, two states:

Maryland	South Carolina

30 days, one state:
Ohio

Dollar Amounts of Property Damage; Where Written Reports Must Be Filed

	Dollar Amount of Property Damage Required for Written Report		Accident Report Law		Financial Responsibility Law
	Accident Report Law	Financial Responsibility Law	With State Agency	With Local Authority	With State Agency
UVC	($25,$50,$100)	—	Dept. of Motor Vehicles	—	—
Alabama	—	—	———	—	Dept. of Public Safety
Alaska	100	50	Dept. of Public Safety	X	Dept. of Public Safety
Arizona	300	—	Highway Dept.	—	———
Arkansas	50	—	State Police	—	Dept. of Revenue
California	—	250	Highway Patrol	X [1]	Dept. of Motor Vehicles
Colorado	250	350	Dept. of Revenue	—	Dept. of Revenue
Connecticut	400	250	Comr. of Motor Vehicles	—	———
Delaware	250	—	State Police	X [2]	———
Florida	100	—	Dept. of Highway Safety	—	Dept. of Public Safety
Georgia	—	100	———	—	———
Illinois	250	—	Dept. of Transportation	—	———
Indiana	100	—	State Police	—	———
Iowa	250	—	Dept. of Public Safety	X [3]	———
Kentucky	200	—	Dept. of Justice	—	———
Louisiana	100	200	Dept. of Public Safety	—	Dept. of Public Safety
Maine	200	—	Secretary of State	—	———
Maryland	100	—	Dept. of Motor Vehicles	—	———
Massachusetts	200	—	Motor Vehicles Registrar	X	———
Minnesota	300	—	Comr. of Public Safety	—	———
Mississippi	50	100	Comr. of Public Safety	—	Dept. of Public Safety
Missouri	—	100	———	—	Dept. of Revenue
Montana	250	—	Highway Patrol Board	—	———
Nebraska	250	250	Dept. of Motor Vehicles	—	Dept. of Motor Vehicles
Nevada	250	250	Dept. of Motor Vehicles	—	Dept. of Motor Vehicles
New Hampshire	300	—	Motor Vehicle Division	—	———
New Jersey	200	—	Div. of Motor Vehicles	—	———
New Mexico	100	—	Div. of Motor Vehicles	—	———
New York	400	—	Comr. of Motor Vehicles	—	———
North Carolina	200	—	Dept. of Motor Vehicles	—	———
North Dakota	300	—	Highway Comr.	—	———
Ohio	—	100	———	—	Motor Vehicle Registrar
Oklahoma	100	—	Dept. of Public Safety	—	———

Dollar Amounts of Property Damage: Where Written Reports Must Be Filed

	Dollar Amount of Property Damage Required for Written Report		Accident Report Law		Financial Responsibility Law
	Accident Report Law	Financial Responsibility Law	With State Agency	With Local Authority	With State Agency
UVC	($25,$50,$100)	—	Dept. of Motor Vehicles	—	
Oregon	200	200	———	X	Motor Vehicles Division
Pennsylvania [4]	—	—	Dept. of Transportation	—	———
Rhode Island	200	150	Motor Vehicle Registrar	—	Motor Vehicle Registrar
South Carolina	200	200	Highway Dept.	—	Highway Dept.
Tennessee	100	200	Dept. of Safety	—	Comr. of Safety
Texas	250	250	Dept. of Public Safety	—	Dept. of Public Safety
Utah	400	—	Dept. of Public Safety	—	———
Vermont	200	—	Comr. of Motor Vehicles	—	———
Virginia	—	250	———	—	Div. of Motor Vehicles
Washington	100	—	State Police	X	———
West Virginia	250	—	Dept. of Motor Vehicles	—	———
Wisconsin	100	—	Motor Vehicles Dept.	—	———
Wyoming	250	250	Highway Dept.	—	State Bd. of Equalization
District of Columbia	—	100	———	—	D.C. Bd. of Comrs.
Puerto Rico	100	—	Dept. of Transportation	—	———

1. Only when death or personal injury results from an accident.
2. Wilmington, only.
3. Only if accident occurs in a city with a population over 15,000.
4. If vehicle is disabled.

Citations

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Ore. Rev. Stat. §§ 483.606(1), 486.106 (1977).
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Vt. Stat. Ann. tit. 23, § 1129 (Supp. 1978).
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§ 10-107—Written Report of Accident by Drivers or Owners

(b) The department may require any driver of a vehicle involved in an accident of which written report must be made as provided in this section to file supplemental written reports whenever the original report is insufficient in the opinion of the department.

Historical Note

The second paragraph of the 1926 Code section, requiring a driver to forward a report of any accident resulting in death, injury, or property damage to an apparent extent of $50 or more, authorized the department to require supplemental reports from the driver or from a municipal police department if the report had been filed at that department. UVC Act IV, § 31 (1926) and UVC Act I, § 7 (1926). In 1930, the references to municipal police departments were removed and the Act IV provision read:

> . . . . Whenever the original report is insufficient in the opinion of the department, it may require drivers involved in accidents to file supplemental reports of accidents upon forms furnished by it. . . .

UVC Act IV, § 16 (Rev. ed. 1930). UVC Act I, § 7(c)(Rev. ed. 1930), which continued authority to require supplemental reports from any police department, was deleted in 1934. At the same time, the following Act V subsection was adopted:

> (b) The department may require any driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient in the opinion of the department and may require witnesses of accidents to render reports to the department.

UVC Act V, § 41(b) (Rev. ed. 1934). The above provision appeared in all editions of the Code from 1934 through 1956. UVC Act V, § 45(b) (Rev. eds. 1938, 1944, 1948, 1952); UVC § 10-110(a)(Rev. eds. 1954, 1956).

In 1962, the National Committee amended the above provision by deleting the authorization to require reports from witnesses and by inserting the word "written" before "report." Also, the subsection was repositioned and renumbered. UVC § 10-107(b) (Rev. eds. 1962, 1968).

With reference to requiring supplemental reports, the Uniform Motor Vehicle Safety Responsibility Act of 1944 contained the following section applicable to written accident reports filed thereunder by a driver, or owner in the event of a driver's incapacity:

> The operator or the owner shall make such other and additional reports relating to such accident as the Commissioner shall require.

UVC Act IV, § 4(a)(Rev. ed. 1944). In 1952, the above provision was revised to read:

> Sec. 21—Additional information.—The driver or the owner of the vehicle involved in the accident shall furnish such additional relevant information as the department may require.

UVC Act IV, § 21 (Rev. ed. 1952). This section was deleted from the Code in 1954. See the Historical Note in § 10-107(a), *supra*, indicating that only one such provision should be adopted.

Statutory Annotation

Provisions comparable to this Code subsection authorizing the department to require supplemental written accident reports have been adopted by 45 states, the District of Columbia and Puerto Rico. Provisions found within financial responsibility laws are generally in conformity with UVC Act IV, § 21 (Rev. ed. 1952), quoted above in the Historical Note, which authorizes requiring additional information from drivers *or owners* of vehicles involved in an accident.

The following 17 states have provisions in verbatim or substantial conformity with UVC § 10-107(b) and therefore authorize the department (or commissioner) to require supplemental reports from the driver of a vehicle involved in an accident. States marked with an asterisk have two comparable laws, the second being a financial responsibility provision generally authorizing supplemental reports from drivers *or owners*, in conformity with the 1952 Code's financial responsibility provision. None of these 17 states authorizes requiring reports from witnesses:

*Alaska	Massachusetts	New Hampshire [4]	Pennsylvania
*Connecticut [1]	Minnesota	New Jersey	*Rhode Island
Delaware [2]	*Nebraska	New York [5]	Vermont [6]
*Maine [3]	Nevada	Oklahoma	Puerto Rico
Maryland [4]			

1. Section 14-108 (general accident report law) states that the operator shall file a written report. ". . . and shall supplement such report by a detailed statement, on blanks provided by the commissioner, which report shall state . . . the time, place and cause of such accident, the injuries occasioned thereby and such further facts as the commissioner may require." Section 14-116 (financial responsibility law) provides: ". . . . The operator or owner shall furnish such additional relevant information as the commissioner requires."
2. Delaware authorizes the department to require supplemental reports from the driver or from police departments.
3. Maine's financial responsibility provision is somewhat different: "The driver, *or the person acting for him in reporting*, shall furnish such additional relevant information as the Secretary of State shall require."
4. Although part of the general accident report laws, the provisions of these states authorize requiring reports from drivers or owners.
5. The operator, chauffeur, owner of the vehicle or a "participant" in the accident may be required to make additional reports.
6. Section 1129(a) contains the following provision: "The commissioner may require further facts concerning the accident to be provided upon forms furnished by him."

Five jurisdictions which have just one law—but it is a financial responsibility law—require the operator *or owner* to furnish such additional information as the commissioner may require:

Alabama	Missouri	Ohio
Georgia		District of Columbia

The following 24 states have provisions in verbatim or substantial conformity with the 1956 Code section (see Historical Note) and therefore additionally authorize the department to require reports from witnesses. Again, states marked with an asterisk have a *second law* within their financial responsibility laws authorizing the commissioner to require a supplemental report of the driver *or owner*:

Arizona	Indiana	New Mexico	*Utah
*Arkansas	Iowa	*North Carolina [4]	Virginia
*California [1]	Kentucky [3]	*Oregon	Washington
*Colorado	*Louisiana	South Carolina	West Virginia
Florida	*Mississippi	*Tennessee	Wisconsin
Illinois [2]	Montana	*Texas	*Wyoming

1. The California provision applies to the driver, or the owner of a common carrier vehicle, involved in an accident.
2. Authorizes requiring supplemental reports from any driver, occupant or owner of a vehicle involved in an accident.
3. The "state police" may require such reports.
4. Does not mention reports from witnesses.

The six states with no comparable express provisions on supplemental accident reports are Hawaii, Idaho, Kansas, Michigan, North Dakota and South Dakota.

Citations

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Wis. Stat. Ann. § 346.70 (Supp. 1967).
Wyo. Stat. Ann. §§ 31-224(b),-288 (1959).
D.C. Code § 40-429 (1961).
P.R. Laws Ann. tit. 9, § 787 (Supp. 1975)

§ 10-107—Written Report of Accident by Drivers or Owners

(c) A written accident report is not required under this chapter from any person who is physically incapable of making a report during the period of such incapacity.

(d) Whenever the driver is physically incapable of making a written report of an accident as required in this section and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within 10 days after the accident make such report not made by the driver. (Revised, 1968.)

Historical Note

Subsection (c) was added to the Code's general accident reporting provisions (Chapter 10) in 1954. UVC § 10-111(a) (Rev. eds. 1954, 1956). It was repositioned in 1962 and the word "written" was inserted. Prior to 1954, this section appeared in the 1952 revised edition of the Uniform Motor Vehicle Safety Responsibility Act. UVC Act IV, § 20(a) (Rev. ed. 1952).

With respect to subsection (d), all editions of the Code from 1938 through 1956 combined in one section what are now §§ 10-106(b) and 10-107(d), covering situations in which the driver is unable to give immediate notice of an accident or submit a written report as required, and in both instances, until 1948, that single section called for such notice and report

to be made by another *occupant* of the vehicle involved, if any. The 1948 revision amended the portion on written reports by requiring a report from the *owner* of the vehicle involved within five days after learning of the accident, rather than from another occupant, if the driver was incapacitated. UVC Act V, § 46 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 10-111 (Rev. eds. 1954, 1956).

A provision similar to subsection (d), requiring a report by the owner if the driver were incapacitated, had previously been added to the Uniform Motor Vehicle Safety Responsibility Act in 1944. UVC Act IV, § 4(a) (Rev. ed. 1944). Unlike the 1948 provision, however, it required the owner to make his report "as soon as he learns of the accident," and not five or 10 days thereafter. This section was amended in 1952 to provide for reports by owners five days after learning of the accident. UVC Act IV, § 20(b) (Rev. ed. 1952). This section was deleted from the Code's financial responsibility laws in 1954 when the five separate acts were consolidated into one document. See the Historical Note to § 10-107(a) on written report requirements, *supra*, discussing the Headnotes which appeared in the 1944 and 1952 editions of Act IV (financial responsibility provisions) where it was indicated that only *one* provision or series of provisions should be adopted by a state with respect to written reports.

In 1962, UVC § 10-107(d) was amended by inserting a choice of time periods within which the owner must report (five or 10 days) and by changing the phrase "after learning of the accident" to "after the accident." In 1968, it was amended to require a report within 10 days, rather than offering a choice of five or 10 days, in the interest of providing both a uniform and reasonable time for reporting.

Statutory Annotation

Subsection (c).

Fifteen jurisdictions have provisions in verbatim or substantial conformity with UVC § 10-107(c), expressly exempting drivers involved in accidents from written report requirements when they are physically incapable of making them:

Alaska	Maryland	North Dakota	Wyoming
Arkansas	Massachusetts	Pennsylvania	District of
Delaware [1]	Montana	South Dakota	Columbia
Florida	Nevada	Tennessee	Puerto Rico

1. Delaware requires a report "provided the person is sufficiently mentally and physically able. . . . In the event a person is unable either mentally or physically to make such reports, then he shall be exempted under this section from making such report of accidents until such time as the disability is removed, at which time he shall make the report required within five days from the date the disability is removed."

The remaining states do not have comparable provisions.

Subsection (d).

With respect to UVC § 10-107(d), 19 jurisdictions have provisions in verbatim or substantial conformity with recent versions of that subsection and, therefore, if the driver is incapacitated, generally require a written report within five or 10 days from the *owner* of the vehicle involved, if he is not also the driver: [1]

Alabama	Lousiana	Nevada	Texas
Alaska	Massachusetts [3]	New Hampshire [5]	West Virginia
Arizona	Missouri [4]	New Mexico	District of
Connecticut	Montana	North Dakota	Columbia
Georgia [2]	Nebraska	Pennsylvania	Puerto Rico

1. All of the states in this list, except New Hampshire, require the owner to report *after he learns of the accident*, rather than "after the accident" as in the Code provision. All except New Hampshire give the owner five or 10 days within which to report. The owner must report "forthwith" in New Hampshire.

2. Section 92A-604 further provides that: "If the operator and owner are the same person and physically incapable of making such report within the required 10-day period, such person shall file the report as soon as he is able to do so. . . ."

3. Massachusetts requires the owner to file a report based on his knowledge or on whatever information he has been able to obtain.

4. Section 303.040 states further: "If the operator is also the owner and is incapable of filing such report as is required . . . then the report will be filed as soon as the operator-owner is so capable. If the report is late by reason of incapability, a doctor's certificate must accompany the report certifying the same."

5. The owner *or his representative* must report if the operator is physically or mentally incapacitated.

Five states have *more than one law* requiring a written report from the owner of the vehicle involved or from some other person in the event the driver is incapacited:

Colorado—§ 13-5-23(2) of the general accident report law states:

> Whenever the driver of a vehicle is physically incapable of making a written report of an accident as required in section 13-5-22(2) and section 13-7-9 [financial responsibility law] and such driver is not the owner of the vehicle involved, then the owner shall within ten days after such accident make such report not made by the driver.

Section 13-7-9 of the financial responsibility law contains the following provision:

> . . . . If such operator be physically incapable of making such report and is not the owner of the motor vehicle involved, the owner of the motor vehicle involved in the accident shall, within ten days *after learning of the accident*, make such report. If the operator and owner are the same person and such person is physically incapable of making such report within the required ten-day period, such person may designate some other person to make the report on his behalf or shall file the report as soon as he is able to do so. (Emphasis added.)

Rhode Island—Two laws require the owner to report in the event the driver is incapacitated: § 31-26-8 of the general accident report law requires the owner to report within 10 days after learning of the accident and so does § 31-33-1 of the financial responsibility law.

Tennessee—§ 59-1009(c) of the general accident report law requires a report from the owner five days after learning of the accident, in the event the driver is incapacitated. Section 59-1203 of the financial responsibility law contains the following provision:

> . . . . If such operator be physically incapable of making such report, the owner of the motor vehicle involved in such accident shall, *as soon as he learns of the accident*, report the matter in writing to the commissioner. (Emphasis added.)

Utah—§ 41-6-36(b) of the general accident report law requires a report from the owner 15 days after learning of the accident, in the event the driver is incapacitated. Section 41-12-4 of the financial responsibility law requires the owner to report *10* days after learning of the accident.

Wyoming—§ 31-225(c) of the general accident report law requires the owner to report within five days after learning of the accident, in the event the driver is incapacitated. Section 31-288(a) of the financial responsibility law requires the owner to report *as soon as he learns of the accident*.

Five states—Indiana, Iowa, Kentucky, Virginia and Washington—have provisions in verbatim or substantial conformity with the pre-1948 versions of UVC § 10-107(d) and thus require another *occupant*, if any, and if capable, to forward a written report in the event of the driver's incapacity. Virginia requires a report from *all* other occupants of the vehicle capable of reporting, in the event of the driver's incapacity, and Washington specifies another occupant, other than a passenger for hire.

Ten states have provisions on both occupants *and* owners, and some of these may require a report from each in the event of the driver's incapacity:

Arkansas [1]	Mississippi [5]	Oregon [8]
California [2]	New Jersey [6]	South Carolina [9]
Florida [3]	New York [7]	Wisconsin [10]
Illinois [4]		

1. The general accident report provision (§ 75-907) is identical to the pre-1948 Code, while the financial responsibility law (§ 75-1420) requires a report from the *owner* within five days after learning of the accident if the driver is incapacitated.

2. Under the California financial responsibility law, the driver would ordinarily have to report within 15 days; however, if he is incapacitated, the *owner* of the vehicle must report *immediately* upon learning of the accident. Under the general accident report law, another *occupant* would have to report within 24 hours if the accident involved death or personal injury. See UVC § 10-107(a), *supra*.

3. Section 316.064 contains two provisions, one identical to the pre-1948 Code on occupants and another identifical to the Code.

4. An occupant must make a report if the driver is incapacitated, and the owner of the vehicle involved must report *immediately* upon learning of the accident.

5. Section 8167 of Mississippi's general accident report law is identical to the pre-1948 Code, while § 8285-04 of the financial responsibility law contains the following provision: "If such operator be physically incapable of making such report, an occupant in the motor vehicle at the time of the accident *or the owner* of the motor vehicle shall make such report."

6. The New Jersey law requires a report from another occupant and from the owner of the vehicle involved, if the driver is physically incapable, without stating a time period, but see UVC § 10-107(a), *supra*. New Jersey's five-day time limit might apply in all cases.

7. New York requires another "participant" in the accident to report within 10 days if the driver is incapacitated and further requires the owner to report within 10 days after learning of the accident.

8. Section 483.606(3) of Oregon's general accident report laws requires an occupant to report in conformity with the pre-1948 Code provisions. Section 486.111 of the financial responsibility law requires the owner to report immediately upon learning of the accident if the driver does not report.

9. Section 56-5-1280 of the general accident report law requires a report from an occupant in conformity with pre-1948 Code provisions, and further requires the owner to report within five days after learning of the accident.

10. Wisconsin requires a report from another occupant if the driver is physically incapable, but if there is no other occupant, or if another occupant is physically *or mentally* incapable, the owner must report as soon as he learns of the accident.

Other variations are found in the laws of the following states:

Maine—§ 891, paragraph 6, requires the driver "or some person acting for him," to make the required report within 48 hours after the accident.

Maryland—if the driver is physically incapable of making a report, the owner must report. No time for the report is specified. This provision is quoted in § 10-107(a), *supra*.

States that do not specify who should make the written report when the driver is incapable are Delaware, Hawaii, Michigan, Minnesota, North Carolina, Ohio, Oklahoma, South Dakota, and Vermont.

Citations

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Alaska Stat. §§ 28.35.080(f), .090(b).
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Me. Rev. Stat. Ann. tit. 29, § 891 (1978).
Md. Transp. Code § 20-107 (1977).
Mass. Ann. Laws ch. 90, § 26 (Supp. 1966).
Miss. Code Ann. §§ 8167, 8285-04 (1957).
Mo. Ann. Stat. § 303.040 (1963).
Mont. Rev. Codes Ann. §§ 32-1209(a), (c) (1961).
Neb. Rev. Stat. § 60-505(1) (Supp. 1965).
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N.H. Rev. Stat. Ann. § 262-A:67 (1966).
N.J. Rev. Stat. § 39:4-130 (1961).
N.M. Stat. Ann. § 64-7-208(b), as amended by H.B. 112, CCH ASLR 161, 499 (1978).
N.Y. Vehicle and Traffic Law § 605(a) (Supp. 1966).
N.D. Cent. Code § 39-08-11 (1960).
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Ore. Rev. Stat. §§ 483.606(3), 486.111 (1977).
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S.C. Code Ann. § 56-5-1280 (1976).
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Utah Code Ann. § 41-6-36(b) (Supp. 1979).
Va. Code Ann. § 46.1-402 (1967).
Wash. Rev. Code Ann. § 46.52.040 (1962).
W. Va. Code Ann. § 17C-4-8(b) (1966).
Wis. Stat. Ann. § 346.70(3) (1958).
Wyo. Stat. Ann. §§ 31-225(a), (c), -288(a) (1959).
D.C. Code § 40-428 (1961).
P.R. Laws Ann. tit. 9, § 787 (Supp. 1975).

§ 10-107—Written Report of Accident by Drivers or Owners

(e) All written 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 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 $. . . . . (REVISED, 1975.)

Historical Note

Subsection (e) provides that written accident reports filed by drivers or owners of vehicles involved in an accident shall be without prejudice and for the confidential use of the department. The confidential nature of these reports is, of course, the most important exception to the general rule stated by UVC § 2-309(a) (Rev. ed. 1968):

> All records of the department, other than those declared by law to be confidential for the use of the department, shall be open to public inspection during office hours.

The 1926 and 1930 Code sections on written accident reports provided that all reports "shall be without prejudice, shall be for the information of the department and shall not be open to public inspection." UVC Act IV, § 31 and UVC Act I, § 7(c) (1926); UVC Act IV, § 16 and UVC Act 1, § 7(c) (Rev. ed. 1930).

In 1934, provisions on the confidential and privileged nature of accident reports were placed in a separate section. The portion on the confidential nature of reports was revised to read:

> All required accident reports and supplemental reports shall be without prejudice to the individual so reporting and shall be for the confidential use of the department except that the department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident.

UVC Act V, § 45 (Rev. ed. 1934). In 1938, the above provision was again revised:

> All [required] accident reports [and supplemental reports] *made by persons involved in accidents or by garages* shall be without prejudice to the individual so reporting and shall be for the confidential use of the department *or other state agencies having use for the records for accident prevention purposes* except that the department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident.

UVC Act V, § 50 (Rev. eds. 1938, 1944). In 1948, the confidential nature of accident reports was altered to provide that reports would be for the confidential use of the department "or other state agencies having use for the records for accident prevention purposes, *or for the administration of the laws of this State relating to the deposit of security and proof of financial responsibility by persons driving or the owners of motor vehicles*. . . ." UVC Act V, § 50 (Rev. eds. 1948, 1952).

In the revision of the Uniform Motor Vehicle Safety Responsibility Act of 1952, the following section was included:

> Accident reports confidential. Accident reports and supplemental information filed in connection therewith under this article may be examined by any person named in such report or his

representative designated in writing, but shall not be open to general public inspection, nor shall copying of lists of such reports be permitted.

UVC Act IV, § 23 (Rev. ed. 1952). When the five Acts of the Code were consolidated into one chaptered document in 1954, the above provisions were placed in Chapter 10, as follows:

Sec. 10-117—Public inspection of reports relating to accidents

(*a*) All accident reports made by persons involved in accidents or by garages 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, or for the administration of the laws of this State relating to the deposit of security and proof of financial responsibility by persons driving or the owners of motor vehicles, except that the department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident.

(*b*) All accident reports and supplemental information filed in connection with the administration of the laws of this State relating to the deposit of security or proof of financial responsibility shall be confidential and not open to general public inspection, nor shall copying of lists of such reports be permitted, except, however, that such reports and supplemental information may be examined by any person named therein or by his representative designated in writing.

UVC § 10-117 (Rev. ed. 1954). The section was not changed in the 1956 edition of the Code. UVC § 10-117 (Rev. ed. 1956).

In 1962, the National Committee deleted subsection (b) and revised subsection (a) as follows:

Sec. 10-107 [10-108]—Written report of accident *by drivers or owners* [Sec. 10-117—Public inspection of reports relating to accidents]

(e) [(a)] All *written* [accident] reports *required in this section to be forwarded to the department by drivers or owners of vehicles* [made by persons] involved in accidents [or by garages] 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 [or for the administration of the laws of this State relating to the deposit of security and proof of financial responsibility by persons driving or the owners of motor vehicles], except that the department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident.

In 1975, the last sentence was added to make information about insurance coverage available to persons involved in an accident. It often is necessary to determine whether another vehicle in an accident is covered by insurance under uninsured motorists coverage.

Statutory Annotation

Thirty-nine states have provisions comparable to UVC § 10-107(e) and therefore restrict the use of accident reports to official purposes only—whether for administration of the financial responsibility law or for accident prevention purposes—or otherwise remove them from the realm of public inspection. The 13 states without comparable provisions are:

Alaska	Louisiana	Michigan	New York [4]
Connecticut [1]	Maryland [3]	Missouri	South Dakota
Georgia [2]	Massachusetts	New Hampshire	Vermont
Hawaii			

1. However, § 14-10 provides:
   All records of the motor vehicle department pertaining to application and to registration of motor vehicles and to operator's licenses of the current or previous three years shall be open to public inspection at any reasonable time during office hours. . . . All other records *may be regarded as confidential* by the commissioner. (Emphasis added.)
2. Ga. Code Ann. § 92A-428 authorizes sales of reports for $2.00 per page.
3. By court decision, Maryland law is deemed not to prevent accident reports from being kept open to public inspection. *Pressman v. Elgin*, 187 Md. 446, 50 A.2d 560 (1947).
4. N.Y. Vehicle and Traffic Law § 202(3) establishes fees for copies of accident reports with no limitation as to who may obtain copies.

Of the 39 jurisdictions with comparable laws, Pennsylvania's law is virtually identical to the 1975 Code section.

Florida and Nevada have provisions identical to the 1968 Code; however, Florida further permits disclosure of any judicial determination of guilt. Puerto Rico conforms substantially.

Four states are in conformity with the 1926 and 1930 versions of UVC § 10-107(e) (see Historical Note, *supra*):

Delaware	Maine [1]	Nebraska [2]	New Jersey

1. The Maine law is in general conformity with § 31 of the 1926 Code; however, with respect to the confidential nature of accident reports (§ 10-107(e)), the Maine provision merely states that "such reports shall be without prejudice . . ." and therefore may well be open to public inspection.
2. The scope of Nebraska's law also covers reports filed pursuant to the financial responsibility section.

The laws of 11 states are in general conformity with the 1934 Code and therefore specifically include supplemental reports within the scope of their provisions [1] (see Historical Note, *supra*):

Arkansas [2]	Illinois [5]	Minnesota [6]	Washington [6]
California [3]	Indiana [6]	Mississippi	Wisconsin
Colorado [4]	Kentucky	North Carolina [6]	

1. The present wording of UVC 10-107(e) would also include supplemental reports, by implication.
2. Section 75-910 provides further that the State Police "may disclose to any person involved in said accident or to their attorney or agent, the name and address of any and all occupants and passengers in any of the vehicles involved in said accident as may be shown by said reports." Another section, 75-916, provides: "All motor vehicle accident reports made by the Department of Arkansas State Police . . . shall be open to public inspection at all reasonable times. Photostatic or written copies of such reports . . . may be obtained from the Director . . . by any person who shall request the Department for the same in writing."
3. However, the Department must disclose the entire contents of reports to any person who may have a proper interest therein, including the driver or drivers involved, or the legal guardian thereof, the parent of a minor driver, the authorized representative of a driver, or to any person injured therein, the owners of vehicles or property damaged thereby and an attorney representing any of the parties involved.
4. Applies to accident reports submitted by "drivers, owners, or persons involved."
5. Illinois also requires disclosure of the insurance carrier's identity.
6. Reports in Indiana are for the confidential use of the department "or other state agencies having use for the records for accident prevention purposes," in conformity with the 1938 and 1944 editions of the Code. Other variations in the Indiana law, and in the laws of Minnesota, North Carolina and Washington, are noted, *infra*.

Four states have provisions in verbatim or substantial conformity with the 1938 and 1944 editions of the Code:

Alabama [1]	South Carolina [2]	Texas	Virginia [3]

1. Note that Alabama was listed earlier as having a written report provision solely within its financial responsibility law, but the *general accident report law*, requiring only *immediate notice* from drivers, contains a provision in conformity with the 1938 Code making "accident reports made by persons involved in accidents or by garages" confidential (§ 126). That section of the general accident report law, then, could only apply to reports filed pursuant to the financial responsibility law (§ 74(45)). Another law grants the state highway safety director access to all reports for the detection of high accident locations.
2. The South Carolina law does not refer to garages as did the 1938 Code, but provides further that the department "may upon request disclose to any person who has suffered injury to his person or property any information contained on any report regarding the existence of insurance."
3. A Virginia statute representing an exception to Virginia's general rule that reports shall be confidential (§ 46.1-407) is reprinted, *infra*.

The laws of six states are in verbatim or substantial conformity with the 1948 and 1952 editions of the Code:

Arizona	Rhode Island [2]	Utah
New Mexico [1]	Tennessee	West Virginia

1. New Mexico allows disclosures about insurance.
2. Rhode Island presumes the driver was uninsured if no report was filed.

Three states have provisions in verbatim or substantial conformity with subsections (a) and (b) of the 1954 and 1956 Code (see Historical Note, *supra*):

North Dakota [1] Oklahoma [2] Wyoming [2]

1. However, unlike subsection (b) of the 1956 Code, the North Dakota law permits examination "by persons named therein" only of reports by law enforcement or investigating officers, filed in connection with the financial responsibility law. North Dakota allows making information available to any duly authorized federal official or agency.
2. Leaves out "or by garages."

UVC § 10-107(e) declares accident reports to be without prejudice and for the confidential use of the department or other state agencies dealing with accident prevention, except that the *identity* of a person involved in an accident may be disclosed in certain cases. Several states, whose laws are summarized or reprinted below, expand this general Code exception, and in some instances allow the entire report to be examined or copied by interested parties (e.g., persons named in the report, persons "involved" or their representatives, or insurance carriers anticipating liability). Other states vary from the Code by not specifically declaring reports to be "confidential" (e.g., states with pre-1934 Code provisions). The District of Columbia law merely states, by way of a provision resembling § 10-117(b) of the 1956 Code, that accident reports shall not be open to public inspection. * These laws provide as follows:

Indiana—§ 9-3-1-3 permits giving certain information contained in accident reports to persons sustaining loss or injury:

> . . . the name and address of the owner and operator of any vehicle involved in said accidents; the license number and description of any such vehicle . . . the time and place such accident occurred; the names and addresses of any persons injured or killed in said accident; and the names and addresses of any persons who were witnesses to said accident. Any person so entitled to such information may obtain the same from said department either in person or through his duly authorized agent or attorney; Provided, such agent or attorney shall first file with said department a verified written authorization thereof signed by such person so entitled . . . . Provided however, if the prosecuting attorney of the county wherein such accident occurred shall advise the department that in his opinion such information should not be released to any person and shall assign as his reason therefor that criminal charges have been filed or are in contemplation of being filed, against any person as a result of said accident, said department shall thereupon withhold any information until its release is approved by such prosecuting attorney.

Iowa—§ 321.271 provides:

> All accident reports shall . . . be without prejudice to the individual so reporting and shall be for the confidential use of the department, except that upon the request of any person involved in an accident, the attorney for such person, or an insurance company, the department shall disclose the identity of the person involved in the accident and his address. . . .

Kansas—§ 74-2012, as amended by S.B. 513, CCH ASLR 555 (1975) provides:

> All records of the division of vehicles pertaining to . . . accident reports shall be public records and open to inspection by the public.

Minnesota—§ 169.09(13) provides:

> All written reports and supplemental reports required to be provided to the department of public safety by this section shall be without prejudice to the individual so reporting and shall be for the confidential use of the department of public safety, the Minnesota department of transportation, and appropriate federal, county and municipal governmental agencies for accident prevention purposes, except that the department of public safety or any law enforcement department of any municipality or county in this state shall, upon written request of any person involved in an accident or upon written request of the representative of his estate, his surviving spouse, or one or more of his surviving next of kin, or a trustee appointed pursuant to section 573.02, disclose to such requester, his legal counsel or a representative of his insurer any information contained therein except the parties' version of the accident as set out in the written report filed by such parties or may disclose identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident.

Montana—Accident reports and supplemental information are confidential and are not open to general public inspection except reports by police officers.

North Carolina—§ 20-166.1(i) provides:

> All collision reports, including supplemental reports, above mentioned, except those made by State, city or county police, shall be without prejudice and shall be for the use of the Department and shall not be used in any manner as evidence . . . . Nothing herein provided shall prohibit the Department from furnishing to interested parties only the name or names of insurers and insured and policy number shown upon any reports required under this section.

Ohio—§ 4509.10 provides:

> The accident reports submitted pursuant to sections 4509.1 to 4509.78 [financial responsibility law] inclusive . . . shall be without prejudice to the person reporting and shall be for the confidential use of the registrar of motor vehicles, except that the registrar shall furnish a copy of such report to any person claiming to have been injured or damaged in a motor vehicle accident, or to his attorney, upon payment of a fee of one dollar.

Oregon—§ 483.610 provides:

> (1) All accident reports made to the Motor Vehicles Division or to any sheriff, chief of police or other authorized agent shall be without prejudice to the individual so reporting and shall be for the confidential use of state administrative and enforcement agencies. (2) The Motor Vehicles Division, upon written request, shall, if available, disclose the following information to any party involved in the accident, or, in the event of his death, to any member of his family, or his personal representatives: (a) The identity of the owner, driver, occupants and the license number of a motor vehicle involved in an accident; (b) The names of any companies insuring said owner or driver; and (c) The identity of any witnesses to said accident.

Virginia—§ 46.1-410 provides:

> But any report of an accident made pursuant to §§ 46.1-400 through 46.1-402, 46.1-404(2), 46.1-407 and 46.1-408 shall be open to the inspection of any person involved or injured in the accident, or as a result thereof, or his attorney or any authorized representative of any insurance carrier reasonably anticipating exposure to civil liability as a consequence of the accident or to which such person has applied for issuance or renewal of a policy of automobile insurance; and provided, further, that the Commissioner or Superintendent, or the area or division offices of the Department of State Police having a copy of any such report, shall upon written request of any such person or attorney or any authorized representative of any insurance carrier reasonably anticipating exposure to civil liability as a consequence of the

* The District of Columbia provision reads:

> Accident reports and supplemental information in connection therewith required under [the financial responsibility law] . . . may be examined by any person named in such report or his representative designated in writing, but shall not be open to public inspection, nor shall copying of lists of such reports be permitted.

accident or to which such person has applied for issuance or renewal of a policy of automobile insurance furnish a copy of any such report at the expense of such person, attorney or representative. The Commissioner or Superintendent shall only be required to furnish under this section copies of reports required by the provisions of this article to be made directly to the Commissioner or Superitendent, or to the area or division offices of the Department of State Police having a copy of any such report, as the case may be.

Washington—§ 46.52.080 provides:

All required accident reports and supplemental reports and copies thereof shall be without prejudice to the individual so reporting and shall be for the confidential use of the county prosecuting attorney and chief of police or county sheriff, as the case may be, and the director of motor vehicles and the chief of the Washington state patrol, and other officer or commission as authorized by law, except that any such officer shall disclose the names and addresses of persons reported as involved in an accident or as witnesses thereto, the vehicle license plate numbers and descriptions of vehicles involved, and the date, time and location of an accident, to any person who may have a proper interest therein, including the driver or drivers involved, or the legal guardian thereof, the parent of a minor driver, any person injured therein, the owner of vehicles or property damaged thereby, or any authorized representative of such an interested party, or the attorney or insurer thereof.

And § 46.52.083 provides:

All of the factual data submitted in report form by the officers, together with the signed statements of all witnesses, except the reports signed by the drivers involved in the accident, shall be made available upon request to the interested parties named in RCW 46.52.080.

§ 10-107—Written Report of Accident by Drivers or Owners

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

Historical Note

UVC § 10-107(f) provides that written accident reports shall not, as a general rule, be used as evidence in any civil or criminal trial.

The 1926 and 1930 Code sections on written accident reports provided:

> The fact that such reports have been so made shall be admissible in evidence solely to prove a compliance with this section but no such report or any part thereof or statement contained therein shall be admissible in evidence for any other purpose in any trial, civil or criminal, arising out of such accidents.

UVC Act IV, § 31 and UVC Act I, § 7(c) (1926); UVC Act IV, § 16 and UVC Act I, § 7(c) (Rev. ed. 1930). In 1934, the above provision applicable to "all required accident reports and supplemental reports" was revised to read:

> No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department shall furnish upon demand of any person who has, or claims to have, made such a report or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance or a failure to comply with the requirement that such a report be made to the department.

UVC Act V, § 45 (Rev. ed. 1934). The 1934 provision remained unchanged until 1954 (though from 1938 until 1962 it expressly applied to reports forwarded by "persons involved in accidents *or by garages*." UVC Act V, § 50 (Rev. eds. 1938, 1944, 1948, 1952).

In 1954, this provision was placed in a separate subsection and was revised to read:

> Sec. 10-117—Public inspection of reports relating to accidents
>
> (c) No *reports* [such report] *or information mentioned in this section* shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department shall furnish upon demand of any *party to such trial,* [person who has, or claims to have, made such a report] 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* [solely to prove a compliance or a failure to comply with the requirement that such a report be made to the department].

UVC § 10-117(c) (Rev. eds. 1954, 1956).

In 1962, the subsection was again revised to make it apply only to written reports forwarded by drivers or owners, to indicate the contents of a certificate, and to make such reports available as evidence in prosecutions (see § 10-108) for filing a false report:

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

In addition to the above provision, it should be noted that Chapter 7 on Financial Responsibility contained this section prior to 1971:

> Sec. 7-219—Matters not to be evidence in civil suits
>
> The report required following an accident, the action taken by the department pursuant to this chapter, the findings, if any, of the department upon which such action is based, and the security filed as provided in this chapter, shall not be referred to in any way, and shall not be any evidence of the negligence or due care of either party at the trial of any action at law to recover damages.

This section was placed in the Code in 1944 and was deleted in 1971. UVC Act IV, § 11 (Rev. ed. 1944); UVC Act IV, § 42 (Rev. ed. 1952); UVC § 7-219 (Rev. eds. 1954, 1956, 1962, 1968, Supp. I 1972).

Statutory Annotation

Forty-three jurisdictions have provisions prohibiting the admission in evidence of accident reports in general conformity with this Code subsection or with former § 7-219 of the Code's Financial Responsibility chapter (see § 7-219 in the Historical Note, *supra*). Nine states do not have comparable laws:

Connecticut	Maryland	New Hampshire	South Dakota
Hawaii	Massachusetts	New York	Vermont
Kansas			

Nevada and Pennsylvania conform substantially with the 1968 Code subsection. Nevada has a second law like former UVC § 7-219.

Five states have provisions in verbatim or substantial conformity with the 1926 and 1930 Code (see Historical Note, *supra*):

Delaware	Nebraska	North Carolina [1]
Maine [1]	New Jersey [2]	

1. Section 891, paragraph 7, provides:

> No report, or any part thereof, or statement contained therein, or statement made, *or testimony taken at any hearing before the Secretary of State*, or any of his deputies held under section 53, or decision made as a result thereof, shall be admissible in evidence for any purpose in any trial, civil or criminal, arising out of such accident. (Emphasis added.)

2. The New Jersey law applies to "any proceeding or action" rather than to any "trial," as in the Code.

3. A second North Carolina provision (§ 20-166.1(o)) provides that written and oral reports by drivers shall not be competent evidence in a civil action except to establish the identity of the driver.

The laws of 22 states are in verbatim or substantial conformity with the 1934 through 1952 editions of the Code and thus contain the exception that "the department shall furnish upon demand of any person who has, or claims to have, made such a report or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance with the requirement that such a report be made to the department":

Alabama [1]	Florida	Montana	Utah
Arizona	Illinois	New Mexico [3]	Virginia
Arkansas	Indiana	Ohio	Washington [4]
California	Kentucky	Oregon	West Virginia
Colorado	Minnesota [2]	Rhode Island	Wisconsin [5]
	Mississippi	South Carolina	

1. Alabama has two laws covering admissibility of accident reports filed pursuant to the financial responsibility law: one in conformity with the 1952 Code's general accident report provisions, and a second in conformity with former UVC § 7-219.

2. The Minnesota law explicitly makes unlawful disclosures of information contained in an accident report a misdemeanor.

3. NMSA § 64-33-11 provides that records of special investigation units are confidential and no employee can be compelled to produce them in any legal action.

4. Washington has the last sentence.

5. In Wisconsin, reports may be used as evidence in administrative proceedings but not in judicial trials.

Four states—North Dakota, Oklahoma, Tennessee and Wyoming—have provisions in verbatim conformity with § 10-117(c) of the 1954 and 1956 Codes. Prohibitions on the use of accident reports as evidence of negligence in civil cases only, in conformity with former UVC § 7-219, are found in the financial responsibility laws of the District of Columbia and the following four states.

Georgia	Louisiana	Michigan	Missouri

In these states, it would appear that accident reports may be admissible in *criminal* proceedings.

Four states have these provisions:

Alaska—§ 28.35.120 provides: "No report made in accordance with this chapter may be used in evidence in a criminal or civil action arising out of the accident that is the subject of the report." The Code exception, that a certificate of compliance may be introduced, is not included. In addition, Alaska's financial responsibility law contains a provision in verbatim conformity with former UVC § 7-219.

Iowa—§ 321.271 provides: "A written report filed with the department shall not be admissible in or used in evidence in any civil or criminal case arising out of the facts on which the report is based." Iowa's financial responsibility law also has a provision in verbatim conformity with former UVC § 7-219.

Texas—All reports "shall be privileged," except to determine the identity of a person involved.

Puerto Rico—No written report may be used as evidence in a criminal or civil proceeding arising as a result of the accident. The Department may furnish a certificate accrediting that on a specific date, the report had or had not been submitted, and give the date, time, place of accident, names, addresses, owners of the vehicles and investigating officer.

Citations

Ala. Code tit. 36, § 126 (1959).
Alaska Stat. § 28.35.120.
Ariz. Rev. Stat. Ann. § 28-673 (1956).
Ark. Stat. Ann. § 75-910 (Supp. 1965).
Cal. Vehicle Code §§ 20012, 20013 (1959, Supp. 1971).
Colo. Rev. Stat. Ann. § 42-4-1410 (1973).
Del. Code Ann. tit. 21, § 4203(b) (Supp. 1966).
Fla. Stat. § 316.066(3)(b) (1971).
Ga. Code Ann. § 92A-612 (1958).
Ill. Ann. Stat. ch. 95½, § 11-412 (1971).
Ind. Ann. Stat. § 9-4-1-51 (1973).
Iowa Code Ann. § 321.271 (Supp. 1972).
Ky. Rev. Stat. Ann. § 189.610 (1977).
La. Rev. Stat. Ann. § 32:878 (1963).
Me. Rev. Stat. Ann. tit. 29, § 891 (1978).
Minn. Stat. Ann. § 169.09(13) (Supp. 1979).
Miss. Code Ann. § 8170 (1957).
Mo. Ann. Stat. § 303.310 (1963).
Mont. Rev. Codes Ann. § 32-1213 (1961 Supp. 1977).
Neb. Rev. Stat. § 39-764 (Supp. 1965).
Nev. Rev. Stat. §§ 484.229, 485.300 (1975).
N.J. Rev. Stat. § 39:4-131 (1961).
N.M. Stat. Ann. § 64-17-13 (1972).
N.C. Gen. Stat. § 20-166.1(i) (Supp. 1965).
N.D. Cent. Code § 39-08-14 (Supp. 1971).
Ohio Rev. Code Ann. § 4509.10 (1965).
Okla. Stat. Ann. tit. 47, § 10-115 (1962).
Ore. Rev. Stat. § 483.610 (1977).
Pa. Stat. Ann. tit. 75, § 3747 (1977).
R.I. Gen. Laws Ann. § 31-26-13 (Supp. 1971).
S.C. Code Ann. § 56-5-1340 (Supp. 1977).
Tenn. Code Ann. § 59-1014 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 47 (Supp. 1971).
Utah Code Ann. § 41-6-40 (1960).
Va. Code Ann. §§ 46.1-407, -408, -410 (1967, Supp. 1979).
Wash. Rev. Code Ann. §§ 46.52.080,.083 (1970, Supp. 1976).
W.Va. Code Ann. § 17C-4-13 (1966).
Wis. Stat. Ann. § 346.73 (Supp. 1977).
Wyo. Stat. Ann. § 31-229 (1959).
D.C. Code §§ 40-431,-449 (1961).
P.R. Laws Ann. tit. 9, § 787 (Supp. 1975).

§ 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. (REVISED, 1971.)

Historical Note

This section was added to the Code's general accident report provisions in 1954 and, until 1962, referred to "reports" rather than "oral or written reports," and to "sections 10-108 [on written reports by drivers], 10-110 [on supplemental reports by drivers and written reports by police officers] or 10-111 [on immediate reports by occupants and written reports by owners]" rather than "this chapter." UVC § 10-112 (Rev. eds. 1954, 1956); UVC § 10-108 (Rev. eds. 1962, 1968).

The 1968 section read as follows:

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

In 1971, the special penalty of $1,000 and/or one year in jail was deleted as unnecessary and harsh and the section was revised into its present form. UVC § 10-108 (Supp. I 1972).

Prior to 1954, the Uniform Motor Vehicle Safety Responsibility Act authorized suspending the license of any person who failed "to give correct information in connection with such report." UVC Act IV, § 22 (Rev. ed. 1952). This provision was deleted from the Code in 1954. The Safety Responsibility Act also included a penalty identical to the one previously contained in § 10-108 except that it applied only to written accident reports by drivers or owners. UVC Act IV, § 81 (Rev. ed. 1952) provided:

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

Statutory Annotation

Provisions in substantial conformity with this section are found in the laws of 29 jurisdictions (an asterisk indicates that the provision is found within the state's financial responsibility law; these are generally in verbatim or substantial conformity with UVC Act IV, § 81 of the 1952 Code, quoted in the Historical Note, *supra*):

*Alabama	Illinois	New Hampshire	*Rhode Island
Alaska	Kansas	*North Carolina	Tennessee
*Arkansas	*Louisiana	North Dakota	*Texas
Connecticut	Maryland [1]	*Ohio	*Utah
Florida	*Mississippi	Oklahoma	Washington
*Georgia	*Missouri	*Oregon	Wisconsin
Hawaii	Nevada	Pennsylvania	*District of
Idaho			Columbia

1. Maryland also authorizes a suspension in certain cases. See § 10-109, *infra*.

Four states—Kentucky, New York, Virginia and Wyoming—provide generally that failure to report an accident or failure to give correctly the information required is a misdemeanor and, if there is injury or damage to the person or property of another in the accident, such failure is also ground for the suspension of a license or registration or nonresident operating privilege. On suspensions for failure to report, see § 10-109, *infra*.

Three other jurisdictions with comparable provisions have these significant differences:

California—§ 20 provides:

> It is unlawful to use a false or fictitious name, or to knowingly make any false statement or knowingly conceal any material fact in any document filed with the Department of Motor Vehicles or the Department of the California Highway Patrol.

Maine—§ 891, paragraph 8, provides:

> Whoever . . . willfully fails to give correct information required of him by the Chief of the State Police pertinent to any requisite report shall be deemed answerable to the Secretary of State, and the Secretary of State . . . may suspend or revoke the operator's license of such person or the certificate of registration, or both, of any or all motor vehicles owned by him. On like failure by a non-resident, the Secretary of State may suspend or revoke the privileges of such non-resident to operate a motor vehicle in this State and the operation within this State of any motor vehicle owned by him.

Another provision, § 783(7) of the financial responsibility law, is in conformity with UVC § 10-108.

Puerto Rico—§ 788 provides:

> Any person who with the intent to conceal or twist the identification of a vehicle or driver involved in an accident furnishes false information to the Police about such vehicle or driver, or furnishes false information in oral or written reports, as requested in this subchapter, knowing or having enough reasons to believe that it is false, shall be guilty of a misdemeanor. . . .

Sixteen states do not have express, comparable provisions in either their general accident report laws or in their financial responsibility laws:

Arizona	Iowa	Montana	South Carolina
Colorado	Massachusetts	Nebraska	South Dakota
Delaware	Michigan	New Jersey	Vermont
Indiana	Minnesota	New Mexico	West Virginia

Citations

Ala Code tit. 36, § 74(73) (1959).
Alaska Stat. § 28.35.110(a).
Ark. Stat. Ann. § 75-1481 (1957).
Cal. Vehicle Code § 20 (1960).
Conn. Gen. Stat. Ann. §§ 14-110,-133 (1960).
Fla. Stat. § 316.067 (1971).
Ga. Code Ann. § 92A-9918(b) (1958).
Hawaii Rev. Stat. § 291C-18 (Supp. 1971).
Idaho Code Ann. § 49-106A (Supp. 1976).
Ill. Ann. Stat. ch. 95½, § 11-409 (1971).
Kans. Stat. Ann. § 8-524a (Supp. 1971).
Ky. Rev. Stat. Ann. § 187.320 (1977).
La. Rev. Stat. Ann. § 32:1023(B) (1963).
Me. Rev. Stat. Ann. tit. 29, §§ 891,783(7) (1978).
Md. Transp. Code §§ 20-108,-109 (1977).
Miss. Code Ann. § 8285-32 (1957).
Mo. Ann. Stat. § 303.370 (1963).
Nev. Rev. Stat. § 484.236 (1975).
N.H. Rev. Stat. Ann. § 262-A:69 (1966).
N.Y. Vehicle and Traffic Law § 605(b) (Supp. 1966).
N.C. Gen. Stat. § 20-279.31(b) (Supp. 1965).
N.D. Cent. Code § 39-08-12 (1960).
Ohio Rev. Code Ann. §§ 4509.75,.99 (1965).
Okla. Stat. Ann. tit. 47, § 10-112 (1962).
Ore. Rev. Stat. § 486.991(3).
Pa. Stat. Ann. tit. 75, § 3748 (1977).
R.I. Gen. Laws Ann. § 31-33-3 (Supp. 1966).
Tenn. Code Ann. § 59-1010 (1955).
Tex. Rev. Civ. Stat. art. 6701h, § 32(b) (Supp. 1966).
Utah Code Ann. § 41-12-32 (1960).
Va. Code Ann. § 46.1-405 (1967).
Wash. Rev. Code § 46.52.088 (Supp. 1976)
Wis. Stat. Ann. §§ 346.70(5),.74(5) (Supp. 1967).
Wyo. Stat. Ann. § 31-288(b)(1959).
D.C. Code § 40-488(a) (1961).
P.R. Laws Ann. tit. 9, § 788 (Supp. 1975).

§ 10-109—Penalty for Failure to Report

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

Historical Note

This section was added to the Code's general accident reporting provisions in 1948 and, until 1954, provided:

> The commissioner shall suspend the license or permit to drive and any nonresident operating privileges of any person failing to report an accident as herein provided until such report has been filed. Any person convicted of failing to make a report as required herein shall be punished as provided in section 181.

UVC Act V, § 47.1 (Rev. eds. 1948, 1952). Section 181 provided a general penalty identical to that contained in 1968 UVC § 17-101. A 1954 amendment allowed the commissioner to extend any suspension for a period not to exceed 30 days and in 1962 the last sentence was amended, specifically declaring violations to be misdemeanors and enlarging the offense to include failure to file within the time prescribed. UVC § 10-114 (Rev. eds. 1954, 1956); UVC § 10-109 (Rev. eds. 1962, 1968).

As revised in 1944, the Uniform Motor Vehicle Safety Responsibility Act contained a section requiring suspension of the license or nonresident's operating privilege of any person who wilfully fails, refuses or neglects

to make a report of a traffic accident. UVC Act IV, §§ 4(b) and alternate 4 (Rev. ed. 1944). In 1952, this provision was amended to read:

> The department is authorized, in its discretion, to suspend the license of any person who fails to report an accident or to give correct information in connection with such report as required by the department until such report has been filed and for such further period, not to exceed 30 days, as the department may determine.

UVC Act IV, § 22 (Rev. ed. 1952). This section was not retained in the 1954 edition of the Code. See the Headnote to this and other sections appearing in the 1952 Code, quoted in § 10-107(a), *supra*.

Another section of the 1952 Safety Responsibility Act, deleted in 1954, imposed a fine of not more than $100 for "failure to report a motor vehicle accident or to furnish additional information as required" but, again, it was not intended that states adopt both that section and the provision appearing in the general accident report provisions of Act V. UVC Act IV, § 80 (Rev. ed. 1952).

Statutory Annotation

With the exception of Florida, Hawaii, Michigan, Pennsylvania and South Dakota, all states specify a penalty or provide for certain administrative action for failure to report an accident, as does UVC § 10-109. Such penalties or authority for administrative action are found either in the general accident report law, or in the financial responsibility law, or sometimes in both, and contain a number of variations. Eleven states provide only for administrative action in the form of suspension or revocation of operating privileges * and at least five states provide only a penalty (fine, imprisonment, or both). **

* The 11 states are: California, Colorado, Illinois, Iowa, Maine, Massachusetts, Minnesota, Nevada, North Dakota, Ohio and Washington. However, all states have a general provision comparable to UVC § 17-101 which would provide for fine and imprisonment upon violation of any law for which a specific penalty is not provided. In some of these states, laws comparable to UVC § 11-102 may also be applicable.

** The five states are: Arkansas, New Hampshire, Oregon, Vermont and Wisconsin.

The following 18 jurisdictions have provisions in substantial conformity with the Code insofar as they (1) call for suspension of the driver's license and any nonresident operating privilege until a report is filed and (2) authorize the commissioner to extend a suspension for not more than 30 days (an asterisk in this and other lists indicates that the provision is found within the state's financial responsibility law):

*Alabama	*Louisiana	North Dakota	*Utah
Alaska	*Mississippi	Oklahoma	*District of
*Connecticut	*Missouri	*Rhode Island	Columbia [1]
*Georgia	*Montana	Tennessee	Puerto Rico
Kansas	*North Carolina	*Texas	

1. Suspension of vehicle registration is also authorized, and may be extended not more than 30 days.

Fourteen states have laws that are in substantial conformity with the Code but do not specifically authorize an extension of the suspension beyond the time the report is filed:

*Arizona	*Iowa	New Mexico	South Carolina
*Colorado	*Minnesota	North Dakota [2]	Washington
*Delaware	Montana [1]	Rhode Island [1]	West Virginia
Illinois			Wyoming

1. Montana and Rhode Island are listed in two places because they have dual penalty provisions. Their financial responsibility laws, as indicated, *supra*, authorize extension of a suspension in conformity with the present Code section, while their general accident report laws contain no such authorization.

2. The North Dakota general accident report law authorizes extension for 30 days but its financial responsibility law contains no such authorization.

In a number of cases, the powers of the commissioner with respect to a person who has failed to submit a written report as required are expanded to include suspension of a driver's license and any nonresident operating privilege *or* revocation thereof, *or* suspension or revocation of the registration certificates of any vehicles owned by such person:

*Kentucky	*Nebraska	New York	*Virginia [1]
Maine	New Jersey	*Tennessee [2]	*Wyoming [2]
Maryland [1]			

1. Maryland limits suspensions to situations in which there is injury or damage to another person or property.

2. Tennessee and Wyoming also have dual provisions which differ with respect to the powers and duties of the commissioner, and therefore appear in more than one list.

3. The Virginia law authorizing such suspensions or revocations requires that the person be convicted of failing to report. The Virginia statute (§ 46.1-405) does not refer to "nonresident operating privileges," but § 46.1-464 authorizes the suspension or revocation of nonresident operating privileges for failure (without conviction) of a nonresident "to report an accident as required."

Three states with provisions exclusively within their financial responsibility laws—California, Nevada and Ohio—authorize the commissioner to suspend the license or "driving privilege" of any person failing to report. The general accident report laws of two other states—Indiana and Massachusetts—call for suspension *or* revocation of the driver's license.

Five states, finally, do not authorize or require any form of administrative action upon failure to report an accident and therefore conform with UVC § 10-109 only with respect to the inclusion of a penalty (e.g., fine or imprisonment, or both):

*Arkansas	*Oregon	Vermont
New Hampshire		Wisconsin

Regarding the powers and duties of the commissioner with respect to persons failing to file an accident report, one other point bears consideration. The Code uses the word "shall" and therefore imposes on the commissioner the duty to suspend licenses and nonresident operating privileges of any persons failing to report. In 10 jurisdictions, however, the commissioner's power is discretionary (i.e., he "may" suspend) and in two states whose laws contain dual provisions—Montana and Tennessee—the commissioner's powers are discretionary in one law and mandatory in the other. [1] Jurisdictions whose laws differ from the Code by making the commissioner's powers discretionary are:

California	Minnesota	North Dakota	District of
Maine	Nevada [2]	Ohio	Columbia
Massachusetts	New Jersey	Oklahoma	

1. Montana's general accident report law states that the commissioner "may suspend" licenses and nonresident operating privileges, while the financial responsibility provision makes suspension mandatory. Tennessee's general accident report law states that the commissioner "may suspend" licenses and nonresident operating privileges, while the financial responsibility law requires suspension of licenses, vehicle registrations, and nonresident operating privileges.

2. The Nevada law further provides: "Suspension action taken under this section shall remain in effect for 1 year unless terminated by receipt of the report of the accident or upon receipt of evidence that failure to report was not wilful."

Although already discussed in the initial part of this Annotation, a separate review of the 11 states having two provisions comparable to § 10-109 may be helpful. With the exception of Texas, these states have one provision within the general accident report law and the other within the financial responsibility law, and they sometimes differ not only with respect to the administrative action authorized, but also on the amount of the fine imposed or the length of the jail term, or, in some cases, a criminal penalty might be found solely in the general accident report law while administrative action is spelled out in the financial responsibility law. In addition, the financial responsibility laws of several of these and other states provide a penalty even though a written accident report is not specifically required therein. The financial responsibility laws of Connecticut, Iowa, Minnesota, North Carolina and Utah contain penalties for failing to report, even though those laws require only that the report filed pursuant to the general accident report law contain information sufficient to determine whether a deposit of security is necessary. The 11 states with dual provisions are:

Arizona	Louisiana [1]	South Carolina	Utah [6]
Connecticut	North Dakota [2]	Tennessee [4]	Wyoming [7]
Delaware	Rhode Island [3]	Texas [5]	

1. The general accident report law terms failure to report a "misdemeanor" while the financial responsibility law imposes a fine of not more than $25 and requires suspension of licenses and nonresident operating privileges.
2. Administrative penalties are the same in both laws except that the general accident report provision authorizes the commissioner to extend any order of suspension not more than 30 days.
3. The general accident report law imposes a fine of not more than $500 or imprisonment for not more than 30 days, or both, while the financial responsibility section imposes a fine of not more than $25 for failure to report. Administrative penalties are the same in both laws except that the financial responsibility provision authorizes the commissioner to extend any order of suspension not more than 30 days.
4. The general accident report law states that the commissioner "may suspend" licenses and nonresident operating privileges, while the financial responsibility law requires suspension of licenses, vehicle registrations and nonresident operating privileges.
5. The Texas financial responsibility law provides a penalty of $25 fine and calls for administrative action, as noted previously.
6. The general accident report law defines failure to report as a "misdemeanor" while the financial responsibility law imposes a fine of not more than $25. Administrative penalties are the same in both sections.
7. The general accident report law requires suspension of licenses and nonresident operating privileges and further imposes a penalty in conformity with UVC § 17-101, while the financial responsibility provision defines violation as a "misdemeanor" and requires suspension or revocation of licenses, vehicle registrations and nonresident operating privileges.

UVC § 10-109, in addition to prescribing suspension for failure to report an accident within the time required, classifies violation as a misdemeanor punishable as provided in § 17-101, which is the Code's general penalty provision. The general accident report laws of six states—Arizona, Kansas, New Mexico, Oklahoma, West Virginia and Wyoming—provide criminal penalties identical to those in UVC § 17-101 prior to its revision in 1971; i.e., $100 and/or 10 days for a first conviction, $200 and/or 20 days for a second and $500 and/or six months for a third conviction.

Idaho has a law (§ 49-1504) comparable to UVC § 10-109 within its financial responsibility provisions. However, its laws requiring written accident reports from drivers and owners were repealed. The provision referred to in § 49-1504 (§ 49-1007) requires written accident reports from law enforcement officers who investigate accidents.

The following Table provides a comparison of state laws with respect to fines and imprisonment. Omitted are the six states listed above as being in conformity with UVC § 17-101 and the 11 states whose laws expressly provide only for administrative action, and states which do not have a comparable law.

Criminal Penalties for Failure to Report an Accident

	Accident Report Law		Financial Responsibility Law	
	Maximum Fine	Maximum Imprisonment	Maximum Fine	Maximum Imprisonment
Alabama	—	—	$ 25	—
Alaska	M-$200	90 days	—	—
Arkansas	—	—	100	—
Connecticut	50	—	50	—
Delaware	10-100	10-30 days	—	—
Georgia	—	—	25	—
Indiana	M	—	—	—
Kentucky	—	—	M	—
Louisiana	M	—	25	—
Maryland	—	—	—	—
Mississippi	—	—	500	6 months
Missouri	—	—	500	—
Montana	M-25	—	—	—
Nebraska	—	—	M	—
New Hampshire	500	—	—	—
New Jersey	100	30 days	—	—
New York	M	—	—	—
North Carolina	—	—	25	—
Oregon	—	—	100	—
Rhode Island	500	1 year	25	—
South Carolina	100	30 days	100	30 days
Tennessee	2-50	30 days	—	—
Texas	—	—	25	—
Utah	M	—	25	—
Vermont	100	30 days	—	—
Virginia	—	—	M	—
Wisconsin	40-200	—	—	—
District of Columbia	—	—	500	90 days

M = Violation is specifically termed a misdemeanor. General penalty provisions should be consulted in states where no maximum fine or imprisonment is indicated.

Citations

Ala. Code tit. 36, § 74(73)(a) (1959).
Alaska Stat. § 28.35.110(b).
Ariz. Rev. Stat. Ann. §§ 28-670, -1141 (1956).
Ark. Stat. Ann. § 75-1480 (1957).
Cal. Vehicle Code § 16004 (1960).
Colo. Rev. Stat. Ann. § 42-7-202(4) (1973).
Conn. Gen. Stat. Ann. §§ 14-108, -133 (1960).
Del. Code Ann. tit. 21, §§ 2909(b), 4211 (Supp. 1966).
Ga. Code Ann. § 92A-9918(a) (1958).
Idaho Code Ann. § 49-1504 (Supp. 1976).
Ill. Ann. Stat. ch. 95½, § 11-406(d) (Supp. 1972).
Ind. Ann. Stat. § 9-4-1-46(d) (1973).
Iowa Code Ann. § 321A.4 (1966).
Kans. Stat. Ann. § 8-524b (Supp. 1971).
Ky. Rev. Stat. Ann. § 187.320(2).
La. Rev. Stat. Ann. §§ 32.398(B), :1023(A) (1963).
Me. Rev. Stat. Ann. tit. 29, § 891 (1978).
Md. Transp. Code § 20-109 (1977).
Mass. Ann. Laws ch. 90, § 26 (Supp. 1966).
Minn. Stat. Ann. § 170.24 (1960).
Miss. Code Ann. §§ 8285-32(a), (e) (Supp. 1971).
Mo. Ann. Stat. § 303.370 (1963).
Mont. Rev. Codes Ann. § 32-1210(c) (1961).
Neb. Rev. Stat. § 60-506 (1960).
Nev. Rev. Stat. § 485.325 (1975).
N.H. Rev. Stat. Ann. § 262-A:69 (1966).
N.J. Rev. Stat. § 39:4-130 (Supp. 1971).
N.M. Stat. Ann. § 64-17-10 (1960).
N.Y. Vehicle and Traffic Law § 605(b) (Supp. 1966).
N.C. Gen. Stat. § 20-279.31 (1965).
N.D. Cent. Code §§ 39-08-09, 39-16-04 (1960).
Ohio Rev. Code Ann. § 4509.09 (1965).
Okla. Stat. Ann. tit. 47, § 10-114 (1962).
Ore. Rev. Stat. § 486.991(2) (1977).
R.I. Gen. Laws Ann. §§ 31-26-11, 31-33-2 (Supp. 1966).
S.C. Code Ann. §§ 56-5-1310, 56-9-80 (1976).
Tenn. Code Ann. §§ 59-1011(c), -1203(b) (1955).
Tex. Rev. Civ. Stat. art. 6701h, § 32(a) (1960).
Utah Code Ann. §§ 41-6-37(d), 41-12-32 (1960).
Vt. Stat. Ann. tit. 23, § 1005(a) (1967).
Va. Code Ann. § 46.1-405 (1967).
Wash. Rev. Code Ann. § 46.52.035 (1962).
W. Va. Code Ann. § 17C-4-10 (1966).
Wis. Stat. Ann. § 346.74(2) (Supp. 1971).
Wyo. Stat. Ann. §§ 31-227, -228(b) (1959).
D.C. Code §§ 40-430, -491 (1961).
P.R. Laws Ann. tit. 9, § 789 (Supp. 1975).

§ 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 accident and the circumstances relating thereto. (Revised, 1962).

Historical Note

Prior to 1962, this section required periodic reports from coroners or other similar officials, rather than from a state agency, on the death of any

person resulting from an accident within their jurisdictions. The 1930 Code provided:

> Every coroner or other official performing like functions shall make a report to the commissioner with respect to any death found to have been the result of a motor vehicle accident.

UVC Act IV, § 16 (Rev. ed. 1930). In 1934, the section was amended to provide:

> Every coroner or other official performing like functions shall on or before the 10th day of each month report in writing to the department the death of any person within his jurisdiction during the preceding calendar month as the result of an accident involving a motor vehicle and the circumstances of such accident.

UVC Act V, § 44 (Rev. eds. 1934, 1938). A 1944 revision made the section applicable to death resulting from a "traffic accident." No further changes were made until 1962, when the term "coroners or other officials performing like functions" was replaced with "the state bureau of vital statistics (or other state agency keeping records of deaths)" and the phrase "traffic accident" was replaced with "vehicle accident." UVC § 48 (Rev. eds. 1944, 1948, 1952); UVC § 10-115 (Rev. eds. 1954, 1956); UVC § 10-110 (Rev. eds. 1962, 1968). See also, the Historical Note to § 10-106, *supra*, regarding *immediate* notice of deaths by coroners.

Statutory Annotation

Kansas and Nevada are identical to the Code.

Other state laws comparable to this section of the Code are in conformity with all but the most recent editions, and therefore require reports from "coroners or other officials performing like functions" (see Historical Note). States whose accident report laws contain such a provision are:

Alabama	Idaho	Montana	South Carolina
Arizona	Illinois	Nebraska	Tennessee
Arkansas	Indiana	New Jersey [4]	Texas
California	Kentucky	New Mexico	Virginia [7]
Colorado	Louisiana	North Carolina [5]	Washington
Connecticut [1]	Minnesota [3]	Oregon [6]	West Virginia
Florida	Mississippi	Pennsylvania	Wisconsin
Georgia [2]			Wyoming

1. Requires a report within 10 days following an investigation, rather than periodically.
2. Requires a report from sheriffs rather than from coroners.
3. Coroner must report within five days after fatality, rather than periodically. Law also requires coroner to determine presence and amount of drugs or alcohol in deceased drivers and pedestrians over 16 years of age.
4. New Jersey has a provision in substantial conformity with the 1930 Code (see Historical Note).
5. Medical examiner must report within five days after fatality, rather than periodically.
6. Coroner must report on or before the 15th of each month.
7. Medical examiners must report immediately and monthly.

The remaining states do not have comparable provisions in their general accident report laws. For provisions in five states requiring immediate notice of fatalities by coroners, however, see § 10-106, *supra*.

Vermont has a provision in its drunk and drugged driving laws requiring "the office of chief medical examiner to report in writing to the department of motor vehicles the death of any person as the result of an accident involving a vehicle and the circumstances of such accident within five days of such death." Vt. Stat. Ann. tit. 23, § 1203(c), added by Gen. Laws 1973, ch. 79, CCH ASLR 104.

Citations

Ala. Code tit. 36, § 124 (1959).
Ariz. Rev. Stat. Ann. § 28-671 (1956)
Ark. Stat. Ann. § 75-909 (1957).
Cal. Vehicle Code § 20011 (1960).
Colo. Rev. Stat. Ann. § 42-4-1408 (1973).
Conn. Gen. Stat. Ann. § 14-109 (1960).
Fla. Stat. § 316.065(2) (1971).
Ga. Code Ann. § 68-1624 (1957).
Idaho Code Ann. § 49-1011 (1967).
Ill. Ann. Stat. ch. 95½, § 11-413 (1971).
Ind. Ann. Stat. § 9-4-1-49 (1973).
Kans. Stat. Ann. § 8-1610 (1975).
Ky. Rev. Stat. Ann. § 189.590.
La. Rev. Stat. Ann. § 32:398(E) (Supp. 1972).
Minn. Stat. Ann. § 169.09(11) (Supp. 1972).
Miss. Code Ann. § 8169 (1957).
Mont. Rev. Codes Ann. § 32-1211 (1961).
Neb. L. B. 66, CCH ASLR 27 (1974).
Nev. Rev. Stat. § 484.238 (1975).
N.J. Rev. Stat. § 39:4-134 (1961).
N.M. Stat. Ann. § 64-17-11 (1960).
N.C. Gen. Stat. § 20-166.1(f) (Supp. 1975).
Ore. Rev. Stat. § 483.608(2) (1977).
Pa. Stat. Ann. tit. 75, § 3749 (1977).
S.C. Code Ann. § 56-5-1320 (1976).
Tenn. Code Ann. § 59-1012 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 46 (1960).
Va. Code Ann. § 46.1-404 (1967).
Wash. Rev. Code Ann. § 46.52.050 (1962).
W. Va. Code Ann. § 17C-4-11 (1966).
Wis. Stat. Ann. § 346.71 (1958).
Wyo. Stat. Ann. § 31-228 (1959).

§ 10-111—Garages to Report

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

Historical Note

The 1926 and 1930 editions of the Code provided:

> 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 a serious accident or struck by any bullet shall report to the nearest police station or sheriff's office within twenty-four hours after such motor vehicle is received, giving the engine number, registration number and the name and address of the owner or operator of such vehicle.

UVC Act IV, § 32 (1926); UVC Act IV, § 17 (Rev. ed. 1930). The 1934 Code did not contain a comparable provision but, in 1938, the section was reinserted, this time requiring a report on receipt of any motor vehicle showing evidence of involvement in "an accident of which report must be made as provided in section 45" or struck by any bullet, to be filed with the "department" rather than with local police or the county sheriff. This section was not amended until 1962. UVC Act V, § 49 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 10-116 (Rev. eds. 1954, 1956).

As amended in 1962, the section applies to a motor vehicle showing evidence of involvement in an accident "of which written report must be made *by the driver thereof* as provided in § 10-107" and garage owners are required to report to certain designated enforcement offices rather than to the department of motor vehicles. In 1968, the term "identifying number" was inserted in place of "engine number" to foster accurate and rapid determinations of ownership. UVC § 10-111 (Rev. eds. 1962, 1968). See the definition of "identifying number" in UVC § 1-124.

Statutory Annotation

Hawaii nearly duplicates the Code (substituting "vehicle identification number" for "identifying number" and requiring a report to "the police department").

Eleven states have provisions identical to, or in substantial conformity with, the 1938 through 1956 versions of UVC § 10-111 and therefore call for a report from a garage or repair shop on receipt of any motor vehicle showing evidence of involvement in "an accident of which report must

be made as provided . . ." or struck by any bullet, to be filed with the "department" (rather than with local authorities) within 24 hours. Principal differences are explained in footnotes:

Alabama	Idaho	New Mexico	Tennessee
Arizona	Indiana [2]	North Dakota [3]	West Virginia
Colorado [1]	Montana	South Carolina	

1. Leaves out "of which report must be made as provided." The Colorado law would therefore require garages to report vehicles showing evidence of involvement in any accident.
2. Applies only to motor vehicles struck by bullets.
3. Garage must report to a police officer within 24 hours, rather than to the "department."

Seven states have laws in conformity with § 32 of the 1926 Code and therefore require reports from garages to the local police or sheriff's office. Most of these states also use the 1926 Code language referring to motor vehicles showing evidence of involvement in "serious accidents":

Delaware	Nebraska	Rhode Island [3]
Maine [1]	Oregon	Virginia [4]
	Pennsylvania [2]	

1. Requires an immediate report.
2. Requires a report of motor vehicles struck by bullets only.
3. Applies only to motor vehicles struck by bullets; the garage must report within 24 hours to the nearest local or state police.
4. Section 46.1-406 requires a report of motor vehicles involved in serious accidents or showing evidence of blood stains. Section 46.1-10 requires a report of any motor vehicle showing evidence of having been struck by a bullet to the nearest police station or to the State Police within 24 hours.

Other jurisdictions have enacted the following variations:

Alaska—§ 28.35.070 provides:

> No person may make or have made repairs to damage or injury to a motor vehicle which could have been caused by collision with a person or property without first notifying the Department of Public Safety, chief of police, or in the absence of these, the nearest policeman or other peace officer, who shall immediately examine the vehicle and make a full report subscribed by the person in whose custody the vehicle then is. . . . If no official is within 10 miles of the place where the vehicle is brought for repair, then no notice or examination is required. If there is ground for suspecting that the vehicle was involved in a collision with a person, the vehicle shall be impounded at the expense of the owner, for which the custodian shall have a lien, and shall be accessible only to officers detailed to the investigation of the case until released. If, however, there is no reason to suspect that the damage to the motor vehicle was caused by collision with a person or property, the repair of the vehicle may be authorized by the officer in charge of the investigation at any time after the expiration of 24 hours thereafter.

Florida—Requires garages to report, within 24 hours, when any motor vehicle has been struck by a bullet.

Minnesota—§ 169.09(12) requires a report only of a motor vehicle struck by a bullet, to the local police or sheriff *and* to the commissioner within 24 hours.

Nevada—Garages must report all vehicles damaged in an accident unless a damage sticker has been affixed by a police officer.

New Jersey—Law provides:

> The person in charge of a garage or repair shop to which is brought a motor vehicle which shows evidence of having been involved in an accident of which report must be made by the driver thereof as provided in section 39:4-130 of the Revised Statutes or of having been struck by a bullet shall report to the nearest office of the local police department or of the county police of the county or of the State Police within 24 hours after the motor vehicle is received, giving the serial number, registration number and, if known, the name and address of the owner or operator of the vehicle.

This law differs from the Code (1) by referring to "an accident of which report must be made" rather than an accident of which "written" report must be made, as in the Code, (2) by requiring a report to the nearest office of the local, county, or state police rather than to the local police department if such garage is located within a municipality, otherwise to the office of the county sheriff or the nearest office of the state police, and (3) by requiring the vehicle's "serial" number. The 1967 amendment also added a penalty of $100 to $500 fine and/or imprisonment for 30 to 90 days.

South Dakota—Law provides:

> 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 a reportable accident or struck by any bullet shall report to the nearest peace officer within twenty-four hours after such motor vehicle is received, giving the serial or identification number, registration number and the name and address of the owner or operator of such vehicle, unless such vehicle bears a notice as provided in § 32-34-10 which has been affixed by a duly authorized peace officer. Such person in charge of any garage or repair shop shall not commence repair on said damaged vehicle unless such vehicle bears the notice as heretofore provided.

Violation is punishable by a fine of not more than $100 or by 30 days imprisonment, or both. Notices are attached to vehicles by police officers as an indication that accidents have been reported and are being investigated.

Utah—§ 41-6-39 nearly duplicates the 1968 Code, but concludes, "If a damaged vehicle sticker describing the damage is affixed to the vehicle, the person in charge of the garage or repair shop is not obligated to give the notification required by this section."

Washington—§ 46.52.090 requires garages to keep repair records stating the nature of any repair work and the cost, which might indicate that the damage may have been caused by collision with any person or property. Such a report must be submitted on Monday of each week "to the local authority to whom accident reports are required to be made" (see § 10-107(a), *supra*), and then forwarded to the state patrol. Within 10 days, the report must be returned to the local authority. Duplicates must be retained by the garage and must remain open to inspection during business hours to any police officer or person authorized by the state patrol. The second paragraph provides a penalty for destruction or concealment of evidence of damage without adequate record having been made.

Wisconsin—§ 346.72 requires garages receiving any motor vehicle showing evidence of having been involved in an accident to record the date received, the nature of repair, name and address of the owner, and make, year and registration number of the vehicle. Such record must be kept open to inspection by any traffic officer during business hours.

District of Columbia—§ 18 requires garages or repair shops receiving any motor vehicle showing evidence of having been involved in an accident or struck by bullets to report to a police station within 24 hours, giving the make, engine number and registration number of the vehicle, and name and address of the owner or operator.

Puerto Rico—Requires the caretaker of any vehicle repair or paint shop in whose charge a vehicle is left showing evidence of involvement in an accident or having been hit by a bullet, to report to the nearest police station within 24 hours after arrival. Make, number of plates, and name and address of owner or driver must be furnished. P.R. Laws Ann. tit. 9, § 790 (Supp. 1975).

The remaining 23 states do not have comparable provisions in their motor vehicle, accident reporting or traffic laws.

Citations

Ala. Code tit. 36, § 125 (1959).
Alaska Stat. § 28.35.070 (1971).
Ariz. Rev. Stat. Ann. § 28-672 (1956).
Colo. Rev. Stat. Ann. § 42-4-1406(5) (1973).
Del. Code Ann. tit. 21, § 4204(a) (Supp. 1966).
Fla. Stat. Ann. § 316.065(3) (1975).
Hawaii Rev. Stat. § 219C-19 (Supp. 1971).
Idaho Code Ann. § 49-1012 (1967).
Ind. Ann. Stat. 9-4-1-50 (1973).
Me. Rev. Stat. Ann. tit. 29, § 895 (1978).
Minn. Stat. Ann. § 169.09(12) (1960).
Mont. Rev. Codes Ann. § 32-1212 (1961).
Neb. Rev. Stat. § 39-765 (1960).
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§ 10-112—Police to Report

(a) Every law enforcement officer who investigates a vehicle accident of which report must be made as required in this chapter, or who otherwise prepares a written report as a result of an investigation either at the time of and at the scene of the accident or thereafter by interviewing the participants or witnesses, shall forward a written report of such accident to the department within 10 days after his investigation of the accident. (REVISED, 1968.)

Historical Note

The 1926 Code provided that drivers would report to local police headquarters if an accident occurred within an incorporated city or town, and that every police department must forward a copy of any report so filed to the department. Another provision authorized the department to require supplemental reports from drivers or from police departments. UVC Act IV, § 31 (1926). The 1930 and 1934 revisions deleted the reference to local police departments, but in 1938 a new subsection was added to § 45 on written accident reports, which provided:

> (c) Every law enforcement officer who, in the regular course of duty, investigates a motor vehicle accident of which report must be made as required in this section, either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses shall, within 24 hours after completing such investigation, forward a written report of such accident to the department.

No further amendments were made until 1962. UVC Act V, § 45(c) (Rev. eds. 1938, 1944, 1948, 1952); UVC § 10-110(b) (Rev. eds. 1954, 1956).

The 1962 revision deleted the phrase "in the regular course of duty," which made the provision applicable to any enforcement officer investigating a "vehicle" (rather than "motor vehicle") accident, and added the phrase "or who otherwise prepares a written report as a result of an investigation," thus requiring a written report to the department even though the accident investigated may not have been reportable, as long as the officer prepared a written report. The time for filing was increased from 24 hours to five or 10 days "after his investigation" (rather than "after completing such investigation"). In 1968, the time was fixed at 10 days rather than offering the choice of five or 10 days. UVC § 10-112

Statutory Annotation

Eight jurisdictions have laws that are patterned after the present Code provision:

Illinois	Missouri	New Jersey	Pennsylvania
Kansas	Nevada [1]	North Dakota [2]	Puerto Rico

1. Nevada refers to "police officer" and adds a provision requiring officers receiving reports to copy them and file them with the department.
2. North Dakota may have two comparable laws, one identical to the 1968 Code and one similar to the 1956 Code.

Sixteen states are in verbatim or substantial conformity with the 1956 Code provision:

Alaska	Indiana	New Hampshire	Utah [7]
Connecticut [1]	Iowa	New Mexico	Virginia
Florida	Minnesota [3]	Rhode Island [5]	West Virginia
Idaho [2]	Montana [4]	Texas [6]	Wyoming

1. The Connecticut law provides:
   In each motor vehicle accident [of which report is to be made] . . . the police officer, agency or individual who, in the regular course of duty, investigates such accident, either at the time of or at the scene of the accident or thereafter, by interviewing the participants or witnesses, shall, within five days after completing such investigation, complete and forward one copy of such report to the commissioner of motor vehicles. Such report shall call for and contain all available detailed information to disclose the cause of the accident, the conditions then existing and the persons and vehicles involved, as well as the enforcement action taken.
2. Includes county and municipal officers.
3. Report within 10 days after accident.
4. Time for filing is 10 days.
5. No time limit is specified.
6. Time limit is 10 days. A second Texas law requires a report "within a reasonable time from the date of such accident."
7. Time for filing is 5 days.

The Code section does not specifically *require* an investigation by enforcement authorities, but calls for a report if an investigation has been made of a reportable accident, or if a written report otherwise has been prepared by an officer. Several of the state laws discussed below, on the other hand, explicitly require an investigation or call for a written report from authorities who "receive notice" of an accident. See the laws of Arkansas, Colorado, Kentucky, Louisiana, Massachusetts, Michigan, New York, North Carolina, Oklahoma, South Dakota, Vermont and Washington.

Alabama—Though patterned after the Code, the law requires officers to report any accident investigated and not merely those involving death, injury or property damage of $100 or more. It also expressly requires use of "the uniform accident report form supplied by the director" within 24 hours. As to forms, see UVC § 10-113.

Arizona—A report must be completed within 24 hours after completion of an officer's investigation. A copy must be sent to the department.

Arkansas—Law defining the responsibilities of state, county or municipal police agencies to investigate and report traffic accidents provides that the respective agency must investigate an accident "with all possible promptness" and the officer must file a report with the Arkansas State Police within five days after the investigation on a form approved and supplied by it. The law has special definitions of "traffic accidents" and "traffic accident report."

Colorado—§42-4-1406(4) provides:

> It is the duty of all law enforcement officers who receive notification of traffic accidents within their respective jurisdictions or who investigate such accidents either at the time of or at the scene of the accident or thereafter by interviewing participants or witnesses to submit reports of all such accidents to the department on the form provided within five days of the time they receive such information or complete their investigation.

The Colorado law, unlike the Code, requires written reports from officers who "receive notification of" or investigate "traffic accidents."

Kentucky—If a police officer investigates any accident, § 189.635(3) requires a report to the state police within 10 days. Section 70.150(2) requires county sheriffs and deputies to investigate "all accidents and wrecks occurring upon the roads," but does not call for filing of reports with a state agency.

Louisiana—§ 32:398(D) requires investigation by sheriffs or municipal police of all reportable accidents and:

> . . . every law enforcement officer who investigates an accident or collision as required by this Subsection, whether the investigation is made at the scene of the accident or collision or by subsequent investigation and interviews, shall, within twenty-four hours after completing the investigation, forward a written report . . . to the department of public safety if the accident or collision occurred outside the corporate limits of a city or town, or to the police department of the city or town if the accident or collision occurred within the corporate limits of such city or town. Police departments shall forward such reports to the department of public safety within six days of the date of the accident or collision.

Maine—§ 891, paragraph 4, provides:

> Every law enforcement officer who investigates a motor vehicle accident of which report is required, shall either at the time and scene of the accident or elsewhere, interview participants and witnesses and shall, within 48 hours after completing the investigation, transmit his written report to the Chief of the State Police on accident form No. 1320 furnished by said Chief of the State Police and such report shall contain all available information.

Massachusetts—§ 29 provides, in part.

> . . . . The chief officer of the police department of every city and town, the chairman of the board of selectmen of such towns as have no regular police department, the commanding officer of metropolitan district commission police stations, or in the case of toll roads and toll bridges, the chief officer of the police force having jurisdiction to enforce laws relating to motor vehicles thereon and the chief officer of the police department supervising the investigation if two departments have concurrent jurisdiction, shall notify the registrar within fifteen days, upon blanks furnished by him, of the particulars of every accident referred to in section twenty-six which happens within the limits of his city, town or jurisdiction, or on such toll road or bridge, in which a motor vehicle is involved, together with such further information relative to such accident as the registrar may require, and shall also, if possible, ascertain the name of the person operating such vehicle and notify the registrar of the same . . . .

Michigan—§ 9.2321 on accidents involving fixtures on the highway requires the driver to report to a police officer if the owner of the property cannot be found. Subsection (b) requires the police officer to forward such a report to the commissioner of state police on prescribed forms. Section 9.2322 on accidents resulting in disabled vehicles or personal injury or death requires the driver to report to a police station or to a police officer. "The officer receiving such report shall forthwith forward the same to the commissioner of state police on forms to be prescribed by him."

Nebraska—§ 39-764.01 provides:

> It shall be the duty of any sheriff, constable, policeman, or any other peace officer in this state, other than members of the Nebraska Safety Patrol, who shall investigate any traffic accident in the performance of his official duties, in all instances of an accident in which estimated damage exceeds $250, to submit a report of such investigation to the accident record bureau of the Department of Roads within ten days after each such accident. Such reports shall be on forms to be prescribed and furnished by the Department of Roads.

This law does not appear to require police reports if the accident investigated involves death or injury only.

New York—§ 603 requires accident investigation: "Every police or judicial officer to whom an accident *resulting in injury to a person* shall have been reported . . . shall immediately investigate the facts, or cause the same to be investigated, and report the matter to the commissioner forthwith . . . ." Property damage accidents are not included within the scope of this provision. Section 604 requires that such reports be submitted on official forms. New York's law comparable to UVC §§ 10-102 to 10-104 contains the following provision on local police reports and records:

> . . . A police officer or judicial officer receiving a report of such an accident shall make a memorandum of the facts reported, and of such additional facts relating to the accident as may come to his knowledge, and forthwith deliver the same to a police justice or other magistrate of the city, village or town. Any such justice or magistrate or any judicial officer to whom such accident may have been reported in the first instance shall keep in his office a record of the facts disclosed by such memorandum or report.

North Carolina—§ 20-166.1(e) requires investigation by members of the State Highway Patrol, sheriffs, rural and municipal police:

> . . . of all collisions required to be reported by this section . . . . Every law enforcement officer who investigates a collision as required . . . whether the investigation is made at the scene of the collision or by subsequent investigations and interviews, shall, within twenty-four hours after completing the investigation, forward a written report of the collision to the Department if the collision occurred outside the corporate limits of a city or town or to the police department of the city or town if the collision occurred within the corporate limits of such city or town. Police departments should forward such reports to the Department within ten days of the date of the collision. Provided, when a collision occurring outside the corporate limits of a city or town is investigated by a duly qualified law enforcement officer other than a member of the State Highway Patrol . . . such other officer shall forward a written report of the collision to the office of the sheriff or rural police of the county wherein the collision occurred and the office of the sheriff or rural police shall forward such reports to the Department within ten days of the date of the collision.

Ohio—§ 5502.11 provides:

> Every law enforcement agency representing a township, county, municipal corporation, or other political subdivision investigating a motor vehicle accident involving a fatality, personal injury, or property damage in an amount not less than one hundred fifty dollars shall, within five days, forward a written report of such accident to the director of highway safety on a form which the director shall adopt subject to sections 119.01 to 119.13 of the Revised Code.

Oklahoma—Law provides:

> Every law enforcement officer who, in the regular course of duty, investigates and/or receives a report of a traffic accident resulting in injury to or death of a person or total property damage to an apparent extent of One Hundred Dollars (100.00) or more shall prepare a written report of the accident on the standard accident report form supplied by the Department. Such reports shall be forwarded forthwith by the Police Department or other agency to the Department of Public Safety.

Oregon—Law provides:

> (1) A police officer shall submit to the department a written report within 10 days:
>
> (a) After he investigates a vehicle accident in which a report is required by ORS 483.606 or 483.612; or
>
> (b) After he prepares a written report of an accident investigated at the time and place of the accident or by field interviews with the participants or witnesses.

(2) Notwithstanding subsection (1) of this section, an officer is not required to submit a report until 10 days after the conclusion of proceedings involving an offense described by ORS 163.091 or subsection (5) of ORS 484.010 arising out of the accident.

Section 483.606 describes when a driver must file a written accident report, § 483.612 requires reports by garages, § 163.091 describes the offense of negligent homicide, and § 484.010(5) defines the term "major traffic offense," which includes reckless driving, driving while under the influence of intoxicating liquor or drugs, failure to stop and render aid at the scene of an accident, driving while license is suspended or revoked, and eluding a police officer. Subsection (1) is in substantial conformity with UVC § 10-112(a).

South Carolina—Requires a report from an officer investigating any accident within 24 hours after completing the investigation. The Code would require a report for minor accidents only if one is prepared.

South Dakota—§ 32-34-10 provides: "Every peace officer . . . shall forward to the Superintendent of the Division of Highway Patrol, within twelve hours after completion of the investigation of the accident, an investigator's report of the accident so reported." A copy of the report must be sent to the Office of Driver Licensing. This and another law (§ 32-34-7.1) require an officer who has been notified of an accident to place a notice on any vehicle damaged indicating that the accident has been reported and is being investigated.

Tennessee—Law is similar to 1956 Code section. It requires reports for all motor vehicle accidents that are investigated whether they occur on highways or on private property.

Vermont—§ 1603 is addressed to the commissioner:

> The commissioner shall forthwith after receiving notice of an accident where a personal injury occurs, and, in case of notice of an accident where an injury occurs to property, may cause such accident to be investigated by an enforcement officer, and where such investigation reveals facts tending to show culpability on the part of any motor vehicle owner or operator, he shall cause such facts to be reported to the state's attorney of the county where the accident occurred. The state's attorney shall further investigate the accident and may hold an inquest . . . . After such investigation or inquest, he shall report forthwith to the commissioner the result thereof together with his recommendation as to the suspension of the license of the operator of any motor vehicle involved in the accident.

Vermont also has a law requiring a law enforcement officer who makes an arrest for violation of the motor vehicle laws or who investigates a motor vehicle accident, to forward a written report on a prescribed form to the central records division of the department of motor vehicles within 10 days after the arrest or investigation. The officer is directed to report "any matter affecting the substantive rights of any person."

Washington—§ 46.52.070 provides:

> Any police officer of the state of Washington or of any county, city, town or other political subdivision, present at the scene of any accident or in possession of any facts concerning any accident whether by way of official investigation or otherwise shall make report thereof in the same manner as required of the parties to such accident and as fully as the facts in his possession concerning such accident will permit.

This law requires reports from officers who are *present* at the scene, or who are otherwise in possession of relevant facts, while the Code does so only if the officer "investigates" the accident, or "otherwise prepares a written report as the result of an investigation."

Wisconsin—§ 346.70(4) provides:

> (a) Every law enforcement agency investigating or receiving a report of a traffic accident resulting in injury to or death of a person or total property damage to an apparent extent of 200 dollars or more shall forward a report of such accident to the department within 10 days after the date of such accident.

Subsection (b) requires such reports to be submitted on a uniform traffic accident report form.

The seven jurisdictions whose accident and accident report laws do not contain express provisions comparable to UVC § 10-112(a) are:

California	Georgia	Maryland	District of Columbia
Delaware	Hawaii	Mississippi	

§ 10-112—Police to Report

(b) Such written reports required to be forwarded by law enforcement officers and the information contained therein shall not be privileged or held confidential.

Historical Note

This subsection providing that reports by police officers are neither privileged nor confidential was added to the Code in 1962. UVC § 10-112(b) (Rev. eds. 1962, 1968).

Statutory Annotation

The laws of eight states are in verbatim conformity with this Code subsection:

Idaho	Nevada	North Dakota [1]	South Dakota
Kansas	New Jersey	Oregon	Utah

1. North Dakota added: "except, however, the opinion of the law enforcement or investigating officer, if included in the report, shall be confidential and not open to public inspection." A financial responsibility law (§ 39-16-03) provides for sale of reports by police officers.

(1) Confidential nature of police reports. In addition to the above states with laws patterned closely after the Code, Illinois and Tennessee conform substantially and several others may conform by making police reports available for public inspection:

Arkansas—§ 75-916 states that accident reports made by the State Police shall be open to public inspection at all reasonable times. A second law provides that reports by all police officers are public records open to public inspection and copies may be purchased.

Illinois—Police report "shall not be held confidential by the reporting . . . officer or his agency." The law then provides:

> However, the Department or the Administrator may request a supplemental report from the reporting law enforcement officer and such supplemental report shall be for the privileged use of said Department and shall be held confidential.

Illinois also has a law which provides that the department of public safety may furnish copies of any traffic accident report (Form SP-456) that has been "recorded" by the division of state police for a fee of $2.00 per copy.

Iowa—Law provides that written reports by officers shall be available to any party to an accident, his insurance company, or his attorney, upon payment of $2.00 per copy.

Maryland—Upon request, parties involved and state and local officials must be furnished copies of state police accident reports, records and files. If a criminal charge is pending, the State's attorney or a court must approve. The State Police may provide rules making reports available for $2.00 a copy under art. 88B, § 11.

Maine—§ 891, paragraph 5, states:

> All accident reports made by investigating officers shall . . . not be admissible in evidence . . . but the Chief of State Police may disclose, upon request of *any person*, the date, time, location of the accident and the names and addresses of drivers, owners, injured persons, witnesses and the investigating officer. The chief may upon written request furnish a photocopy of any report at the expense of the person making the request.

Montana—Police reports may be inspected by any driver, passenger or pedestrian involved in the accident or by his representative. Police reports generally are confidential and not open to public inspection.

Nebraska—§ 39-764 contains the following proviso:

> . . . all reports made by an officer of the Nebraska Safety Patrol, sheriffs or their deputies, police officers, and village marshals, or made or filed with such officers in their respective offices or departments, or with, by, or to any other law enforcement agency of the state shall be open to public inspection . . . .

North Carolina—Reports by police officers and medical examiners are open to inspection by the public and certified copies may be purchased for $2.50. Copies may be given free to any government agency.

Ohio—§ 5502.12 provides:

> The accident reports submitted pursuant to section 5502.11 [police reports] . . . shall be for the use of the director of highway safety for purposes of statistical, safety, and other studies. The director of highway safety shall furnish a copy of such report to any person claiming an interest arising out of a motor vehicle accident, or to his attorney, upon the payment of a fee of one dollar, and with respect to accidents investigated by the state highway patrol, the director of highway safety shall furnish to such person all related police reports, statements, and photographs upon the payment of said fee of one dollar and the cost of each document and photograph reproduced by said department.

Pennsylvania—Copies of reports by state police officers are available to local, state and federal agencies, and to any person involved in the accident or his attorney or insurer. Copies may be refused when criminal charges are pending.

Tennessee—Law provides:

> Upon written request to the commissioner of the department of safety, Nashville, Tennessee, by the driver or owner, or his agent, or his legal representative, of a vehicle involved in such an accident, a copy of the report required by subsection (b) of this section shall be forwarded to the requesting party, such written request to be accompanied by two dollars in cash or check . . . . Such report under subsection (b) of this section shall not be considered confidential within the meaning of sec. 59-1014(a). Such forwarded report shall exclude automobile liability insurance information. Copies of the report on file in the various district offices of the Tennessee Highway Patrol shall be made available for inspection by the parties hereinabove set forth, and may be obtained from the station by paying the fee of two dollars.

Texas—Reports by police officers submitted after January 1, 1970, are public records open for inspection and are available for $2.00 a copy.

Virginia provides that police reports are confidential: ". . . all accident reports made by investigating officers shall be for the confidential use of the Division and of other State agencies for accident prevention purposes . . . ." The Division is required to disclose on request of any person the date, time and location of the accident and the names and addresses of the drivers, the owners of the vehicles involved, the injured persons, the witnesses, and one investigating officer.

Other states have laws comparable to UVC § 10-107(e), on the confidential nature of reports filed by the drivers or owners, which are worded in such a manner that they may include police reports within their scope. The laws of these states are discussed in § 10-107(e) *supra*, and often provide that all "required reports," all "reports," or reports filed by "any person" are confidential:

California	Minnesota	Washington
Indiana		Wisconsin

(2) Privileged nature of police reports. In addition to states duplicating the Code, South Carolina may conform in part since its law, specifically prohibiting the admissibility of police reports in *civil cases*, impliedly would permit their introduction as evidence in *criminal cases*.*

The laws of six states, however, differ from the Code by specifically declaring police reports to be privileged and therefore inadmissible in evidence in some, or all, cases:

Illinois—Supplemental reports from police officers are "for the privileged use of the Secretary of State and the Department." The initial police report is "privileged as to the Secretary."

Maine—§ 891, paragraph 5, states that accident reports made by investigating officers "shall not be admissible in evidence in any trial, civil or criminal, arising out of such accident . . . ."

Ohio—§ 5502.12 provides, in the second paragraph:

> Such state highway patrol reports, statements, and photographs *may, in the discretion of the director of highway safety*, be withheld until all *criminal prosecution* has been concluded; and the director of highway safety may require proof, satisfactory to him, of the right of any applicant to be furnished such document.

Pennsylvania—Copies of reports by state police officers furnished to designated person or agencies are not admissible as evidence in any civil or criminal proceeding.

Texas—Reports made by peace officers "shall be privileged."

Virginia—§ 46.1-409 provides that officers' reports "shall not be used as evidence in any trial, civil or criminal, arising out of any accident." Virginia also has a law (§ 8-296.1) providing that members of the state crash investigation team cannot be required to give evidence.

As noted, the South Carolina law makes police reports inadmissible in civil cases. Also, the wording of the laws of 13 other states, discussed, *supra*, in connection with UVC § 10-107(f), is such that they may include police reports within their scope, thereby prohibiting their admissibility in evidence:

Alaska	Indiana	Minnesota	Tennessee
Arkansas	Iowa	Montana	Washington
California	Michigan	Nebraska	Wisconsin
Illinois			

(3) States whose laws are silent. Other jurisdictions appear to conform with the 1956 and earlier editions of the Code in which police reports were *not specifically declared* to be open to inspection or admissible in evidence, but *could be deemed* as such since provisions on the privileged and confidential nature of accident reports (present UVC §§ 10-107(e) and (f) *did not encompass police reports*: [1]

* The South Carolina law (§ 46-328.1) provides: "None of the reports required by secs. 46-326 to 46-328 shall be referred to in any way or be any evidence of the negligence or due care of either party at the trial of any action at law to recover damages." The sections mentioned include reports by drivers and by law enforcement officers.

Alabama	Hawaii	New Mexico *	Vermont
Arizona	Louisiana	New York	West Virginia
Colorado	Massachusetts	North Carolina	Wyoming
Connecticut	Missouri	Oklahoma	District of
Georgia	New Hampshire	Rhode Island	Columbia

* New Mexico does have a law allowing the use of police reports as evidence in arbitration or civil proceedings under uninsured motorists provisions to prove that an owner or operator is insured or uninsured.

(4) Law affected by official or judicial interpretation. In every state, of course, statutory and common law rules of evidence, and their interpretation, will have a bearing, and *should be consulted* before final determination can be made as to the privileged and confidential nature of police reports. For instance, official or judicial interpretation of the laws of at least five states—California, Delaware, Florida, Kentucky and Mississippi—would appear to prevent their inclusion in any category. In those states, police reports are apparently interpreted generally as being *not* confidential and *not* privileged, but with some exceptions and qualifications. [2] Opinions must be read carefully to see whether they apply only to civil or only to criminal cases, or whether they address themselves only to the confidential or only to the privileged nature of police reports.

1. The Texas law is silent as to admissibility only, while the Alaska, Michigan and South Carolina laws are silent only as to the confidential nature of police reports.

2. *California:* The law seems to leave police reports open to inspection, but inadmissible as evidence. See *Inouye v. McCall*, 96 P.2d 386, 35 C.A.2d 634 (1939) and *Kramer v. Barnes*, 27 Cal. Rptr. 895, 212 C.A.2d 440 (1963), holding police reports inadmissible in evidence. *Delaware:* See *Davis v. Brooks Transp. Co.*, 186 F. Supp. 366 (1960) holding that police reports are admissible in civil actions. However, § 4203(b), making accident reports privileged and confidential, seems to encompass reports from "police departments." *Florida:* Police reports are not specifically declared to be confidential; however, they appear to be admissible in evidence to the extent that they represent the investigating officer's *own observations*, and not statements made by persons required to report. *Lobree v. Caporossi*, 139 So.2d 510 (1962). *Kentucky:* See 1959 Op. Atty. Gen. 42, 935, stating that police reports are not confidential; the wording of § 189.610, making accident reports privileged and confidential, applies to "all required accident reports"; however, since Kentucky does not specifically *require* police reports, they may not be included within the meaning of this section. *Mississippi:* See *Boyd v. Donald*, 250 Miss. 618, 167 So. 2d 661 (1961) for Mississippi law declaring § 8170, on privileged and confidential nature of accident reports, applicable only to reports required to be filed by parties involved in accidents.

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§ 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 call for 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 shall also call for information relating to financial responsibility. (Revised, 1971.)

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

Historical Note

The 1926 and 1930 editions of the Code required the department to prepare suitable accident report forms (UVC Act I, § 7(a) (1926, Rev. ed. 1930)) and required that any supplemental reports be submitted on forms furnished by the department if the original was deemed insufficient (UVC Act IV, § 31 (1926); UVC Act IV, § 16 (Rev. ed. 1930)). These provisions were revised in 1934 and a new subsection was added requiring that all reports be made on approved forms:

> (a) The department shall prepare and upon request supply to police departments, coroners, sheriffs, and other suitable agencies or individuals, forms for accident reports required hereunder, which reports shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, and the persons and vehicles involved.
>
> (b) Every required accident report shall be made on a form approved by the department.

UVC Act V, § 43 (Rev. ed. 1934). Substantial changes were made in 1938:

> (a) The department shall prepare and upon request supply to police departments, coroners, sheriffs, *garages*, and other suitable agencies or individuals, forms for accident reports required hereunder, *appropriate with respect to the persons required to make such reports and the purposes to be served. The written* [which] reports *to be made by persons involved in accidents and by investigating officers* shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, and the persons and vehicles involved.
>
> (b) Every accident report required *to be made in writing* shall be made on *the appropriate* [a] form approved by the department *and shall contain all of the information required therein unless not available.*

UVC Act V, § 47 (Rev. eds. 1938, 1944). In 1948, another subsection, dealing with financial responsibility requirements, was added:

> (c) Every such report shall also contain information sufficient to enable the commissioner to determine whether the requirements for the deposit of security under any of the laws of this State are inapplicable by reason of the existence of insurance or other exceptions specified therein.

UVC Act V, § 47 (Rev. eds. 1948, 1952); UVC § 10-109 (Rev. eds. 1954, 1956). A 1962 amendment deleted references to "coroners" and "garages" and subsection (c) on financial responsibility, requiring instead,

in subsection (a), that the department must prepare forms for written reports "as required in this chapter and in chapter 7" (financial responsibility chapter). In the second sentence of subsection (a), the phrase "traffic accident" was changed to "vehicle accident" and the phrase "written reports to be made by persons involved in accidents and by investigating officers" was changed simply to "the written reports." In 1971, the reference to chapter 7 was deleted from subsection (a) and was replaced by the last sentence requiring reports to contain information for use in administering compulsory insurance. See UVC §§ 7-101 *et seq.* (Supp. 1 1972).

A Headnote appearing in the 1952 edition of the Code indicated that "one form of accident report" should be devised and employed in each state to serve financial responsibility and general accident reporting requirements. This Headnote is quoted in the Historical Note to § 10-107(a), *supra*. Also, § 19 of the 1952 Uniform Motor Vehicle Safety Responsibility Act provided:

> The form of accident report prescribed by the commissioner shall contain information sufficient to enable the department to determine whether the requirements for the deposit of security under this act are inapplicable by reason of the existence of insurance or other exceptions specified in this act.

UVC Act IV, § 19 (Rev. ed. 1952). This section was deleted from the Code in 1954. It is substantially the same as the provision added to the Code's general accident reporting sections in 1948. See UVC Act V, § 47(c) (Rev. ed. 1948), quoted, *supra*.

Statutory Annotation

Florida and Pennsylvania conform substantially with the Code section. Missouri omits the second sentence in (a) and "suitable . . . served." Missouri also has a financial responsibility law requiring drivers to use prescribed forms (§ 303.040).

The laws of five jurisdictions are closely patterned after the 1968 Code:

Illinois [1]	Maryland	Nevada
Kansas		Puerto Rico

1. Subsection (b) is duplicated, but subsection (a) substitutes "as required hereunder" for "as required in this chapter and in chapter 7." Illinois also added a provision that any other data concerning the accident which will provide a more complete analysis of the circumstances shall also be provided for on the form.

Twelve states have provisions similar to the 1934 Code (see Historical Note):

Arkansas	Iowa [1]	Maine [3]	Oregon [4]
Colorado [1]	Kentucky [2]	Mississippi	Rhode Island
Delaware	Louisiana	North Carolina	Washington [5]

1. Colorado and Iowa add a proviso stating that a form must be used only if available.
2. Requires that forms be furnished to "garages," but Kentucky has no law specifically requiring garages to report damaged or bullet-struck vehicles. See Annotation in § 10-111, *supra*.
3. Maine § 783 requires financial responsibility information for accidents involving death, injury or property damage of $200 or more. Maine does not have subsection (b) but does require police reports to contain all available information.
4. Oregon requires consultation with state and local police agencies before approving form for police officers.
5. Washington expressly requires information on the total number of vehicles involved, whether the vehicles were legally parked or moving, and whether such vehicles were occupied at the time of the accident.

Six states have provisions following the 1938 Code (see Historical Note):

Alaska	Minnesota	Tennessee
Indiana *	South Carolina	Texas

* Omits reference to "garages."

Ten states are in conformity with the 1948 edition of the Code and therefore have an additional subsection or provision within their general accident report laws requiring that reports contain information sufficient to determine whether financial responsibility provisions are inapplicable [1]:

Arizona	New Jersey [2]	North Dakota [4]	Utah
Idaho	New Mexico [3]	Oklahoma [5]	West Virginia [6]
Montana			Wyoming [7]

1. Most financial responsibility laws contain a provision comparable to subsection (c) of UVC § 47 (Rev. ed. 1948). The 10 states listed here are different only because such a provision is included within their *general accident report* laws.
2. "The division shall prepare and supply to police departments and other suitable agencies . . . ." Omits reference to financial responsibility.
3. New Mexico requires officer's report to state whether persons involved in accident had insurance and the name and address of the insurer.
4. The North Dakota law provides: ". . . The written reports to be made by investigating officers shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, persons and vehicles involved, and contain information sufficient to enable the commissioner to determine whether the requirements for the deposit of security under chapter 39-16 are applicable." This applies only to reports by investigating officers, while the Code provision applies to any written report.
5. Section 10-109 of the Oklahoma law provides, in addition, that the commissioner shall make "such blanks available to the motoring public by leaving a supply with sheriffs, chiefs of police, justices of the peace, county judges and other officials as the commissioner may deem advisable." Subsection (b) requires that a report be accompanied by a copy of an estimate made by "some motor vehicle agency or established garage as to the cost of repairing the vehicle of which the person making the report was the operator or owner, which report shall be signed by an authorized representative of such agency or garage." A second Oklahoma law provides: "The Department shall prepare and supply to all police departments and all other appropriate agencies standard forms for accident reports calling for sufficiently detailed information to disclose the cause, the conditions then existing, the persons and vehicles involved and such other information as prescribed by the Commissioner."
6. West Virginia has a second law (§ 17C-4-7(c)) requiring the preparation and distribution of forms for use by law enforcement agencies.
7. Omits reference to "garages."

Five jurisdictions expressly require issuance and use of official forms only in a provision which refers to financial responsibility requirements (e.g., ". . . such report, *the form of which shall be prescribed by the Commissioner*, shall contain information sufficient to determine" the applicability of financial responsibility requirements):

Georgia [1]	New Hampshire [2]	Ohio
Nebraska		District of Columbia

1. A second Georgia law authorizes the Department of Public Safety to prescribe forms for police officers. Gen. Laws 1973, ch. 214.
2. A second New Hampshire law requires the Commissioner of Safety to prescribe a "uniform police investigation report" for police departments, officers and other suitable agencies or individuals.

The California and Virginia provisions call for issuance of official forms but do not appear to require that accident reports be submitted on those forms only. Section 2407 of the California law is identical to subsection (a) of the 1934 Code, but has nothing comparable to subsection (b). Section 46.1-403 of the Virginia statutes provides that the Division shall prepare and on request supply to "police department, medical examiners or other officials exercising like functions, sheriffs, garages and other suitable agencies forms for accident reports and other reports required hereunder to be made to the Division appropriate with respect to the persons required to make such reports and the purpose to be served." The Code requirement that reports contain information concerning the cause, existing conditions, and persons and vehicles involved is not included. Other Virginia laws (§§ 46.1-401; -402) require drivers to complete the part of the form relating to insurance and for reports by police officers to have the names of insurers.

The laws of the following states contain these variations:

Alabama—§ 123 is patterned after the 1938 Code provision. It requires a "uniform accident report form" that will disclose "location, probable cause, injuries to persons, property damage, deaths of persons, registration of vehicles involved including license numbers, name, address and driver's license number of operator, highway design and maintenance (including lighting, markings, and road surface), and names and addresses of witnesses." The law refers to forms approved and supplied by the director in subsection (b). However, because the requirement for drivers and owners to file a written report appears in financial responsibility provisions, it should be noted that those laws limit the contents as follows: ". . . Such report, the form of which shall be prescribed by the director, shall contain *only* such information as may be necessary to enable the director to determine whether the requirements for the

deposit of security under section 74(46) are inapplicable by reason of the existence of insurance or other exceptions specified in this subdivision." Thus, the first law may only apply to written reports filed by police or other officials or by garages and reports by drivers or owners may be restricted to information directly concerning financial responsibility.See Ala. Code tit. 36, § 74(45) (1959).

Connecticut—§ 14-108 requires a written report of the "circumstances" of an accident and requires the operator to "supplement such report by a detailed statement, on forms of the type prescribed in section 14-108a and provided by the commissioner, which report shall state as accurately as possible the time, place and cause of such accident, the injures occasioned thereby and such further facts as the commissioner may require." Section 14-108a requires the commissioner to prescribe forms for police departments, officers, and other suitable agencies or individuals. Reports must contain all available information to disclose the "cause of the accident, the conditions then existing and the persons and vehicles involved, as well as the enforcement action taken."

Massachusetts—§ 26 provides that accident reports must be submitted "on a form approved by [the registrar]" and that a copy must be sent to the police department having jurisdiction over the location of the accident. Section 29 requires the issuance of official forms for police reports.

New York—§ 605(d) states: "The report required by this section shall be made in duplicate and in such form as the commissioner may prescribe. . . ." Section 604 requires that police and other official reports be made on forms prepared by the commissioner and contain such information as he prescribes. "Blank forms for such reports shall be printed by the commissioner and a supply sent to all city, town and village clerks and to the chief officer of every city police department for general distribution and use as herein provided. . . ."

South Dakota—Forms for reports by police officers and for notices placed on vehicles involved in accidents are provided by the highway patrol superintendent. Law on forms for drivers and owners has been repealed.

Vermont—§ 1005 requires that written reports by drivers be mailed to the commissioner "on forms prepared and furnished by him . . . . Such commissioner may require further facts concerning the accident upon forms furnished by him."

Wisconsin—§ 346.70(2) is identical to subsections (b) and (c) of the 1948 Code but does not include subsection (a) of that edition, which required the department to prepare and supply forms for various officials, agencies or individuals.

Hawaii and Michigan do not have comparable laws.

Citations

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Colo. Rev. Stat. Ann. § 42-4-1408 (1973).
Conn. Gen. Stat. Ann. § 14-108 (Supp. 1966).
Del. Code Ann. tit. 21, § 2909 (Supp. 1966); § 318 (1953).
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Idaho Code Ann. § 49-1009 (1957).
Ill. Ann. Stat. ch. 95½, § 11-411 (Supp. 1972).
Ind. Ann. Stat. § 9-4-1-48 (1973).
Iowa Code Ann. § 321.269 (1966).
Kans. Stat. Ann. § 8-1612 (1975).
Ky. Rev. Stat. Ann. § 189.600 (1977).
La. Rev. Stat. Ann. § 32:397 (1963).
Me. Rev. Stat. Ann. tit. 29, § 891 (1978).
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Minn. Stat. Ann. §§ 169.09(9), (10) (1960).
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Mo. H.B. 536, CCH ASLR 105 (1973).
Mont. Rev. Codes Ann. §§ 32-1208(d),-1210 (1961).
Neb. Rev. Stat. § 60-505.03 (Supp. 1965).
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Okla. Stat. Ann. tit. 47, §§ 10-109,-113 (1962); § 40-101 (Supp. 1970).
Ore. Rev. Stat. § 483.608(1) (1977).
Pa. Stat. Ann. tit. 75, § 3752 (1977).
R.I. Gen. Laws Ann. §§ 31-26-6,-10 (1957).
S.C. Code Ann. § 56-5-1300 (1976).
S.D. Comp. Laws § 32-34-12, (1967).
Tenn. Code Ann. §§ 59-1011(a),(b) (1955).
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Utah Code Ann. §§ 41-6-37(a) to (c) (1970, Supp. 1979).
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W. Va. Code Ann. § 17C-4-9 (1966).
Wis. Stat. Ann. § 346.70(2) (Supp. 1967).
Wyo. Stat. Ann. § 31-226 (1959).
D.C. Code §§ 40-426,-427 (1961).
P.R. Laws Ann. tit. 9, § 792 (Supp. 1975).

§ 10-114—Department to Tabulate and Analyze Accident Reports

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

Historical Note

In 1934, the National Committee amended the 1926-1930 Code provision as follows:

> The department shall [receive accident reports required to be made by law and shall] tabulate and *may* analyze *all accident* [such] reports and *shall* publish annually or at more frequent intervals statistical information based thereon as to the number [cause and location] *and circumstances* of *traffic* [highway] accidents.

UVC Act I, § 7(b) (1926, Rev. ed. 1930); UVC Act V, § 46 (Rev. ed. 1934). The revised section appeared in all editions of the Code from 1934 through 1956. UVC Act V, § 51 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 10-118 (Rev. eds. 1954, 1956).

The 1962 amendment made the section applicable to accident reports "received in compliance with this chapter," and the term "traffic accidents" was changed to "vehicle accidents." UVC § 10-114 (Rev. eds. 1962, 1968).

Statutory Annotation

Provisions calling for the tabulation, analysis and publication of information based on accident reports under direction of a state agency are found in the accident report laws of 38 states and are in general conformity with the underlying principle of UVC § 10-114:

Alabama	Indiana [5]	Montana	Pennsylvania [12]
Arizona	Iowa	Nevada [4]	Rhode Island
Arkansas [1]	Kansas	New Hampshire [9]	South Carolina
California	Kentucky	New Mexico	Tennessee
Colorado [2]	Louisiana [6]	North Carolina [10]	Texas
Connecticut	Maine [7]	North Dakota	Utah
Delaware	Maryland	Ohio [11]	Washington [4]
Florida	Michigan [8]	Oklahoma	West Virginia
Idaho	Mississippi	Oregon	Wyoming
Illinois [3,4]			Puerto Rico

1. Arkansas also adopted a law (Gen. Laws 1971, ch. 286) creating the Criminal Justice and Highway Safety Information Center. Its responsibilities include publication of statistics related to highway safety and development of uniform, standardized reporting and record systems that could cover accident information. One section of this law requires all public officials to furnish data to the Center.

2. The Colorado provision is virtually identical to UVC § 10-114, but concludes by stating ". . . in such a way that the information may be of value to the state highway department in eliminating roadway hazards."

3. Illinois adds authority to conduct special accident investigations and to solicit supplementary reports from drivers, owners and police officers. Requires special report for school bus accidents.

4. Illinois, Nevada and Washington use the term "vehicle accidents" in conformity with the Code. The Washington law provides:

> It shall be the duty of the Chief of the Washington state patrol to file, tabulate and analyze all accident reports and to publish annually, immediately following the close of each calendar year, and monthly during the course of the calendar year, statistical information based thereon showing the number of accidents, the location, the frequency

and circumstances thereof and other statistical information which may prove of assistance in determining the cause of vehicular accidents.

Such accident reports and analysis or reports thereof shall be available to the director of motor vehicles, the highway commission, the public service commission, or their duly authorized representatives, for further tabulation and analysis for pertinent data relating to the regulation of highway traffic, highway construction, vehicle operators and all other purposes, and to publish information so derived as may be deemed of publication value.

5. In addition to a law that is identical to UVC § 10-114, Indiana has a provision which states: "The department of safety shall collect, compile, interpret and publish statistics and information relative to motor-vehicle accidents on the public highways of this state, and where it seems that there is undue hazard causing accidents it shall be the duty of the head of such department to call the same to the attention of the proper local or state officials and enlist their cooperation in overcoming or removing said hazard so far as is practical."

6. The Louisiana law authorizes, but does not *require*, the tabulation, analysis and publication of statistical information.

7. The Chief of State Police is *required* to tabulate and analyze statistical information but "may" publish annually information on "highway accidents."

8. Section 9.2324 provides: "The reports required by this chapter shall not be available for use in any court action, but it shall be for the purpose of furnishing statistical information as to the number and cause of accidents." See Annotation in §§ 10-107(e) and (f), *supra*.

9. New Hampshire requires the director of motor vehicles to tabulate and analyze accident reports and to publish annually, or at more frequent intervals, statistical information based thereon. It also requires the director to render statistical information service to all contributing agencies "commensurate with the demand for service and the ability to comply." The New Hampshire law differs by requiring tabulation *and* analysis of reports, while the Code states that the "department *shall* tabulate and *may* analyze" reports. Also, the New Hampshire law omits the Code phrase "received in compliance with this chapter," and the concluding phrase "as to the number and circumstances of vehicle accidents."

10. The department "may" tabulate, analyze and publish information on "highway collisions."

11. Ohio requires the department of highway safety to "compile, analyze, and publish statistics relative to motor vehicle accidents and the causes thereof."

12. Pennsylvania establishes a central records agency as repository for all reported accidents. Prevention programs are based on this information. Pennsylvania authorizes "in-depth accident investigations in the human, vehicle and environmental aspects of traffic accidents" for the purpose of determining the causes of accidents and factors which may prevent future ones. All information, records and reports are not admissible as evidence and employees may not be compelled to testify.

Four of these states—California, Louisiana, North Carolina and Tennessee—add a provision authorizing the agency to conduct further research based on its findings to determine the cause, control and prevention of accidents, and to conduct field tests on traffic control and accident prevention. Texas has a second law which additionally requires the department to report biennially to the Governor and Legislature on conclusions, findings and recommendations based on abstracts of accident reports.

Virginia has a comparable provision elsewhere than in its vehicle code,* as do probably many of the remaining 13 jurisdictions, which are:

Alaska	Minnesota	New Jersey	Vermont
Georgia	Missouri	New York	Wisconsin
Hawaii	Nebraska	South Dakota	District of Columbia
Massachusetts			

* Among laws creating and defining the duties of the Virginia Department of State Police, § 52-4.2 provides:

(a) The Division of Motor Vehicles shall promptly furnish a copy of each accident report to the Department of State Police which shall tabulate and analyze all accident reports and shall publish annually, or more frequently, statistical information based thereon as to the number and circumstances of traffic accidents.

(b) Based upon its findings, after analysis, the Department may conduct further necessary detailed research to determine more fully the cause, control and prevention of highway accidents. It may further conduct experimental field tests within areas of the State from time to time to prove the practicability of various ideas advanced in traffic control and accident prevention.

Citations

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W. Va. Code Ann. § 17C-4-14 (1966).
Wyo. Stat. Ann. § 31-230 (1959).
P.R. Laws Ann. tit. 9, § 793 (Supp. 1975).

§ 10-115—Any Local Authority May Require Accident Reports

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

Historical Note

The 1926 Code required drivers to report accidents to the state department of motor vehicles except when an accident occurred within an incorporated city or town, in which case a report was to be forwarded to the local police headquarters. UVC Act IV, § 31 and UVC Act I, § 7(c) (1926). In 1930, however, the reference to local authorities in the written report section was deleted and a new, separate paragraph was added:

> Any incorporated city may by ordinance require that the driver of a vehicle involved in an accident shall file with a designated city department a report of such accident or a copy of any report required to be filed with the state authorities by this section.

UVC Act IV, § 16 and UVC Act I, § 7(c) (Rev. ed. 1930). The 1930 Code, in addition, provided that any report made to a "city department under local ordinance shall be without prejudice, shall be for the information of such department and shall not be open to public inspection." Further, under the two 1930 Code sections, "no report or any part thereof or statement contained therein shall be admissible in evidence for any . . . purpose in any trial, civil or criminal, arising out of such accident" except to prove compliance with the requirement to file a written report.

These provisions were amended in 1934 to apply to "any incorporated city, town, village, or other municipality" and reports filed pursuant thereto were declared to be privileged and confidential by referring to section 45 (the present UVC §§ 10-107(e) and (f)), containing provisions on the privileged and confidential nature of all such reports. No further changes were made until 1962. UVC Act V, § 47 (Rev. ed. 1934); UVC Act V, § 52 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 10-119 (Rev. eds. 1954, 1956). In 1962, the section was made applicable simply to "any local authority" (as defined in UVC § 1-130) and authorized ordinances requiring the driver "or the owner" to file a "written" report with a "municipal" department.

In 1968, the reference in the last line to § 10-112 was changed to refer to "§ 10-107" which declares reports by drivers and owners to be confidential and privileged.

Statutory Annotation

Utah virtually duplicates the 1968 Code.

Twenty-one states have provisions in verbatim or substantial conformity with the 1934-1956 version of UVC § 10-115, which provided that any incorporated city, town, village, or other municipality could by ordinance require a driver involved in an accident to file a report, or a copy of any state-required report, with a designated city department, and further provided that such reports were privileged and confidential:

Arizona	Kansas	North Dakota	Texas [7]
Arkansas	Kentucky [4]	Oklahoma	Virginia [8]
Idaho [1]	Mississippi	Oregon [5]	West Virginia
Illinois [2]	Montana	Rhode Island	Wisconsin [9]
Indiana	New Mexico	South Carolina [6]	Wyoming
Iowa [3]			

1. Another Idaho law (§ 49-106(c)), comparable to UVC § 10-107(a), requires a driver to file his written report with the police department of an incorporated city or town if the accident occurs therein.
2. The Illinois law applies to any municipality and does not mention filing a copy of the state report.
3. Iowa has an additional law (§ 321.274) requiring reports to the chief of police in any city with a population exceeding 15,000.
4. Authorizes only "any city" to require accident reports.
5. Any "incorporated city" only. In addition, a law comparable to UVC § 10-107(a) requires a driver to forward his written accident report "to the chief of police of the city in which such accident occurs" or to such other agency as the Department may establish.
6. Any "incorporated city or town" only.
7. Subsection (b) of § 49 additionally authorizes incorporated cities, towns, villages or other municipalities to require reports from garage owners concerning vehicles involved in reportable accidents or struck by bullets. Texas limits localities to accidents involving death, injury or property damage over $25.00.
8. "Any county or incorporated city or town." Reports are for the confidential use of the local department: . . . provided that such county, city, or town may, by ordinance, require such designated department to make such reports, including the report of the police officer, and including such photographs taken by police officers as the governing body of such county, city, or town may designate, available for inspection by any person involved or injured in the accident or his attorney or any authorized representative of any insurance carrier reasonably anticipating exposure to civil liability as a consequence of the accident; and provided, further, that such county, city, or town may, by ordinance, prescribe fees to be charged for copies of such reports and photographs and require such designated department to furnish copies of such reports and photographs, upon the payment to it of the fees prescribed therefor, to any such person, attorney, or authorized representative.
9. "Any city, village, town, or county."

Florida, in a law comparable to UVC § 15-102, authorizes local authorities to require written accident reports.

Six other states have these pertinent provisions:

Alaska—A law comparable to UVC § 10-107(a) requires a driver involved in a reportable accident to forward a written report to the State Department of Public Safety and to the local police department if the accident occurred within a municipality.

California—If an accident occurring within a city results in the death or injury of any person, the driver of a vehicle must forward his written report to that city's police department which must, in turn, forward any such report to the California Highway Patrol before the fifth day of each month.

Delaware—If the reportable accident occurs in Wilmington, § 4203 requires a written report to the Department of Public Safety of that city.

Massachusetts—Provisions comparable to UVC § 10-107(a) require a driver involved in a reportable accident to forward his written report to the Registrar of Motor Vehicles and send a "copy thereof to the police department having jurisdiction over the place on the way where such accident occurred."

Washington—If a reportable accident occurs within an incorporated city or town, the driver must forward his written report to that city's or town's chief of police who must, in turn, immediately forward a copy to the State Patrol.

Nevada has a law which might prohibit localities from requiring a report. It bans enactment of ordinances governing the duties of people involved in accidents other than the duty to stop, render aid and give information. Nev. Rev. Stat. § 484.777 (1975).

Citations

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Miss. Code Ann. § 8172 (1957).
Mont. Rev. Codes Ann. § 32-1215 (1961).
N.M. Stat. Ann. § 64-17-15 (1960).
N.D. Cent. Code § 39-08-16 (1960).
Okla. Stat. Ann. tit. 47, § 10-117 (1962).
Ore. Rev. Stat. §§ 483.610, .606(1) (1977).
R.I. Gen. Laws Ann. § 31-26-15 (1957).
S.C. Code Ann. § 56-5-1360 (1976).
Tex. Rev. Civ. Stat. art. 6701d, § 49 (1977).
Utah Code Ann. § 41-6-42 (Supp. 1979).
Va. Code Ann. § 46.1-411 (1967).
Wash. Rev. Code Ann. § 46.52.030 (Supp. 1966).
W. Va. Code Ann. § 17C-4-15 (1966).
Wis. Stat. Ann. § 349.19 (1958).
Wyo. Stat. Ann. § 31-231 (1959).

§ 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 in his 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 predestrian who was less than 16 years of age at the time of his death.

(c) The medical examiner (or official performing like functions) or an approved labratory shall analyze the blood or other substance to determine the amount of alcohol 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). (NEW SECTION, 1975.)

Historical Note

This section was added to the Code in 1975 to improve the likelihood that coroners will routinely determine whether alcohol was involved in fatal crashes.

Statutory Annotation

Though no jurisdiction has a statute in total conformity with the UVC, twenty-two states do have provisions regarding tests to determine the concentration of alcohol in the body of a person who dies as a result of a motor vehicle accident.

Six states permit chemical tests to be performed on dead drivers, passengers and pedestrians. Fourteen states limit the tests to drivers and pedestrians. If it is not possible to ascertain who the driver was, Colorado permits the testing of any deceased occupant as well as a pedestrian. Missouri permits the testing of any deceased occupant who might have been the driver in addition to testing pedestrians.

Six states place no age limitations on who may be tested. Utah and West Virginia require that the pedestrian be an adult. Ten states require that the

pedestrian be at least 16 years old. Colorado and Washington require that a pedestrian be at least 15 years old. California requires that the pedestrian be at least 15 years old unless the surrounding circumstances indicate the possibility of alcoholic, barbiturate and amphetamine consumption. Oregon requires that a pedestrian be 13 years old to be tested. In addition to the six states which place no limitations on who may be tested, seven states place no limitations on the age of a driver. Missouri and Oregon place age limitations on drivers of 16 and 13, respectively. Seven states have ambiguous wording in their statutes so it is difficult to determine if an age limitation is applied to drivers.

Thirteen states require that the deceased die within a limited time (range 4-24 hours) after the accident. Seven states place a time limitation on when the blood can be withdrawn.

The test is mandatory in all states except New Mexico. Three states permit test results to be introduced as evidence and to be used for statistical purposes. Nebraska permits test results to be introduced as evidence in a limited number of cases and also allows them to be used for statistical information. Washington permits the results to be used as evidence in certain types of cases, but has no provision regarding their use of statistical information. Five states permit the results to be used only for statistical purposes. Four states permit the tests to be used only for statistical purposes and also explicitly exclude their use as evidence. Eight states have no provisions specifying how the tests are to be utilized.

Several states test for drugs and/or carbon monoxide as well as alcohol. Several states also have provisions for testing urine and/or other bodily substances in conjunction with or in place of examining blood.

The laws of the 22 states are summarized below in alphabetical order:

California requires that a blood and urine sample be taken from all persons who die within 24 hours of and as a result of a motor vehicle accident. A sample is not to be taken from a person under 15 years of age unless the surrounding circumstances indicate the possibility of alcoholic, barbiturate or amphetamine consumption. The samples are to be tested to determine their alcoholic and barbituric acid contents and, at the discretion of the coroner or his appointed deputy, their amphetamine derivative content. The test results are to be preserved but there are no provisions relating to how the results may be used. Cal. Government Code § 2749.25 (Supp. 1976).

Colorado requires that blood or another bodily substance be taken from all drivers and pedestrians 15 years of age or older who die within four hours of, and as a result of, a motor vehicle accident. If the driver cannot be immediately determined, samples are taken from all deceased occupants. The samples are taken to the department of health laboratory or a department of health approved laboratory and are to be tested to determine the amounts of alcohol, drugs and carbon monoxide in the decedent's body. The test results are not to be public information but may be used for statistical information and as evidence in legal proceedings. Colo. Rev. Stat. § 42-14-1211 (1973).

Connecticut requires that a blood sample be taken from any driver or pedestrian who dies as a result of a motor vehicle accident. The blood is tested by the toxicological laboratory of the state department of health or the office of the medical examiner to determine the concentration of alcohol in the decedent's blood. There are no provisions relating to the use of the test results. Conn. Gen. Stat. Ann. § 14-227C (Supp. 1976).

Idaho requires that a system be established whereby morticians will be required to take a blood sample from all drivers and pedestrians who die as a result of a motor vehicle accident. The blood will be tested by the department of health to determine the amounts of alcohol, narcotics or dangerous drugs present in the sample. The test results shall be used exclusively for statistical purposes and it is a misdemeanor for anyone to release the information in any other manner. Idaho Code § 49-1016 (Supp. 1975).

Illinois requires that a blood sample and, if medically possible, a urine sample, be taken from all persons who die as a result of a motor vehicle accident and who were drivers or suspected drivers or were pedestrians 16 years of age or older. The sample is to be withdrawn within six hours of the victim's death and is tested by the county laboratory to determine its alcoholic, carbon monoxide, and dangerous or narcotic drug content. The results are to be forwarded to the state department of public health. If the county does not have a laboratory the sample is sent to the state department of public health for testing, in which case the department is to notify the local coroner of the test results. The results are to be used only for statistical purposes and are not admissible in evidence in any legal proceeding. Ill. Ann. Stat. ch. 31, § 10 (Supp. 1976).

Massachusetts requires that a blood sample be taken from a driver or a pedestrian 16 years of age or older who died as a result of and within four hours of a motor vehicle accident. The sample is given to the state police laboratory, but the statute does not state what type of analysis is to be performed or how any results are to be used. Mass. Ann. Laws ch. 38, § 6A (1973).

Minnesota requires that tests be performed by a coroner to determine the concentration of alcohol, and drugs if feasible, in the blood of a person who dies as a result of, and within four hours of, a motor vehicle accident if such person was a driver or was a pedestrian 16 years of age or older. The test results are to be reported to the state department of public safety and are only to be used for statistical purposes which do not reveal the identity of the deceased. Minn. Stat. Ann. § 169.09(11) (Supp. 1976).

Missouri requires that a blood sample be taken from drivers and pedestrians, 16 years of age or older, who die as a result and within four hours of a motor vehicle accident. The sample is to be tested by a coroner to determine the concentration of alcohol, and drugs if feasible, in the decedent's blood. If it cannot be determined who the driver was, samples may be taken from any deceased person who was likely to have been the driver. The test results can only be used for statistical purposes which do not reveal the identity of the deceased. Mo. Ann. Stat. §§ 58.445, .447, .449 (Supp. 1976).

Nebraska requires that a bodily fluid sample be taken from all drivers and from all pedestrians 16 years of age or older who die as a result and within four hours of a motor vehicle accident. The sample is tested by an individual possessing a valid permit issued by the department of health for such purpose, to determine the amount of alcohol or drugs in the decendent's body. The test results are to be given to the person submitting the sample who forwards the results to the department of health. The results can only be used for statistical purposes which do not reveal the identity of the deceased. They may only be used as evidence to show compliance with this law. The law also requires that any surviving driver or pedestrian 16 years of age or older who is involved in a motor vehicle accident in which a person is killed be requested to submit to a chemical test to determine the amount of alcohol or drug in his body. Neb. Rev. Stat. §§ 39-6, 104.07, .08, .09, .10 (Supp. 1974).

Nevada requires that within eight hours of a motor vehicle accident, a blood sample be taken from all persons who die as a result of the accident. The blood is to be examined by a licensed laboratory to determine the amount of alcohol therein. The test results are to be reported to the department of motor vehicles and are to be a matter of public record. Nev. Rev. Stat. § 484.394 (1975).

New Hampshire requires that a blood sample be taken from a driver or an adult pedestrian who dies as a result of, and within four hours of a motor vehicle accident. All tests are to be made in the laboratory of the bureau of food and chemistry, division of public health, but the statute does not state what type of analysis is to be performed. Any test results can be used for statistical purposes and by any person, including his legal representative, who is or may be involved in a legal action arising out of a motor vehicle accident in connection with which the test was performed. N.H. Rev. Stat. Ann. § 262-A:69-1 (Supp. 1975).

New Mexico provides that where a death resulting from a motor vehicle accident occurs on a public highway and the state, district or deputy medical investigator performs or causes to be performed a test or tests to determine the alcoholic content of the deceased's blood, a copy of the findings is to be sent to the planning division of the state highway department to be used only for statistical purposes. The findings sent to the department cannot contain any information identifying the deceased, nor can they be subject to judicial process. N.M. Stat. Ann. § 15-43-45(B) (Supp. 1975).

New York requires that quantitative tests for alcohol be made on the body of persons killed as a result of a motor vehicle accident if the deceased was a driver or a pedestrian 16 years of age or older. The test is not to be made if there is reason to believe that the deceased was of a religious faith which is opposed to such tests on religious or moral grounds. The test results are only to be used for statistical information and cannot be admitted into evidence or otherwise disclosed in any legal action. N.Y. County Laws § 674(b) (Supp. 1975).

North Dakota requires that following all deaths resulting from a motor vehicle accident and all unnatural deaths occurring in a motor vehicle, a blood sample be taken from the deceased within 24 hours of his death. The sample is to be preserved and sent to the state toxicologist to be tested to determine the alcohol, carbon monoxide and drug content of the blood. The test results are to be used for statistical purposes and may be released upon the issuance of a subpoena by a court of competent jurisdiction. N.D. Cent. Code § 39-20-13 (Supp. 1975).

Oregon requires that all accidental deaths be investigated. If under this provision it is determined that a death resulting from a motor vehicle accident requires an investigation and the death occurs within five hours after the accident and the decedent is over 13 years of age, a blood sample must be taken and a urine sample may be taken from the decedent's body. The sample is to be tested by an approved laboratory to determine the quantity of ethyl-alcohol therein and, at the discretion of the state medical examiner, to also determine if any narcotic or dangerous drugs were present. There are no provisions for using the test results as evidence or for statistical purposes. Ore. Rev. Stat. §§ 146.090, .113 (1975).

Pennsylvania requires that blood and/or urine samples be taken from the bodies of drivers and pedestrians over 16 years of age who die within four hours following an automobile accident. The samples are to be transmitted to the department of health. The department of health is to establish and promulgate rules and regulations for the testing of samples. Pa. Stat. Ann. tit. 75, §§ 624.1(i), (j) (1971). Pennsylvania amended its law to apply it to those killed over 15 years of age. Within 10 days of the accident, the samples are to be sent to the Governor's Council on Drug and Alcohol Abuse. The Council is to establish and promulgate rules and regulations for testing the samples. Pa. Stat. Ann. tit. 75, § 3749, H.B. 1817, CCH ASLR 389 (1976).

South Carolina has a statute similar to the UVC. The only significant differences are that South Carolina tests for drugs as well as alcohol and that South Carolina has no provisions regarding the use of the test results. S.C. Code Ann. § 17-96.1 (Supp. 1975).

South Dakota requires that blood samples be taken from persons who have died as a result of a motor vehicle accident. The samples are to be taken within four hours after the person's death or a reasonable time thereafter and transmitted to the state chemical laboratory. There are no provisions stating the type of analysis to be performed or how the results may be used. S.D. Comp. Laws § 34-24-22.1 (Supp. 1975).

Utah authorizes the state department of health to establish, maintain and enforce a procedure requiring the bodies of adult pedestrians and all drivers killed in highway accidents be examined to determine the concentration of alcohol therein. The test results are only to be used for the compilation of statistics. Utah Code Ann. § 26-15-4(22) (1969).

Washington requires that a blood sample be taken from all drivers and all pedestrians age 15 years and older who are killed in a traffic accident where the death occurred within four hours after the accident. The sample is to be analyzed by the state toxicologist to determine the concentration of alcohol and, where feasible, the presence of drugs or other toxic substances. The findings are to be confidential, and are not to be utilized as evidence in any civil or criminal action, except that the results of these analyses are to be reported to the state patrol, and may be made available to the prosecuting attorney or law enforcement agencies having jurisdiction in any case in which an autopsy or post mortem is performed. Wash. Rev. Code Ann. § 46.52.065 (Supp. 1975).

West Virginia requires that a blood sample be taken from the bodies of all drivers and adult pedestrians who die as a result and within four hours of a motor vehicle accident. Within 12 hours of receiving notice of the death, the county medical examiner is to have a blood test performed to determine the percentage concentration of alcohol in the blood of the decedent. The test results are to be reported to the chief medical examiner of the office of medical examinations and to the department of public safety. The results are not admissible in evidence and can only be used for statistical purposes which do not reveal the identity of the deceased. W.Va. Code Ann. §§ 17C-5B-1, -2 (1974).

Wisconsin requires that in cases of death involving a motor vehicle in which the decedent was the operator of a motor vehicle or a pedestrian 16 years of age or older and who died within six hours of the time of the accident, a blood sample be taken within 12 hours of the person's death. The blood is to be tested to determine its alcoholic content by a laboratory approved by the department of health and social services. The results of this test are to be sent to the official submitting the sample, who is to forward the results to the department of health and social services. These results may only be used for statistical purposes. Wis. Stat. Ann. § 346.71(2) (Supp. 1975).

CHAPTER 11

RULES OF THE ROAD

ARTICLE I—OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

§ 11-101—Provisions of Chapter Refer to Vehicles Upon the Highways—Exceptions

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

1. Where a different place is specifically referred to in a given section.

2. The provisions of article IX and (chapter 10) * shall apply upon highways and elsewhere throughout the State. (REVISED, 1971.)

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* States which have adopted § 10-101 should not enact the reference to Chapter 10.

Prefatory Note

This Code section limits the application of rules of the road generally to operation *on the highways*. In connection with the following Annotation, therefore, state laws defining "highway" should be examined and compared with the Code definition:

> § 1-122—*Highway.*—The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

State laws defining "highway" are compared with this definition in § 1-122, *supra*. For court decisions on the applicability of traffic laws to places that are not highways, see 7 Am.Jur.2d, *Automobiles and Highway Traffic* § 169 (1963); Fisher, *Vehicle Traffic Law* 164-78 (1961); 77 A.L.R.2d 1171 (1961); 63 A.L.R.2d 184 (1959); 62 A.L.R.2d 288 (1958); 80 A.L.R. 469 (1932). For a recent decision upholding a law in substantial conformity with UVC § 11-101(2) as applied to driving off the highways while under the influence of intoxicating liquor, see *Cook v. State*, 139 S.E.2d 383 (Ga. 1964).

Historical Note

Section 11-101 has been in the Code without substantive amendment since 1934. UVC Act V, § 20 (Rev. ed. 1934); UVC Act V, § 22 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 11-101 (Rev. eds. 1954, 1956, 1962, 1968). Until 1954 the Code was divided into five acts. Act V, a "Uniform Act Regulating Traffic on Highways," contained the sections which now appear in Chapters 10 through 16 of the Code. Prior to 1954, therefore, this section of the Code read:

> Provisions of *act* refer to vehicles upon the highways—exceptions.—The provisions of this *act* 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 *articles IV and V* shall apply upon highways and elsewhere throughout the State.

With the 1954 consolidation, the word "act" was changed to "chapter" and "articles IV and V" changed to "article IX and chapter 10."

In 1971, the reference in subsection 2 to Chapter 10 was placed in parentheses and an explanatory footnote was added.

The 1926 and 1930 editions of the Code did not have a similar section and, while their provisions on accidents and accident reports applied, at least implicitly, throughout the state, the provisions on reckless driving and driving while under the influence of intoxicating liquor or drugs expressly applied only to vehicles operated on a highway.

Statutory Annotation

UVC § 11-101(1) provides that rules of the road apply exclusively to vehicles operated on the highway, unless another place is specifically referred to in a given section. UVC § 11-101(2) expressly provides, however, that all provisions on accidents and accident reports (UVC Chapter 10), and on reckless driving, driving while under the influence of intoxicating liquor or drugs, and homicide by vehicle (UVC §§ 11-901 to 11-903) apply to vehicles operated on highways and elsewhere throughout the state.

Such provisions assist in defining where drivers are, or are not, required to perform the various duties imposed by rules of the road, and also assist the courts in determining the geographic applicability of such rules in criminal and civil proceedings. In addition to achieving clarity, a general section providing for applicability to highways obviates the necessity of reiterating clauses defining such applicability in each and every rule of the road where it might, in the absence of a general section, be necessary or desirable.

The majority of state laws are in conformity with the first Code subsection by making rules of the road generally applicable only to vehicles operated on the highway. With regard to the second subsection, however, the state laws vary widely. Some states have provisions comparable to UVC § 11-101(2), but most of these do not cover all of the laws covered by the Code subsection. In most cases, where such laws are expressly made to apply throughout the state, it is indicated within the laws themselves rather than in a separate provision. In still other cases, application of the laws in question is not expressly indicated anywhere, but they may apply throughout the state either by implication or court interpretation.

The accompanying Table shows generally how these laws compare with the provisions of UVC § 11-101.

The first two columns of the Table show which states have general application provisions in verbatim or substantial conformity with UVC § 11-101(1). Thirty-nine states (including New Jersey and New York) are shown as having laws comparable to the Code provision making rules of the road generally applicable only upon the highways (column 1), and virtually all of these states make exceptions for rules that specifically refer to other places (column 2).

The remaining four columns indicate the states that either have provisions like UVC § 11-101(2) or otherwise *expressly* provide that laws on accidents and accident reports, reckless driving and driving while under the influence of liquor or drugs are applicable to vehicles operated on highways and elsewhere throughout the state.

No attempt is made in this comparison to evaluate the general extent of conformity of state laws with the Code provisions on accidents, reckless driving, and so on. These points are covered in §§ 10-101 to 10-115, *supra*, and §§ 11-901 and 11-902, *infra*. This comparison deals only with

the place of application of such laws. For example, the fact that a state law differs from the Code by prohibiting driving "while intoxicated" rather than "while under the influence of intoxicating liquor" is not considered here. The point of comparison is *where* that law applies, only on a highway or anywhere within the state.

An Appendix to the Table shows how each of 45 jurisdictions differs in one or more ways from the Code. The most common difference, perhaps, is the absence of an express provision as to application of a particular law or group of laws. Conversely, some states have two different provisions on where a law applies. In addition to the Appendix, therefore, the laws themselves and interpretative court decisions in each state should be examined to determine their applicability.

Comparison of State Laws With UVC § 11-101

	§ 11-101(1)—Rules of the Road Apply:		11-101(2)—Laws That Expressly Apply Throughout State:			
	Exclusively on Highways	Unless Other Place Specifically Referred to	Accidents and Accident Reports	Reckless Driving	"Drunk" Driving	"Drugged" Driving
Alabama *	—	—	—	—	—	—
Alaska *	X	X	—	—	—	—
Arizona	X	X	X	X	X	X
Arkansas *	X	X	X	X	—	—
California *	X	X	X	—	X	X
Colorado *	X	X	X	X	X	X
Connecticut *	—	—	—	—	—	—
Delaware	X	X	— *	X	X	X
Florida *	—	—	—	—	—	—
Georgia *	X	X	— *	X	X	X
Hawaii *	X	X	X	—	—	—
Idaho *	X	X	—	— *	—	—
Illinois *	X	X	X	X	X	X
Indiana	X	X	X	X	X *	X
Iowa	X	X	X	X	— *	— *
Kansas	X	X	X	X	X	X
Kentucky *	—	—	—	—	X	X
Louisiana *	X	X	—	—	—	—
Maine *	—	—	—	—	X	X
Maryland *	X	X	X	X	X	X
Massachusetts *	—	—	—	—	—	—
Michigan *	X	X	—	—	—	—
Minnesota	X	X	X	X	X *	X *
Mississippi	X	X	X	X	X	X
Missouri *	—	—	—	—	—	—
Montana	X	X	X	X	X	X
Nebraska *	X	X	—	X	—	—
Nevada *	—	—	—	—	—	—
New Hampshire *	X	X	X	—	—	—
New Jersey	— *	—	—	—	—	—
New Mexico	X	X	X	X	X	X
New York	— *	X	— *	—	—	—
North Carolina *	—	—	—	—	—	—
North Dakota *	X	X	X	X	—	—
Ohio	—	—	— *	X *	—	—
Oklahoma *	X	X	—	—	—	—
Oregon *	X	X	—	—	—	—
Pennsylvania *	X	X	—	—	—	—
Rhode Island	X	X	X	— *	X	X
South Carolina	X	X *	X	X	X	X
South Dakota *	—	—	—	—	—	—
Tennessee *	X	X	—	—	—	—

* See Appendix for explanation.

Comparison of State Laws With UVC § 11-101

	§ 11-101(1)—Rules of the Road Apply:		11-101(2)—Laws That Expressly Apply Throughout State:			
	Exclusively on Highways	Unless Other Place Specifically Referred to	Accidents and Accident Reports	Reckless Driving	"Drunk" Driving	"Drugged" Driving
Texas *	X	X	—	—	—	—
Utah	X	X	X	X	X	X
Vermont *	X	X	—	—	—	—
Virginia *	—	—	—	—	—	—
Washington	X	X	X	X	X	X
West Virginia	X	X	— *	—	— *	X
Wisconsin	X	X	— *	— *	— *	— *
Wyoming	X	X	X	X	X	X
District of Columbia *	—	—	—	—	—	—
Puerto Rico *						

* See Appendix for explanation.

Appendix to Table

Alabama—Laws do not contain a section comparable to UVC § 11-101. Laws on reckless driving (§ 3) and driving while under the influence of intoxicating liquor or drugs (§ 2) expressly apply only to vehicles operated on highways, which is not in substantial conformity with the Code. Laws on accidents and accident reports do not indicate their place of application and may, therefore, be in substantial conformity with Chapter 10 of the Code insofar as they impliedly apply to accidents occurring on or off the highways.

Alaska—Regulations provide:

> The traffic regulations apply exclusively to the equipping, condition, movement or operation of a vehicle, bicycle, person or animal upon a highway or a state operated and maintained ferry facility; except,
>
> (1) where a limited application or a different place is specifically referred to in a section;
>
> (2) where a section provides that it applies on a highway and elsewhere throughout the state.

Laws on reckless driving, driving while under the influence of liquor or drugs, and laws relating to accidents and accident reports do not specify their place of application but probably apply throughout the State.

Arkansas—§ 75-420 provides that the provisions of "Articles IV and V" shall apply everywhere in Arkansas. "Article IV" contains that State's laws on accidents and accident reports. "Article V" contains § 75-1001 on negligent homicide and § 75-1003 on reckless driving, but apparently does not include § 75-1027 on driving while under the influence of intoxicating liquor or § 75-1026.1 on driving while under the influence of drugs. Neither of these laws specifies where it applies, but both may apply only to vehicles operated on highways because a provision in § 75-420 is identical to UVC § 11-101(1). However, the present drug law was adopted in 1961 to replace a law that expressly applied only on highways.

California—§ 21001 of the California Vehicle Code states that provisions of Division 11 (Rules of the Road) refer exclusively to the operation of vehicles upon the highways, unless a different place is specified. A second law (§ 21113) applies traffic laws to roads and driveways open to the public located on the grounds of any public school, state college, public hospital, municipal institution or building or any exempt educational institution. Another law (§ 21107.9) authorizes municipalities to apply specified traffic laws (basic speed rule, reckless driving and

racing) on private parking lots. Chapter 12 of Division 11 contains a section (§ 23100) providing that: "The provisions of this chapter apply to vehicles upon the highways and elsewhere throughout the State unless expressly provided otherwise." Some of the offenses enumerated that apply everywhere in California are felony drunk driving (§ 23101), felony drug driving (§ 23106), reckless driving causing bodily injury (§ 23104), and driving while wearing glasses having a temple width of more than ½ inch that interferes with lateral vision (§ 23120). Misdemeanor drunk driving (§ 23101), misdemeanor drug driving (§ 23105), and reckless driving (§ 23103), however, apply only to vehicles operated on a highway. Separate provisions prohibit drunk or drugged driving at nonhighway locations (§§ 23101(b), 23102(b), 23105(b), 23106(b) (Supp. 1978)). A separate section (§ 20000), applicable to accidents and accident reports, provides that those laws "apply upon highways and elsewhere throughout the State, unless expressly provided otherwise."

Colorado—Law contains a provision in substantial conformity with UVC § 11-101, but its application is to "the operation of vehicles *and the movement of pedestrians*." The provision also does not expressly apply § 42-4-1209 on homicide by vehicle to the highways and elsewhere throughout the state.

Connecticut—Laws do not contain provisions comparable to UVC § 11-101. Drunk and drugged driving law (§ 14-227a), reckless driving law (§ 14-222) and speeding law (§ 14-219) apply to "motor vehicles" operated "upon any public highway," in any "parking area for ten cars or more," on the road of any "specially chartered municipal association" or quasi-municipality, and any school property. (However, § 14-212 makes the definitions of "motor vehicle" and "vehicle" interchangeable.) Two laws describing duties at the scene of an accident (§§ 14-224 and 14-226) do not indicate where they apply. A third law (§ 14-225) is applicable in the areas listed above. A law requiring written accident reports (§ 14-108) applies only to vehicles operated on a highway or in an off-street parking area open to public use with or without payment of a fee.

Delaware—Law, contained in Chapter 41, does not refer to Chapter 42 provisions on accidents and accident reports nor does that chapter contain a provision similar to UVC § 10-101. Laws prescribing the duties of a driver involved in an accident causing injury or death and the duty to report (§§ 4202 and 4203) do not specify where they apply but may be construed as applying anywhere in Delaware. The law prescribing the duties of a driver involved in an accident causing property damage (§ 4201), however, expressly applies only to accidents occurring "on the public highways." Laws on careless and inattentive driving apply only on public highways. Title 21, § 4101(a) (3) has a procedure to apply laws on private roads.

Florida—Rules of the road and accident provisions apply upon all state, county and municipal highways and alleys "and wherever vehicles have the right to travel." This provision differs by applying all rules to some non-highway locations and by not applying serious traffic offenses everywhere.

Georgia—Has subsection making rules of the road applicable in shopping centers and parking lots. Accident laws do not indicate where they apply.

Hawaii—Laws on reckless driving, driving while under the influence of intoxicating liquor, and driving while under the influence of drugs do not expressly state that they apply on the highways and elsewhere. Counties may apply regulations and install devices on private strets under Gen. Laws 1973, ch. 137.

Idaho—Law on reckless and negligent driving (§ 49-1103) expressly applies only to vehicles operated upon public highways.

Illinois—§ 11-209 (Supp. 1972) provides for application and enforcement of specified traffic laws on parking areas by contract between the owner of the property and county or municipal corporate authorities. Section 11-209.1 authorizes municipalities to establish and enforce traffic regulations on private roads and areas. Such regulations and traffic-control devices must conform with state laws and the state manual on traffic-control devices. The authority to do this is contingent upon a request by the owner of 10 or more apartment units or houses and this request may be rescinded.

Indiana—§ 47-1822 is identical to the pre-1954 Code section and, in effect, provides that § 47-2001 on reckless homicide, reckless driving, and driving while under the influence of intoxicating liquor, narcotic drugs or habit-producing drugs applies to vehicles operated on the highways and elsewhere. However, § 47-2001(b), on driving while under the influence of liquor or drugs, was revised in 1963 to provide that it is a criminal offense for any person to drive a vehicle while under the influence of intoxicating liquor, narcotic drugs, or habit-producing drugs; that if any person while under such influence causes the death of another person, he will be guilty of a felony; and that in all non-felony cases, "any person who drives a vehicle *upon any highway* while under the influence of. . . shall be guilty of a misdemeanor. . . ." (Emphasis added.) Apparently, then, a person who drives while under the influence of any of the substances named has committed a criminal offense but, if the quoted subsection is construed as governing over § 47-1822, it would appear that no penalty would apply to a person found guilty if he had not been driving on the highways and did not cause the death of another person. H.B. 1438 (1975) allows cities to contract with shopping centers to provide traffic regulations.

Iowa—§ 321.228 is virtually identical to UVC § 11-101 and provides that §§ 321.261 to 321.274 on accidents and accident reports and §§ 321.280 to 321.284 on "assaults and homicide," driving while under the influence of liquor or drugs, and reckless driving apply upon highways and elsewhere. An apparent conflict between the general provisions of § 321.228 and § 321.281, which provide that "whoever, while in an intoxicated condition or under the influence of. . . drugs. . . operates a motor vehicle *upon the public highways*. . . ." (emphasis added), was resolved by a court decision—*State v. Valeu*, 134 N.W.2d 911, 912 (Iowa, 1965)—which held that "the offense of operating a motor vehicle while intoxicated is not limited to a public highway."

Kentucky—Laws do not contain a provision comparable to UVC § 11-101. Law prohibiting driving while under the influence of liquor or narcotic drugs applies to vehicles operated anywhere in the State. Law describing duties at the scene of an accident (§ 189.580) applies only to accidents occurring on highways, but subsections of that law requiring written reports do not expressly refer to accidents occurring on the highways. Compare with UVC §§ 11-101(2), 10-101 and 10-102. See also, Ky. Rev. Stat. § 187.320, requiring accident reports under that State's financial responsibility laws, which also does not refer to accidents occurring on highways. Kentucky does not have a law on reckless driving, but a negligent driving law applies only on the highways. Speed limit of 15 mph applies in off-street parking facilities under §§ 189.340 and .010 (1975).

Louisiana—§ 32:21 provides that provisions of Chapter 32 apply to "the operation of vehicles and pedestrians upon all highways within this State and other areas specifically set forth." This law is probably in substantial conformity with UVC § 11-101(1). However, the two sections in Chapter 32 requiring accident reports (§§ 32:398 and 32:871) do not expressly provide for their application to accidents occurring anywhere in the stae. Laws on reckless driving, driving while under the influence of intoxicating liquor or narcotic drugs, and duties at the scene of an accident are contained in the Louisiana Criminal Code (Ch. 14, §§ 14:98 to 14:100) and do not expressly provide that they apply everywhere in the state, but such application may be implied. See, for instance, §§ 14:98 and 14:99 which apply to the operators of motor vehicles, aircraft, vessels or other means of conveyance.

Maine—Though laws do not contain provisions comparable to those in UVC § 11-101, the definition of "way" may make traffic laws appli-

cable "upon any way or bridge. . . including public parks and parkways." Laws prescribing duties at the scene of an accident (§§ 893 to 899) expressly apply "upon any way or in any other place in the State." Law providing when immediate notice of an accident must be given the police and when a written report must be filed (§ 891) does not contain an express reference to where it applies. Law on reckless driving (§ 1311) applies to drivers on any way or in any place. Also, § 1314 provides that no person shall drive upon a way or in any other place in a manner that would endanger any person or property. Law on driving while under the influence of liquor or drugs (§ 1312) applies "upon any way, or in any other place" while a law on driving with ability impaired by alcohol, drugs, or both, applies "within this State." Laws on "Recklessly causing death of a person" (§ 1315) and "Death caused by violation of law" (§ 1316) do not expressly indicate where they apply. Basic speed rule (§ 1252) applies upon a way or any other place. Sections 1252, 1311 and 1314 do not apply on private land where the public has no legal access.

Maryland—Duplicates UVC § 11-101 and applies traffi laws on all private property open to use by the public except in Garrett and Somerset Counties. Traffic laws apply on all public property.

Massachusetts—Laws do not contain a section similar to UVC § 11-101. A law on accidents and reckless driving (Ch. 90, § 24) applies upon any way or in any place to which the public has a right of access or any place to which members of the public have access as invitees or licensees. Ch. 90, § 26, on written accident reports, and Ch. 20, § 11, requiring a driver to exhibit his license at the scene of an accident, do not expressly indicate whether they apply to accidents occurring anywhere in the state. Section 25(1)(a) makes it unlawful to drive a motor vehicle while under the influence of intoxicating liquor or narcotic drugs "upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees." The Massachusetts "Rules and Regulations for Driving on State Highways," of course, apply to vehicles operated on state highways. Chapter 90, § 18, authorizes Boston to adopt regulations governing the speed and use of a parking area if the owner consents.*

Michigan—§ 9.2301 is in verbatim conformity with UVC § 11-101(1) but does not contain a provision comparable to UVC § 11-101(2). A law requiring drivers to stop at the scene of an accident causing personal injury (§ 9.2317) applies "upon either public or private property, when such property is open to travel by the public." Though subsequent sections (§§ 9.2318 to 9.2322) on accidents and accident reports do not contain similar language, each has the same caption as § 9.2317: "Motor vehicle accident on property open to public." Law on reckless driving (§ 9.2326) applies to vehicles driven "upon a highway or a frozen public lake, stream or pond or other place open to the general public, including any area designated for the parking of motor vehicles." Law on driving while under the influence of liquor or drugs (§ 9.2325) applies "upon any highway or any other place open to the general public, including any area designated for the parking of motor vehicles, within the State."

Minnesota—§ 169.02(1) provides:

> The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways, and upon highways, streets, private roads and roadways situated on property owned, leased, or occupied by the Regents of the University of Minnesota or the University of Minnesota, except:
>
> (1) Where a different place is specifically referred to in a given section;
>
> (2) The provisions of sections 169.09 to 169.13 shall apply upon highways and elsewhere throughout the state.

Sections 169.09 to 169.13 contain provisions similar to those in Chapter 10 and in §§ 11-901 to 11-902.2 of the Code. One of these sections (§ 169.121) prohibits driving while under the influence of any alcoholic beverage, narcotic drug, or combination of such substances and, under the law quoted above, applies upon highways and elsewhere throughout the state. However, another law (§ 168.39), not covered by § 169.02, provides that a person under the influence of intoxicating liquor or narcotics shall not drive a vehicle "upon any highway."

Missouri—Laws do not contain a provision comparable to UVC § 11-101. A law (§ 304.014) comparable to UVC § 11-102, however, does provide that a person operating a vehicle "upon the highways" shall observe and comply with its rules of the road. Laws relating to driving while under the influence of intoxicating liquor (§ 564.440) or drugs (§ 564.445) are contained in the Missouri Crimes and Punishment Code and probably apply to vehicles operated anywhere in Missouri. Section 564.450, describing the duties of a driver at the scene of an accident, refers to "a vehicle on the highway," but a law requiring accident reports (§ 303.040, Missouri Safety Responsibility Law) refers to "the operator of every motor vehicle which is in any manner involved in an accident within this state, upon the streets or highways thereof. . . ."

Montana—§ 32-2124 is in substantial conformity with UVC §§ 11-101(1) and (2) and provides that laws on reckless driving and driving under the influence of intoxicating liquor or drugs shall apply "upon the highways and elsewhere throughout the State." Mont. Gen. Laws 1971, ch. 139, provides that traffic laws apply on "forest development roads" located in national forests even though they may not be public highways.

Nebraska—§ 39-603 duplicates the introductory sentence and first subsection. Reckless driving law applies on highway "and anywhere throughout the state." Section 39-727 on driving while under the influence of alcoholic liquor or any drug, § 39-727.14 on driving when alcohol-blood ratio exceeds 0.15 percent, and § 39-764 on when a written accident report must be filed do not indicate where they apply. Sections 39-762 and 39-762.01, requiring drivers involved in an accident to stop and perform certain duties, apply "upon either a public highway, private road, or private drive." Compare with UVC §§ 11-101(2), 10-101, and 10-102 to 10-106.

Nevada—Law (§ 484.777) comparable to UVC § 15-101 applies rules of the road on all highways to which the public has a right of access or to which persons have access as invitees or licensees. Laws on accidents and accident reports, reckless driving and driving while under the influence of alcohol do not indicate where they apply but they may be limited to highways by § 484.777.

New Hampshire—§ 262-A:1 has a provision in verbatim conformity with UVC § 11-101(1), but none comparable to § 11-101(2). New Hampshire's laws on reckless driving (§ 262-A:61) and driving while under the influence of intoxicating liquor or drugs (§ 262-A:62) apply to vehicles operated "upon any way." A law defining the duties of a driver at the scene of an accident and when a written report must be filed (§ 262-A:67) provides that it "shall be of general application and shall not be restricted to a public way."

New Jersey—§ 39:4-1 of the New Jersey traffic laws provides:

> The provisions of this chapter shall apply to the owners and drivers of vehicles on highways, including roadways or driveways, upon grounds owned and maintained by the State of New Jersey, or any State department or agency, the counties, the municipalities and the school district boards of education of this State.

Laws on accidents, accident reports, driving while under the influence of intoxicating liquor or drugs, and driving while ability is impaired by alcohol (§§ 39:4-129 *et seq.*, § 39:4-50) do not specify where they apply but laws on reckless and careless driving (§§ 39:4-96 and 39:4-97) apply only on a highway. See also, § 39:5A-1 providing for the application of traffic laws to private property at the owner's request.

New York—§ 1100 provides that §§ 1100 through 1236 shall apply on highways "and upon private roads open to public motor vehicle traffic"

and does not have a subsection similar to UVC § 11-101(2). A law on driving while intoxicated or when one's ability to drive is impaired (§ 1192) would be covered by § 1100, as would the law on reckless driving (§ 1190). That law, however, refers to driving "in a manner which unreasonably interferes with the free and proper use of the public highway, or unreasonably endangers users of the public highway." The New York laws on accidents and accident reports are not covered by § 1100 and, while the provisions on the duties of a driver at the scene of an accident (§§ 600-603) do not specify their place of application, the section on written accident reports (§ 605) expressly applies to "every person operating a motor vehicle which is in any manner involved in an accident, anywhere within the boundaries of this State. . . ." Section 1100 also provides:

> The provisions of this title relating to obedience to stop signs, flashing signals, yield signs, traffic-control signals and other traffic-control devices, and to one-way, stopping, standing, parking and turning regulations shall also apply to the parking area of a shopping center for which the legislative body of any city or village, or the town board of any town, has adopted any local law, ordinance, rule or regulation ordering such signs, signals, devices, or regulations.

North Carolina—Does not have a law similar to UVC § 11-101. Laws on accidents and accident reports (§§ 20-166 and 20-166.1) do not indicate whether they apply to drivers involved in accidents both on and off a highway, except that subsection (c) of § 20-166.1 requires the driver of any motor vehicle which collides with another motor vehicle "left parked or unattended on any street or highway" to report such collision, immediately, to the owner of such vehicle. Compare with UVC §§ 11-101, 10-101, 10-103 and 10-105. One reckless driving law (§ 20-140) prohibits such driving "upon a highway." A second law (§ 20-140.1) provides:

> Any person who shall operate a motor vehicle over any drive, driveway, road, roadway, street or alley upon the grounds or premises of any public or private hospital, college, university, school, orphanage, church or any of the institutions maintained and supported by the State of North Carolina or any of its subdivisions, or upon the grounds and premises of any service station, drive-in theatre, supermarket, restaurant or office building, or any other business or municipal establishment providing parking space for customers, patrons or the public, carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger any person or property, shall be guilty of reckless driving. . . .

Laws against driving while under the influence of alcohol (§ 20-138) or drugs (§ 20-139) ban driving on any highway or "public vehicular area." The basic speed rule comparable to UVC § 11-801 (§ 20-141) applies at the same places as the second reckless driving law. Section 122-16.1 applies traffic laws on streets and driveways of institutions operated by the State Department of Mental Health.

North Dakota—Law conforms with subsection (1). Law comparable to subsection (2) applies laws on accidents, reckless driving, driving while drunk or drugged, homicide by vehicle, felonies and eluding on highways and elsewhere throughout the state. However, other laws still ban driving while drunk on the highways.

Ohio—Does not have a law comparable to UVC § 11-101. Laws on second degree manslaughter (§ 4511.18) and driving while intoxicated (§ 4511.19) do not specify their place of application. One law on reckless driving (§ 4511.20) applies to any operation that is without due regard for others and that would endanger persons or property "in the lawful use of the streets or highways," but a second law (§ 4511.201) prohibits driving without due regard for others so as to endanger "the life, limb or property of any person while in the lawful use of any public or private property other than streets or highways." The second law does not apply to the "competitive operation of vehicles on public or private property when the owner of such property knowingly permits such operation thereon." Laws prescribing the duties of a driver involved in an accident also apply either to accidents occurring on a public road or highway or to those occurring on any public or private property other than public roads or highways. Accident report laws (§§ 4509.06 *et seq.*, § 4509.74) are contained among financial responsibility laws and do not indicate where they apply. See Annotation, § 10-101, *supra*. Section 505.17 allows townships to control parking on private property to assure access for emergency vehicles.

Oklahoma—§ 11-101 is in verbatim conformity with UVC § 11-101(1), but the second subsection provides:

> The provisions of Chapter 10 and article IX of this Chapter shall apply upon highways, turnpikes and public parking lots throughout the State.

Chapter 10 of the Oklahoma laws on accidents and accident reports provides for the same extent of application as that quoted above. Compare with UVC §§ 11-101(2) and 10-101. The "article IX" referred to contains that State's laws on reckless driving (§ 11-901), driving under the influence of intoxicating liquor (§ 11-902(a)), driving while under the influence of drugs (§ 11-902(b)), and negligent homicide (§ 11-903). Since none of these laws would apply throughout the State, the Oklahoma law is not in conformity with UVC § 11-101(2).

Oregon—Rules of road also apply on ocean shores that are state recreation areas. Serious traffic offenses apply upon "any premises open to the public for the use of motor vehicles, whether the premises are publicly or privately owned and whether or not a fee is charged." Laws on accidents and accident reports do not indicate where they apply.

Pennsylvania—Law conforms with subsection (1). Serious traffic offenses apply on highways and trafficways.

Rhode Island—Applies its traffic laws upon highways, as in the UVC, "and on all State, city or town owned public property except. . . ." Law on motorcycle handlebar height applies in parking areas for ten or more cars. A reckless driving law (§ 31-27-4) indicates that it applies "on any of the highways of this State" even though that law is covered by § 31-12-1(2) which would make it apply "upon highways and elsewhere throughout the State" in substantial conformity with UVC § 11-101(2).

South Carolina—See also, § 56-5-40, providing that the traffic laws generally apply to all roads in areas used by the Atomic Energy Commission in Aiken, Allendale and Barnwell Counties, except those laws relating to signs and signals, racing and bicycles.

South Dakota—Laws do not contain a section comparable to UVC § 11-101. A reckless driving law (§ 32-24-1) applies to vehicles driven "upon a highway." Law prohibiting driving while under the influence of intoxicating liquor or drugs (§ 32-23-1) does not mention its place of application. Accident and accident report laws (§ 32-34-3 *et seq.*,) also do not expressly state where they apply.

Tennessee—§ 59-802 is similar to UVC § 11-101(1) except that it refers to the provisions of "Chapters 8 and 10 of this title." "Chapter 8" contains Tennessee's rules of the road, but the "Chapter 10" referred to contains laws relating to accidents and accident reports (§§ 59-1001 to 59-1015), reckless driving (§ 59-858), and driving while under the influence of intoxicants or certain drugs (§ 59-1031). Therefore, the Tennessee law is not in substantial conformity with UVC § 11-101(2) because it would apply those laws only to vehicles operated on the highway unless the laws themselves specifically indicated otherwise, and none of them does. In fact, the law on driving while under the influence of an intoxicant or certain drugs expressly states that it applies only "on any of the public roads and highways of the State of Tennessee, or on any streets or alleys of any city or town."

Texas—§ 21 is identical to UVC § 11-101(1) but a provision comparable to UVC § 11-101(2) applies provisions on accidents, accident reports, reckless driving, and driving while under the influence of drugs to driving on the highways, public places, water district roads, and streets or parking areas provided by business establishments without charge. Law on driving while under the influence of intoxicating liquor is in the Texas Penal Code and expressly applies only to driving on "any public road or highway or upon any street or alley." Texas Penal Code art. 482a bans racing, acceleration causing loud noise, unnecessarily loud stopping or blowing horn in any "parking area," defined as a place used by the general public without charge.

Vermont—Law applies rules of the road on highways unless a different place is specifically referred to. There is no subsection (2). Laws on accidents (§ 1004), accident reports (§ 1005), and driving while under the influence of intoxicating liquor or drugs (§ 1183) do not indicate their place of application. Law on reckless driving (§ 1181) applies to any motor vehicle "operated on a public highway."

Virginia—Traffic laws (§§ 46.1-168 to 46.1-347) do not contain a section comparable to UVC § 11-101. Section 46.1-176, defining the duties of a driver involved in an accident, applies "irrespective of whether such accident occurs on the public streets or highways or on private property" and is probably in substantial conformity with UVC §§ 11-101(2), 10-101, and 10-102 to 10-105. Laws on written accident reports (§§ 46.1-399 *et seq.*) do not expressly provide whether they apply to accidents occurring anywhere in the state. One reckless driving law (§ 46.1-189) applies only to vehicles driven "upon a highway." A second (§ 46.1-190) contains many subsections defining specific acts of reckless driving. Subsection (k) of that law provides that persons shall be guilty of reckless driving if they:

> Drive or operate any automobile or other motor vehicle upon any driveway or premises of a church, or school, or any recreational facilities or of any business property open to the public, or upon any highway under construction or not yet open to the public, recklessly or at a speed or in a manner so as to endanger the life, limb or property of any person.

The laws on driving while under the influence of drugs, intoxicants, or enumerated intoxicating liquors (§ 18.1-54) or while ability is impaired by alcohol (§ 18.1-56.1) are contained in the Virginia Crimes and Offenses Code and do not indicate their place of application. Law against racing applies on certain property open to use by the public. Cities may require signs and markings on private roadways and parking areas (§ 46.1-181.2).

West Virginia—Law conforms with subsection (1). Subsection (2) applies rules on accidents, serious offenses and many rules of the road on "streets and highways defined in § 17B-2-1." That section does not define streets or highways.

Wisconsin—§ 346.02 is in substantial conformity with UVC § 11-101(1) but does not contain a subsection comparable to UVC § 11-101(2). Laws dealing with "Accidents and Accident Reports" and with "Reckless and Drunken Driving," which includes provisions on driving while under the influence of drugs, are each preceded by sections (§§ 346.66 and 346.61) which provide:

> In addition to being applicable upon highways, sections [346.67 to 346.70 and 346.62 to 346.64] are applicable upon all premises held out to the public for use of their motor vehicles, whether such premises are publicly or privately owned and whether or not a fee is charged for the use thereof.

District of Columbia—Neither the D.C. Code nor the D.C. Traffic Regulations contains a section comparable to UVC § 11-101. Sections of the D.C. Code on accidents (§ 40-609(a)), driving while under the influence of intoxicating liquor or narcotic drugs (§ 40-609(b)) and negligent homicide (§ 40-606) do not indicate their place of application but § 40-605(b) on reckless driving applies only to vehicles driven "upon a highway."

Puerto Rico—Does not have a law like UVC § 11-101. Serious offenses and accident laws do not indicate where they apply.

Citations

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W.Va. Code § 17C-2-1 (1974).
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Wyo. Stat. Ann. § 31-79 (1959).

§ 11-102—Required Obedience to Traffic Laws

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

Historical Note

This section was added to the Code in 1934 and has not been substantially amended since then. UVC Act V, § 21 (Rev. ed. 1934); UVC Act V, § 23 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 11-102 (Rev. eds. 1954, 1956, 1962).

The 1930 Code contained a somewhat similar provision:

> It shall be unlawful and unless otherwise declared herein with respect to particular offenses it shall constitute a misdemeanor for any person to fail or neglect to comply with any rule or regulation declared in this act.

UVC Act IV, § 2(a) (Rev. ed. 1930). The 1926 Code contained only a section similar to UVC § 17-101(a) (Rev. ed. 1962) providing that it is a misdemeanor for any person to violate any provision of the traffic or motor vehicle laws. UVC Act IV, § 62(a) (1926).

Statutory Annotation

The laws of 26 states and the District of Columbia regulations contain provisions in verbatim or substantial conformity with UVC § 11-102:

Arkansas	Indiana	Nevada	South Carolina
Colorado [1]	Iowa	New Mexico	Tennessee
Delaware	Kansas	New York [4]	Texas
Georgia	Mississippi	North Dakota [5]	Utah
Hawaii	Missouri [3]	Oklahoma	Washington
Idaho	Montana	Rhode Island [6]	West Virginia
Illinois [2]			Wyoming

1. Colorado has a law in verbatim conformity with the Code. A second law (§ 42-4-1501) comparable to UVC § 17-101 provides that rules of the road violations are misdemeanor traffic offenses. They also are class 3 or 4 offenses punishable by a fine.

2. The Illinois law makes disobedience of traffic laws a "petty offense" and not a "misdemeanor" as in UVC § 11-102.

3. Missouri's law provides that: "Every person operating or driving a vehicle upon the highways . . . shall observe and comply with the following rules of the road."

4. New York has a law in substantial conformity with the Code section which makes disobedience of traffic laws "a traffic infraction" and not "a misdemeanor" as in UVC § 11-102.

5. North Dakota (§ 39-10-01.1) is like UVC § 11-102 and makes violations a "class B misdemeanor." Another law (§ 39-07-06) provides that violations are infractions unless "another criminal penalty" is provided.

6. Rhode Island law duplicates the Code. Rules of the road violations are misdemeanors. Other laws (§ 31-43-1 to -7) establish an administrative procedure for hearing violations and they refer to "traffic infractions."

Maryland provides that "a person may not do any act prohibited or fail to do any act required by this title." A second law (§ 27-101) makes all violations of the vehicle code misdemeanors, unless declared otherwise.

Two states have laws comparable to UVC § 11-102 but provide that violation is not a misdemeanor:

Florida—Violations are "infractions," "a noncriminal violation which is not punishable by incarceration" and for which there is no right to a jury trial nor court appointed counsel. The only rules that are not decriminalized relate to eluding a police officer, drunk or drugged driving, hit and run driving, reckless driving and false accident reports.

New Hampshire—Committing a forbidden act or failing to perform a required act is a violation.

The laws of the remaining 22 jurisdictions do not have provisions similar to UVC § 11-102 and, in these states, compliance with rules of the road is compelled by the section containing each rule or by laws similar to UVC § 17-101 making it a misdemeanor to violate any motor vehicle or traffic law:

Alabama	Louisiana	Nebraska [6]	Pennsylvania
Alaska [1]	Maine	New Jersey	South Dakota
Arizona	Massachusetts [4]	North Carolina	Vermont [9]
California [2]	Michigan	Ohio [7]	Virginia
Connecticut [3]	Minnesota [5]	Oregon [8]	Wisconsin
Kentucky			Puerto Rico

1. Alaska § 28.35.230, which is comparable to UVC § 17-101, provides that violations of state laws are misdemeanors. Most rules of the road are regulations adopted by the executive branch of government. Violation of those regulations or of any local traffic ordinance is an infraction. An infraction is not a criminal offense and a defendant may not be imprisoned.

2. In California, §§ 40000.1 and .15 make most rules of the road violations infractions and not misdemeanors. Laws on obeying a police officer, fireman or crossing guard are misdemeanors as are laws on duties at accidents, reckless driving, racing, and driving while under the influence of alcohol or any drug. However, if a person commits three or more violations in a year, except pedestrian violations, the fourth offense in that same year will be a misdemeanor and not an infraction. Under Cal. Vehicle Code § 42001 the maximum penalty for infractions is $50 for the first conviction, $100 for the second and $200 for the third. No jail sentence is authorized.

3. In Connecticut, failure to stop at a railroad crossing and failure of a bicyclist to use his bell before passing are infractions under §§ 14-286, -250.

4. Massachusetts has a non-criminal procedure for bicycle violations. Mass. Ann. Laws ch. 85, § 11c.

5. Minnesota repealed a law in verbatim conformity with the Code and replaced it with the following:

> 169.89 PENALTIES. Subdivision 1. Violation. Unless otherwise declared in this chapter with respect to particular offenses, it is a petty misdemeanor for any person to do any act forbidden or fail to perform any act required by this chapter; except that: (a) a violation which is committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property; or (b) exclusive of violations relating to the standing or parking of an unattended vehicle, a third or subsequent violation of any of the provisions of this chapter, classified therein as a petty misdemeanor, within the immediate preceding 12 months period; is a misdemeanor to which the provisions of subdivision 2 of this section shall not apply.
>
> Subd. 2. Penalty; jury trial. A person charged with a petty misdemeanor shall not be entitled to a jury trial but shall be tried by a judge without a jury. If convicted, he shall be punished by a fine of not more than $100.

Chapter 169 contains provisions that are comparable to UVC Chapters 10 to 14 on accidents, rules of the road, equipment and size-weight restrictions. A "petty misdemeanor" in Minnesota is defined by § 609.02 as an offense that is not a "crime" and for which a fine of not more than $100 may be levied. A "crime" is prohibited conduct for which one may be imprisoned with or without a fine. Some of the offenses categorized as misdemeanors are: driving while license is suspended or revoked (UVC § 6-303), evading responsibility after an accident (UVC Ch. 10), driving while under the influence of alcohol or drugs (UVC § 11-1902), reckless driving (UVC § 11-901), and disobeying police officer (UVC § 11-103).

6. Nebraska (§ 39-602(106)) defines "Traffic infraction" as a violation of any rule of the road not declared to be a misdemeanor or a felony. See also, § 39-6, 102.

7. Ohio (§ 4511.99(D)) provides that most violations of rules of the road are "minor misdemeanors." A second offense within one year is a fourth degree misdemeanor.

8. Oregon (§§ 484.350-.370) provides that most violations of rules of the road are traffic infractions. There are four classes (A, B, C and D).

9. Vermont (§ 2201) provides that violating a rule of the road is a traffic offense if no penalty is specified or if the maximum penalty is $100.

Citations

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N.Y. Vehicle and Traffic Law § 1101 (1960).
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§ 11-103—Obedience to Authorized Persons Directing Traffic

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer, fireman or uniformed adult school crossing guard invested by law with authority to direct, control or regulate traffic. (REVISED, 1971 & 1975.)

Historical Note

A requirement for obeying firemen was added to this section in 1971 and adult school crossing guards in 1975. The *Model Traffic Ordinance* since 1944 has had such a requirement and since 1928 has authorized firemen to direct traffic at the scene of a fire. See MTO §§ 3-1(c), 3-3 (Rev. ed. 1968). UVC § 11-103 (Supp. I 1972).

Prior to 1971, this section had not been amended since 1934. UVC Act V, § 22 (Rev. ed. 1934); UVC Act V, § 24 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 11-103 (Rev. eds. 1954, 1956, 1962, 1968).

In the 1930 Code, however, the section read as follows:

> It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of any traffic or police officer invested by law with authority to direct, control or regulate traffic.

UVC Act IV, § 3 (Rev. ed. 1930). Apart from minor differences in the introductory wording and the reference to "traffic" officer, the 1930 Code provision differed mainly by not expressly referring to one who "willfully" fails or refuses to comply with the direction given by an officer. The 1926 Code did not contain a similar section.

Statutory Annotation

Two states—Idaho and South Carolina—have laws which conform to the 1975 Code provision.

The laws of four states conform with the 1971 provision and thus require compliance with orders given by police officers and firemen:

Delaware [1]	Georgia	Kansas	Washington [2]

1. Adds authorized flaman and refers to "fire policeman." The section does not relieve drivers from their duty to exercise due care.

2. Adds flagmen. Refers to "fire fighters."

The laws of 19 states have provisions in verbatim conformity with UVC § 11-103 prior to its revision in 1971:

Alabama	Illinois	New Hampshire	Texas
Arizona	Indiana	New Mexico	Utah
Arkansas	Maryland	Oklahoma	West Virginia
Colorado [1]	Mississippi	Rhode Island	Wyoming
Hawaii	Nevada [2]	Tennessee	

1. Colorado has a second law (§ 42-4-614) providing that persons shall not willfully fail or refuse the instructions or signals displayed by flagpersons.
2. A second law (A.B. 351 (1975)) requires compliance with signals given by authorized flagmen.

Laws in two more states are clearly in substantial conformity with the 1968 Code but contain these minor differences:

Iowa—Law refers to "peace officer" and not "police officer."

Minnesota—Law refers to "peace officer" and makes violation a misdemeanor.

Laws in 22 other jurisdictions, which are probably in substantial conformity with the Code section, provide:

Alaska—Regulation duplicating the 1968 Code also applies to firemen and authorized flagmen directing traffic at or near the scene of an emergency. A second provision (§ 02.570) prohibits refusing or neglecting to stop when signaled to do so by a police officer. Another law (§ 28.35.180) prohibits refusing or neglecting to obey a signal given by an officer, fireman or authorized flagmen regulating and directing traffic.

California—It is unlawful to wilfully refuse or fail to comply with a lawful order, direction or "signal" of any "traffic officer." The law (§ 2800) does not contain the concluding phrase of UVC § 11-103 commencing with the word "invested." Another law (§ 625) defines "traffic officer" as "any member of the California Highway Patrol, or any peace officer who is on duty for the exclusive or main purpose of enforcing" traffic laws. The California law (§ 2800) also makes it unlawful to fail or refuse to submit to any lawful inspection. See UVC § 13-103(a). See also, California Vehicle Code § 2801 making it unlawful to willfully fail or refuse to comply with any lawful order, signal or direction of any member of a fire department who is wearing the badge or insignia of a fireman and protecting the personnel and equipment of his department. Another law (§ 2815) requires obedience to an authorized, nonstudent school crossing guard wearing official insignia and performing his duties. Section 21100.3 requires compliance with directions given by a person wearing official insignia and acting at the site or road work or where traffic control devices are not operating properly.

Connecticut—It is unlawful for a driver to fail to "promptly bring his vehicle to a full stop upon the signal of any officer in uniform or prominently displaying the badge of his office" or to disobey "the direction of such officer with relation to the operation of his motor vehicle." The penalty, upon conviction, is $5.00 to $25.00 and $10.00 to $50.00 upon any subsequent conviction. Although this law is worded differently, does not refer to "willful" failure to obey, and would not include pedestrians, the second-quoted portion may be construed as being in substantial conformity with UVC § 11-103.

Florida—Duplicates the current Code except that the law refers to "member of fire department at the scene of a fire."

Louisiana—Law does not contain the word "willfully," but otherwise is like the 1968 Code.

Maine—Law concerning "emergency rule" by a police officer provides that whenever a police officer shall deem it advisable, during a fire or at the time of an accident or special emergency, he is authorized to temporarily close a street, or part thereof, "to vehicular traffic, or to vehicles of a certain description or to divert the traffic thereof, or to divert or break a course of pedestrian traffic." The authority extends only for such time as may be necessitated by the emergency for the public safety or convenience.

Massachusetts—No person shall willfully fail or refuse to comply with "any lawful order or direction of a police officer in regard to the direction, control or regulation of traffic." The provision concludes with: "Any person acting in conformity with any such order or direction shall be relieved from the observance of any provision of these rules with which the order or direction may conflict." See also, Mass. Ann. Laws ch. 90, § 25, making it unlawful for "any person . . . [to] refuse or neglect to stop when signalled to stop by any police officer who is in uniform or who displays his badge conspicuously on the outside of his outer coat or garment."

Michigan—"No person shall refuse to comply with any lawful order or direction of a police officer when such officer, for public interest and safety, is guiding, directing, controlling or regulating traffic on the highways of this State."

A second law provides that, "a driver of a motor vehicle who fails to stop when a school crossing guard is in a school crossing and is holding a stop sign in an upright position visible to approaching vehicular traffic is guilty of a misdemeanor."

Missouri—Requires drivers of vehicles and animal riders to obey any stop or other reasonable signal or direction given by a member of the state highway patrol. Wilful failure or refusal to obey is made a misdemeanor. Though more limited as to the officers included, these provisions are substantially similar to the Code.

Montana—"No person shall wilfully fail or refuse to comply with any lawful order or direction of any police officer or highway patrolman pertaining to the use of the highways by traffic."

Nebraska—Law provides that any person who knowingly fails or refuses to obey a lawful order of any police officer controlling or directing traffic is guilty of a traffic infraction. However, it is a misdemeanor to knowingly fail to obey an order given to apprehend a violator or suspected violator.

New Jersey—One law (§ 39:4-57) requires "drivers of vehicles, streetcars or horses to comply with any direction, by voice or hand, of a member of the police department, a peace officer, the director or an inspector of motor vehicles, when enforcing" a traffic law. A second law (§ 39:4-80) provides that "when a traffic or police officer is stationed in a highway for the purpose of directing traffic, he may regulate and control traffic . . . and all drivers of vehicles shall obey his orders and directions, notwithstanding anything contained" among laws relating to right of way, traffic signals and passing. See also, N.J. Stat. Ann. § 39:4-32 providing that pedestrians shall not cross a roadway at an intersection against a stop signal given by a police or traffic officer.

New York—"No person shall fail or refuse to comply with any lawful order or direction of any police officer or other person duly empowered to regulate traffic." The New York law thus differs from the Code by not including the word "wilfully" and by using different language in the concluding phrase.

North Carolina—A provision virtually identical to the 1968 Code adds a requirement that the order or direction must relate to traffic control. The law applies also to orders or directions of regular and volunteer firemen and rescue squad members at the scene of fires and accidents.

North Dakota—Law bans willful refusal to comply with lawful directions of police officers or firemen.

Ohio—"No person shall fail to comply with any lawful order or direction of any police officer invested with authority to direct, control, or regulate traffic."

Oregon—"No person shall refuse or fail to comply with any lawful order, signal or direction of any traffic or police officer displaying his star or badge and invested by law with authority to direct, control or regulate traffic."

Pennsylvania—Requires compliance with lawful orders and directions of

uniformed police officers, sheriffs and constables, and any other appropriately attired person authorized to direct, control or regulate traffic.

Vermont—Law provides that no person "may knowingly fail or refuse to comply with any lawful order or direction of any enforcement officer." It also authorizes enforcement officers to make arrests; to direct, control or regulate traffic; and to prevent or alleviate congestion, damage or injury. Section 1012 requires drivers of motor vehicles to stop promptly and carefully when signalled to do so by an officer wearing identifying insignia.

Virginia—§ 46.1-7 requires drivers to stop upon receiving a signal of any police officer. Another law (§ 46.1-183) authorizes peace and police officers to direct traffic by giving signals and describes the hand or whistle signals they must use to move or stop traffic. Although § 46.1-184(d) expressly provides that signals given by an officer take precedence over traffic-control signals (as does UVC § 11-201(a)) and although the law describing signals to be used by officers may impliedly compel obedience to such signals, Virginia does not have an express provision as broad in application as UVC § 11-103.

Wisconsin—"No person shall fail or refuse to comply with any lawful order, signal or direction of a traffic officer."

District of Columbia—"No person shall fail or refuse to comply with any lawful order or direction of any police officer or civilian crossing guard invested by law with authority to direct, control or regulate traffic."

The remaining three jurisdictions do not have provisions in conformity with UVC § 11-103:

Kentucky South Dakota Puerto Rico

Although laws in some of these states expressly require a driver to "stop" when signalled to do so by a police officer, such laws are not as broad as UVC § 11-103 and, taken alone, are not in substantial conformity.

Citations

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Kans. Stat. Ann. § 8-1503 (1975).
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§ 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 vehicle by this chapter, except those provisions of this chapter which by their very nature can have no application.

Historical Note

The Code has always contained a provision defining the applicability of rules of the road to persons riding animals.

In the 1926 edition, the definition of "vehicle," now found in UVC § 1-184, concluded: "provided that for the purposes of (Title II of) this Act, a bicycle or a ridden animal shall be deemed a vehicle." UVC Act IV, § 1(a) (1926). "Title II, contained the 1926 Code's rules of the road and accident provisions.

In 1930, the quoted language was deleted from the definition of "vehicle" and a separate section was added, which provided:

> Every person riding a bicycle or an animal upon a roadway and every person driving any animal shall be subject to the provisions of this act applicable to the driver of a vehicle, except those provisions of this act which by their very nature can have no application.

UVC Act IV, § 5 (Rev. ed. 1930). In 1934, the National Committee amended this section to include persons driving animal-drawn vehicles. As amended, it provided:

> Every person riding a bicycle or an animal or driving any animal drawing a vehicle upon a roadway shall be subject to the provisions of this act applicable to the driver of a vehicle, except those provisions of this act which by their nature can have no application.

UVC Act V, § 24 (Rev. ed. 1934). This provision formed the basis for the present UVC § 11-104, but was amended in 1938 to delete the reference to bicycles because of the adoption of separate provisions dealing specifically with that subject. UVC Act V, § 26 (Rev. ed. 1938). See UVC §§ 11-1201 through 11-1207, particularly § 11-1202, providing that bicycle riders generally shall be subject to all of the rights and duties imposed on drivers of vehicles.

The section was rewritten in 1944 and has remained unchanged since then except that in 1954, when the five acts of the Code were consolidated, the references to "act" in this section were changed to "chapter." UVC Act V, § 26 (Rev. eds. 1944, 1948, 1952); UVC § 11-104 (Rev. eds. 1954, 1956, 1962, 1968). The change from "act" to "chapter" was not significant, although the placement of the provisions on accidents in Chapter 10 would probably result in their not applying to a person riding an animal. But see Fisher, *Vehicle Traffic Law* 132 (1961), discussing a Kansas court decision holding that a horse is a vehicle within the meaning of a law in conformity with UVC § 1-184 and, therefore, was subject to lighting equipment requirements of laws similar to those now contained in Chapter 12 of the Code. For Code lighting requirements applicable to animal-drawn vehicles, see UVC § 12-216.

Statutory Annotation

As noted in the historical discussion, *supra*, the Code section since 1934 has applied to any person "riding an animal" and, in substance, to any person driving an animal-drawn vehicle. Though some employ slightly different language, the laws of the following 35 jurisdictions expressly provide that such persons are subject to the same rights and duties as the driver of a vehicle, or otherwise generally provide that they are subject

to enactments establishing rules of the road, in substantial conformity with UVC § 11-104:

Alabama	Indiana	New Hampshire	South Carolina [6]
Arizona	Iowa [1]	New Jersey	Tennessee
Arkansas [1]	Kansas	New Mexico	Texas
Delaware	Louisiana	New York	Washington
Florida	Maryland [3]	North Carolina	West Virginia
Georgia	Michigan	North Dakota	Wisconsin [6]
Hawaii [2]	Minnesota	Oklahoma	Wyoming
Idaho	Mississippi [1]	Pennsylvania [5]	District of
Illinois [1]	Nebraska [4]	Rhode Island	Columbia

1. Includes bicycle riders. See "Historical Note," *supra*, indicating that in 1938 the National Committee deleted the reference to bicycle riders when it adopted UVC § 11-1202.

2. A second law in Hawaii (§ 291-1) prohibits riding any animal carelessly or heedlessly of the rights or safety of others or in a manner to endanger any person or property. Reckless and drunk driving laws are not in the same chapter as the Hawaii law duplicating UVC § 11-104.

3. Maryland adds a subsection prohibiting riding animals or driving animal-drawn vehicles on dual lane highways where the speed limit exceeds 35 miles per hour except in three specified counties.

4. Nebraska also gives drivers of farm tractors equal rights and duties. They and animal riders must use the shoulder when they would obstruct traffic.

5. Adds "or where specifically provided otherwise." Law also prohibits use of limited-access highways.

6. The South Carolina and Wisconsin laws also include persons pushing or propelling pushcarts. See MTO § 3-4 (Rev. ed. 1968). A second subsection of the Wisconsin law (§ 346.02 (04)) provides that every person riding a bicycle is granted all of the rights and is subject to all of the duties granted or applicable to drivers subject to special provisions applicable to bicycles "except those provisions which by their express terms apply only to motor vehicles or which by their very nature would have no application to bicycles." See UVC § 11-1202.

The laws of 12 more states vary as follows:

Alaska—Persons riding or driving animal-drawn vehicles have all of the rights and duties applicable to the driver of a vehicle "by statute, ordinance and traffic regulations" except provisions which by their nature have no application. The quoted phrase may have the effect of applying more rules to such riders and drivers than the UVC would.

California—"Every person riding or driving an animal upon a highway has all of the rights and is subject to all of the duties applicable to the driver of a vehicle . . . except those provisions which by their very nature can have no application." This law is in substantial conformity with UVC § 11-104 except that the Code applies to a person driving an animal-drawn vehicle and not to a person driving an animal. However, the California law may be construed to include an animal-drawn vehicle.

Colorado—"Every person riding or leading an animal or driving any animal-drawn conveyance upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this article, except those provisions of this article which by their very nature can have no application. Persons riding or leading animals on or along any highway shall ride or lead such animals on the left side of said highway, facing approaching traffic. This shall not apply to persons driving herds of animals along highways."

Connecticut—"Any person who rides any horse or other animal upon a public highway shall conform to the provisions of chapters [on 'Use of the Highway by Vehicles' and 'Uniform Traffic Control and Highway Safety'] of the general statutes, unless such provisions clearly do not apply from the language or context or such application would be inconsistent with the manifest intention of the statutes." With respect to persons driving animal-drawn vehicles, this law is not in conformity with UVC § 11-104.

Montana—"Every person driving an animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this act, except those provisions of this act, which by their very nature can have no application." This law differs from UVC § 11-104 by not including a person riding an animal.

Nevada—Law is patterned closely after the Code and differs only by referring to "highway" rather than "roadway." An additional provision specifically applies laws relating to walking along highways, soliciting on highways and walking while under the influence of liquor or drugs to persons riding animals.

Ohio—"Every person riding, driving or leading an animal upon a roadway is subject to [all traffic and equipment laws] applicable to the driver of a vehicle, except those provisions of such sections which by their nature are inapplicable." UVC § 11-104 does not refer to a person leading an animal nor does the Ohio law expressly refer to a person driving an animal-drawn vehicle.

Oregon—Every person riding an animal upon a roadway and every person driving or leading any animal is subject to the provisions of this chapter applicable to the driver of a vehicle, except those provisions which by their very nature can have no application. Oregon has additional provisions relating to riding or leading horses, livestock and herds. Motorists must stop when person riding or leading an animal gives a distress signal by raising his hand. Oregon also specifies duties upon striking and injuring a domestic animal.

South Dakota—Has only a definition of "vehicle" which concludes that for the purposes of rules of the road, a bicycle or a ridden animal is a vehicle.

Utah—"Every person riding an animal or driving any animal-drawn vehicle upon a roadway is subject to this chapter, except those provisions which by their nature can have no application."

Vermont—Law patterned after UVC § 11-104 gives to animal riders and drivers the same rights and duties granted to drivers of a "motor vehicle" when they are on a "road." Another law (§ 1127) requires drivers of motor vehicles to exercise every reasonable precaution to avoid frightening any animal which is being ridden or used to draw a vehicle.

Virginia—"Every person riding a bicycle or an animal upon a roadway and every person driving any animal thereon shall be subject to the provisions of this chapter applicable to the driver of a vehicle, unless the context of the provision clearly indicates otherwise."

The five remaining jurisdictions do not have laws comparable to UVC § 11-104:

Kentucky	Massachusetts	Puerto Rico
Maine	Missouri	

Some of these states, however, do have provisions on the duties of drivers of motor vehicles toward horse-ridden or horse-drawn vehicles:

Kentucky—§ 189.310(3) provides:

> Every person operating a vehicle on a highway and approaching any animal being ridden or driven, shall exercise every reasonable precaution to prevent frightening the animal and to insure the safety of the person riding or driving it. If the animal appears frightened, the operator, when requested by a signal of the hand by the driver or rider of the animal, shall not proceed further toward the animal, unless the movement is necessary to avoid injury or accident, until the animal is under the control of its rider or driver.

Maine—§ 997 provides:

> No operator of a motor vehicle shall operate a motor vehicle in such a manner as to willfully annoy, startle, harass or frighten any animal being ridden or driven in any direction on or near a public way. No operator or person in a motor vehicle shall throw any object or substance from the vehicle toward the animal being ridden or driven.

Massachusetts—§ 14 provides:

> Every person operating a motor vehicle shall bring the vehicle and the motor propelling it immediately to a stop when approaching a horse or other draft animal being led, ridden or driven, if such animal appears to be frightened and if the person in charge thereof shall signal so to do; and, if traveling in the

opposite direction to that in which such animal is proceeding, said vehicle shall remain stationary so long as may be reasonable to allow such animal to pass; or, if traveling in the same direction, the person operating shall use reasonable caution in thereafter passing such animal.

Similar statutes are also in effect in several of the states having laws comparable to UVC § 11-104.

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Pa. Stat. Ann. tit. 75, § 3103 (1977).
R.I. Gen. Laws Ann. § 31-12-10 (1957).
S.C. Code Ann. § 56-5-790 (1976).
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Wyo. Stat. Ann. § 31-84 (1959).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 7 (1957).

§ 11-105—Persons Working on Highways—Exceptions

Unless specifically made applicable, the provisions of this chapter except those contained in article IX hereof shall not apply to persons, 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. (REVISED, 1971.)

Historical Note

The 1926 Code contained a similar provision which was amended, as indicated below, in 1930:

> Section 4. *Public Employees to Obey Traffic Regulations.* [Drivers of State, County and City Vehicles Subject to Provisions of the Act.]
>
> The provisions of this act applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by *the United States*, this state or any county, city, town, district or any other political subdivision of the state, subject to such specific exceptions as are set forth in this act *with reference to authorized emergency vehicles*. The provisions of this act shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work.

UVC Act IV, § 4 (Rev. ed. 1930) amending UVC Act IV, § 33 (1926).

In 1934, these two sentences were placed in separate subsections and the caption changed to read: "Public officers and employees to obey act—exceptions." UVC Act V, §§ 23(a) and (d) (Rev. ed. 1934); UVC Act V, §§ 25(a) and (d) (Rev. eds. 1938, 1944).

The introductory clause, "Unless specifically made applicable," was added to the subsection relating to persons working on highways in 1948. UVC Act V, § 25(b) (Rev. eds. 1948, 1952). With the 1954 consolidation of the Code, this latter provision was placed in a separate section, its present caption added, the references to "act" changed to "chapter," and the clause "except those contained in article IX hereof" added. Article IX contains Code provisions on reckless driving, driving while under the influence of intoxicating liquor or drugs, and homicide by vehicle. UVC § 11-105 (Rev. eds. 1954, 1956, 1962, 1968). The portions of the earlier Code section requiring public officers and employees to obey rules of the road are now in UVC § 16-103.

In 1971, the section was amended as follows:

> Unless specifically made applicable, the provisions of this chapter except those contained in article IX hereof shall not apply to persons, [teams,] motor vehicles and [other] equipment while actually engaged in work upon [the surface of] a highway but shall apply to such persons and vehicles when traveling to or from such work.

See also, § 11-406 requiring drivers to yield the right of way to certain vehicles and pedestrians working on a highway.

Statutory Annotation

The laws of 46 states contain provisions on the applicability of rules of the road to persons working on highways.

Six states are in verbatim conformity with the UVC except as noted:

Delaware [1]	Kansas	Pennsylvania
Illinois [2]	North Dakota	South Carolina [3]

1. Delaware adds that rules of the road generally do not apply to persons working on utility facilities so long as proper traffic control devices are posted.
2. The Illinois law is captioned, "Public officers and employees to obey act—exceptions." Otherwise, it is identical to the Code.
3. South Carolina adds "other" before equipment.

Six states are in verbatim conformity with UVC § 11-105 prior to its revision in 1971: Florida, Georgia, Nevada, Texas, Washington and West Virginia.

The laws of the following four states appear to be in substantial conformity with the 1968 Code section:

Louisiana—Law is identical to the Code but does not expressly make the drivers of such vehicles subject to serious offenses.

Minnesota—Provision is a subsection of a law captioned "Application" and refers to "chapter," does not refer to Article IX offenses, and refers to work upon the "roadway of a highway."

Rhode Island—Law is identical to the 1968 Code but does not contain an express reference to offenses like those in Article IX of the Code.

Tennessee—Law expressly makes such persons subject to reckless driving law, but not to other offenses described in Article IX of the Code.

Seven states and the District of Columbia have provisions comparable to the Code subsection as it existed before 1954. Thus, most are contained in laws captioned "Public officers and employees to obey act—exceptions," refer to provisions of this "act" rather than "chapter," and do not contain clauses similar to "except those contained in Article IX hereof." Also, with three exceptions, these laws do not have the introductory clause "Unless specifically made applicable," which was added to the Code section in 1948. The seven states are:

Arkansas	New Jersey [2]	Utah [3]
Indiana [1]	New Mexico [1]	Wyoming [4]
Mississippi		

1. The Indiana and New Mexico laws do contain the introductory phrase "Unless specifically made applicable."

2. The New Jersey provision is a subsection of a law captioned "Application of chapter."
3. The Utah provision is a subsection of a law entitled "Applicability and exemptions," and refers to "chapter."
4. The Wyoming law does include the introductory phrase but, like the 1971 Code section, refers to work on a "highway" rather than the "surface of a highway."

The laws of 22 states contain the following variations:

Alaska—A regulation exempts a "person, vehicle or other equipment while actually engaged in construction, maintenance or repair work upon, along, above or under a highway." Traffic rules do apply to persons and vehicles traveling to or from the actual work site as part of the work. Employees and vehicles of public utilities working upon, along, above or under a highway are exempt from regulations on parking, stopping, standing, and pedestrians.

Arizona—Law is in verbatim conformity with the 1952 Code section except that, in addition to persons working on highways, it expressly includes "railroad employees working on a railroad track or tracks crossing the highway."

California—§ 21053 provides:

> Public Employees Working on Highway. The provisions of this code, except Sections 25268 and 25269, do not apply to public employees and publicly owned teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway, or work of installation, removal, repairing, or maintaining official traffic control devices. The provisions of this code do apply to such persons and vehicles when traveling to or from such work.

A second law (§ 21054) provides:

> Representative of Public Agency. The provisions of this division do not apply to the duly authorized representatives of any public agency while actually engaged in performing any of the work described in Section 21053 but apply to such persons when traveling to and from such work.

These sections are not comparable to provisions appearing in any edition of the Code. The §§ 25268 and 25269 referred to prohibit the unauthorized use of red and amber flashing warning lights on vehicles. Another law (§ 22512) excepts vehicles used to construct or repair utility facilities from many restrictions on parking, standing or stopping.

Connecticut—Law exempts, so far as necessary, operators of maintenance vehicles or equipment of government agencies while engaged in highway maintenance operations from specified rules concerning driving on the right side of the roadway, overtaking and passing, use of the roadway, turning, driving on sidewalks, parking, traffic control signals, stop and yield signs, one-way streets, safety zones and loading.

Hawaii—Law virtually duplicates UVC but requires persons working on highways to comply with posted restrictions against stopping, standing, and parking.

Idaho—Law virtually duplicates the UVC but refers to "title" instead of "chapter," and does not refer to Article IX offenses.

Iowa—Exempts persons working on a highway officially closed to traffic. Drivers must comply with laws against drunk and reckless driving. Rules of road do not apply to maintenance vehicles operated by any state or local authority engaged in maintenance work, including to or from such work.

Maine—Law is similar to the Code but differs by exempting persons working on highways, and their equipment, only from certain specific portions of the state's vehicle code; namely, §§ 904, 941, 942, 943, 991, 1031, 1111 and 1253. These sections contain provisions prohibiting pedestrians from walking on roadways, requiring drivers to drive on the right side of the roadway, prohibiting vehicles from being left stationary so as to obstruct other vehicles, requiring slower moving vehicles to keep to the right, pertaining to driving on roadways laned for traffic, prohibiting trucks from following too closely, governing stopping, standing and parking, and regulating minimum speed.

Maryland—Law duplicates the 1968 Code section except that it is limited to persons engaged in construction or maintenance work on a highway. . . . . ."

Massachusetts—A regulation provides:

> § 1.Exemptions—The provisions of these rules shall not apply . . . to persons or drivers actually engaged in work upon a highway closed to travel or under construction or repair when the nature of their work necessitates a departure from any part of these rules. . . . These exemptions shall not, however, protect the driver of any vehicle from the consequence of a reckless disregard for the safety of others.

This regulation differs in form from UVC § 11-105 but may be construed as being in substantial conformity in principle. A law (ch. 89, § 5) exempts drivers engaged in authorized work from laws comparable to UVC §§ 11-301, -302, -304 when a departure from normal driving rules is necessary.

Michigan—Law provides:

> Traffic regulations; government vehicles, authorized emergency vehicles, workers on surface of highways. . . . (e) The provisions of this chapter shall not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from work. The provisions of this chapter governing the size and width of vehicles shall not apply to vehicles owned by public highway authorities when such vehicles are proceeding to or from work on public highways.

Montana—§ 32-2127 is captioned "Public Officers and Employees to Obey Act" and subsection (b) thereof appears to be in verbatim conformity with UVC § 11-105. However, the Article IX referred to in UVC § 11-105 contains provisions on reckless driving, homicide by vehicle and driving while under the influence of liquor or drugs while the Article IX referred to in the Montana law contains provisions similar to those in UVC §§ 11-501 to 11-507, dealing with the rights and duties of pedestrians, plus a section making it unlawful to walk upon a highway while under the influence of intoxicating liquor (§ 32-2183). Thus, under the Montana law, drivers working on the surface of the highway are apparently not subject to prosecution for reckless driving, etc., and drivers of other vehicles and drivers of work vehicles are expressly required to regard workmen standing on the highway as pedestrians. Such workmen are likewise thereby expressly required to fulfill applicable duties imposed upon pedestrians with reference to drivers and may not be under the influence of intoxicating liquor.

Nebraska—Has a law patterned after this Code section. Persons, teams of draft animals, motor vehicles and other equipment engaged in work on a highway surface are exempt from rules of the road except provisions relating to careless and reckless driving unless a rule is specifically made applicable to them. However, a second subsection provides government employees and public utility employees, to the extent that there would be a conflict in performing official duties, do not have to comply with rules of the road.

New Hampshire—Law contains the clause "except as to their civil liability" in place of the Code's "except those contained in Article IX," and is otherwise in verbatim conformity with the 1968 Code.

New York—§ 1103 provides:

> Public officers and employees to obey title; exceptions. . . . (b) Unless specifically made applicable, the provisions of this title shall not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work on a highway nor shall the provisions of subsection (a) of section twelve hundred two apply to hazard vehicles actually engaged in hazardous operations on or adjacent to a highway but shall apply to such persons and vehicles when traveling to or from such hazardous operations.

The § 1202(a) referred to in the above law prohibits stopping, standing or parking on a sidewalk, in front of a driveway, on a crosswalk, opposite a street excavation or other obstruction, and on the roadway side of a parked vehicle. Section 117a defines "hazard vehicle" as vehicles owned and operated by a utility to maintain and repair its facilities, tow trucks, and vehicles engaged in highway maintenance or snow or ice removal operations. Section 117b defines "hazardous operation" as the operation or parking of a vehicle that would bring it within the definition of a "hazard vehicle."

The New York law also provides:

> The foregoing provisions of this subdivision shall not relieve any person, or team or any operator of a motor vehicle or other equipment while actually engaged in work on a highway from the duty to proceed at all times during all phases of such work with due regard for the safety of all persons nor shall the foregoing provisions protect such persons or teams or such operators of motor vehicles or other equipment from the consequences of their reckless disregard for the safety of others.

North Carolina—§ 20-168 provides:

> Drivers of State, county and city vehicles subject to provisions of this article.—The provisions of this article applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by this State or any political subdivisions thereof, or of any city, town or district, except persons, teams, motor vehicles and other equipment while actually engaged in work on the surface of the road, but not when traveling to or from such work. Such drivers must comply with laws on reckless driving, driving while drunk, homicide by vehicle, and speed.

Ohio—§ 4511.04 provides:

> Exceptions—Sections 4511.01 to 4511.78, inclusive, section 4511.99, and sections 4513.01 to 4513.37, inclusive, of the Revised Code do not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway within an area designated by traffic control devices, but apply to such persons and vehicles when traveling to or from such work.

The sections referred to in this law include rules of the road, equipment requirements similar to those in Chapter 12 of the Code, and size, weight and load limits similar to those in Chapter 14 of the Code. See UVC §§ 12-101(c) and 14-101(b).

Another Ohio law (§ 4511.38), prohibiting backing on a freeway, permits such backing "in the performance of public works or official duties." Still another (§ 4511.051) prohibits pedestrians, ridden or herded animals, animal-drawn vehicles, farm equipment and small motorcycles from occupying any space within the limits of a freeway, "except in the performance of public works or official duties."

Oklahoma—§ 11-105 is in verbatim conformity with § 11-105 of the 1968 Code except that it refers to persons working on the highway and to "persons, motor vehicles and other equipment while actually engaged in construction, maintenance or repair of public utilities provided that all highway and public utility operations shall be protected by adequate warning signs, signals, devices or flagmen."

Oregon—Law provides:

> Unless otherwise specifically provided, the provisions of this Act, except those relating to a serious traffic offense, do not apply to persons, motor vehicles and other equipment employed by any municipal or public utility while on a highway and working or being used to service, construct, maintain or repair the facilities of the utility, or to persons, motor vehicles and other equipment while operated within the immediate construction project, as described in the governmental agency contract if there is a contract, in the construction or reconstruction of a street or highway, but shall apply to such persons and vehicles when traveling to or from such facilities or construction project.

South Dakota—One law (§ 32-14-8) is identical to the 1926 Code provision, quoted *supra*. Another law (§ 32-26-16) provides:

> Exceptions to Right of Way Rule . . . Highway maintainers in the performance of their duties of maintaining the highway shall have the preference of right of way, and shall be permitted to drive on the left hand side of the traveled portion of the highway for the purpose of dumping materials, for repairing said highway and also for smoothing the road surface; such highway maintainer shall, at all times display a red flag . . . to indicate his identity; such highway maintainer, however, shall not indiscriminately block the traffic but shall allow reasonable room on the traveled portion of the highway for other vehicles to pass; such highway maintainer shall not, however, be bound by the rules herein provided to turn to the right when meeting other vehicles or allowing them to pass when his work requires him to remain on the other side of the traveled portion of the highway; such maintainers, however, shall be subject to the rules of travel as herein provided, except when the performance of their maintenance work requires them to do otherwise.

Vermont—A driver licensing law provides a person operating motorized highway building equipment and persons operating farm tractors, except when going to and from different parts of the owner's farm, must comply with all rules of the road. A person operating such equipment in construction areas and the driver of a farm tractor going to and from parts of the farm must comply with certain rules: local speed limits, stop when a train is coming at a crossing, reckless driving, frightening horses and drunk driving.

Virginia—Does not have a general provision comparable to UVC § 11-105 but, under §§ 46.1-171.1 and 46.1-248, state owned or controlled vehicles are not subject to restrictions on use of controlled-access highways or to stopping prohibitions while actually engaged in the construction or maintenance of the highway.

Wisconsin—§ 346.02 provides:

> Applicability of chapter. (1) Applies Primarily Upon Highways. Chapter 346 applies exclusively upon highways except as otherwise expressly provided in this chapter. . . . (6) Applicability to Persons Working on Highways. This chapter applies to persons, teams, motor vehicles and road machinery while traveling to or from highway construction or maintenance work but the provisions of ss. 346.05(3) to 346.17, 346.28, 346.29(2), 346.31 to 346.36, 346.52 to 346.56 and 346.59 do not apply to persons, teams, motor vehicles or road machinery when actually engaged in maintenance or construction work upon a highway.

Section 346.05 provides:

> Vehicles to be driven on right side of roadway; exceptions . . . . (2) The operator of a vehicle actually engaged in constructing or maintaining the highway may operate on the left-hand side of the highway; however, whenever such operation takes place during the hours of darkness the vehicle shall be lighted as required by s. 347.23.

The sections cited in the first Wisconsin law contain some rules of the road. Sections 346.05(3) to 346.17 contain provisions that are generally comparable to UVC §§ 11-301(b) and 11-302 to 11-312. Section 346.28 requires pedestrians to walk on the left side of the highway and requires drivers to yield the right of way to pedestrians on a sidewalk. Section 346.29(2) prohibits loitering or standing on the roadway if it interferes with the lawful movement of traffic. Sections 346.31 to 346.36 contain provisions on turning movements that are generally comparable to UVC §§ 11-601 to 11-606. Sections 346.52 to 346.56 contain certain parking rules. Section 346.59 contains a minimum speed law that is generally

comparable to UVC § 11-804. Thus, in Wisconsin, persons working on the roadway are subject to many more rules than they would be under UVC § 11-105. Under both, however, they are subject to reckless and intoxicated driving provisions.

The five remaining jurisdictions do not have provisions relating to persons working on highways:

Alabama	Kentucky	Missouri
Colorado [1]		Puerto Rico

1. Colorado has a law (§ 42-4-221 (4.5)) providing that snowplows engaged in removing or controlling snow "shall not be charged" with violating provisions relating to parking or standing, turning, backing or yielding the right of way. This "exemption" applies only when using flashing blue lights and they do not relieve snowplow drivers from the duty to drive with due regard for safety nor from a reckless or careless disregard for the safety of others. Colo. Rev. Stat.

Citations

13 Alaska Adm. Code § 02.560 (1971).
Ariz. Rev. Stat. Ann. § 28-623(B) (1956).
Ark. Stat. Ann. § 75-423(d) (1957).
Cal. Vehicle Code §§ 21053, 21054 (1960).
Conn. Gen. Stat. Ann. § 14-290 (1970).
Del Code Ann. tit. 21, § 4105 (Supp. 1977).
Fla. Stat. § 316.051(4) (b) (1971).
Ga. Code Ann. § 68A-106 (1975).
Hawaii Rev. Code § 291C-251 (Supp. 1971).
Idaho Code Ann. § 49-605, amended by H.B. 197, CCH ASLR 501 (1977).
Ill. Ann. Stat. ch. 95½, § 11-205(F) (Supp. 1978).
Ind. Ann. Stat. § 9-4-1-25(b) (1973).
Iowa Code Ann. § 321.233 (Supp. 1978).
Kans. Stat. Ann. § 8-1505 (1975).
La. Rev. Stat. Ann. § 32:23 (1963).
Me. Rev. Stat. tit. 29, § 950 (1970).
Md. Transp. Code § 21-105 (1977).
Mass. Rules & Regs. for Driving on State Highways art. V, § 1 (1961).
Mich. Stat. Ann. § 9.2303(c) (Supp. 1965).
Minn. Stat. Ann. § 169.03(c) (1960).
Miss. Code Ann. § 8148(d) (1957).
Mont. Rev. Codes Ann. § 32-2127(b) (1961).
Neb. Rev. Stat. § 39-606 (1974).
Nev. Rev. Stat. § 484.259 (1975).
N.H. Rev. Stat. Ann. § 262-A:6 (1966).
N.J. Rev. Stat. § 39:4-1 (1961).
N.M. Stat. Ann. § 64-7-5, as amended by H.B. 112, CCH ASLR 161, 485-486 (1978).
N.Y. Vehicle and Traffic Law § 1103 (Supp. 1977).
N.C. Gen. Stat. § 20-168 (1975).
N.D. Cent. Code § 30-07-05 (Supp. 1977).
Ohio Rev. Code Ann. §§ 4511.04,.38,.051 (Supp. 1966).
Okla. Stat. Ann. tit. 47, § 11-105 (1962).
Ore. Rev. Stat. § 487.045 (1977).
Pa. Stat. Ann. tit. 75, § 3104 (1977).
R.I. Gen. Laws Ann. § 31-12-5 (1957).
S.C. Code Ann. § 56-5-800 (Supp. 1977).
S.D. Code §§ 32-14-8,-16 (1967).
Tenn. Code Ann. § 59-807 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 24 (Supp. 1971).
Utah Code Ann. § 41-6-14(3)(a) (Supp. 1979).
Va. Code Ann. §§ 46.1-171.1-248 (1967).
Vt. Stat. Ann. tit. 23, § 602 (Supp. 1977).
Wash. Rev. Code Ann. § 46.61.030 (Supp. 1966).
W.Va. Code Ann. § 17C-2-4(b) (1966).
Wis. Stat. Ann. § 346.02(6) (1958).
Wyo. Stat. Ann. § 31-82(b) (1959).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 5(b) (1957).

§ 11-106—Authorized Emergency Vehicles

(a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle may:

1. Park or stand, irrespective of the provisions of this chapter;

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the maximum speed limits so long as he does not endanger life or property;

4. Disregard regulations governing direction of movement or turning in specified directions.

(c) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of an audible signal meeting the requirements of § 12-401(d) and visual signals meeting the requirements of § 12-218 of this act, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle. (REVISED, 1968.)

(d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

Historical Note

The 1926 Code provided that speed limits would not apply to vehicles under the direction of a police officer in the chase or apprehension of persons suspected of any violation of law, vehicles of the fire department or a fire patrol when traveling in response to a fire alarm, or to public or private ambulances traveling in emergencies. UVC Act IV, § 9 (1926). The National Committee in 1930 amended this section to require drivers of authorized emergency vehicles to give an audible signal before exercising their privilege to exceed speed limits. UVC Act IV, § 25 (Rev. ed. 1930). Also, in 1930, a definition of "authorized emergency vehicle" was added to the Code. A second section in the 1926 Code provided that other drivers shall yield the right of way to all police and fire department vehicles, operated on official business, giving an audible signal. UVC Act IV, § 20(b) (1926). Both sections provided, as the 1962 Code still provides, that drivers of such vehicles shall not be relieved from the duty to drive with due regard for the safety of others or from the consequences of a reckless disregard for the safety of others.

In 1934, the National Committee added a third section, providing that the driver of an authorized emergency vehicle operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, upon approaching a stop sign or signal, shall slow down as necessary for safety, but may proceed cautiously past such stop sign or signal. UVC Act V, §§ 23(b), (c) (Rev. ed. 1934).

The 1938 and 1944 Codes contained these three separate sections. In 1948, however, the National Committee consolidated the first and third sections, permitting drivers of such vehicles to exceed speed limits and drive past stop signs or signals, and provisions relating to parking, turning and direction of movement into one section, which, in the 1962 Code, is § 11-106. UVC Act V, § 25.1 (Rev. ed. 1948). The second provision, relating the duty of other drivers upon the approach of an authorized emergency vehicle, has, of course, been retained as a separate section since it does not deal primarily with the duties and conduct of the driver of an authorized emergency vehicle. See § 11-405, *infra*.

The 1926, 1930 and 1934 Codes provided that the driver of an authorized emergency vehicle need use only an audible signal to exercise lawfully his privilege to exceed speed limits and before other drivers would be required to yield to him. In 1944, a provision was added requiring authorized emergency vehicles to be equipped with at least one lighted lamp exhibiting a red light visible 500 feet to the front of the vehicle before such a driver could exceed the speed limit and before the drivers of other vehicles would be required to yield right of way. UVC Act V, §§ 61, 86 (Rev. ed. 1944). (However, § 25(c) of the 1944 Code authorized the driver of an authorized emergency vehicle to drive through stop signs or signals and did not expressly require him to use an audible or visual signal.)

Since the revisions in 1944 and 1948, the Code has required drivers of authorized emergency vehicles to use both an audible *and* a visual signal before exercising any of the privileges listed in § 11-106(b) and before other drivers under § 11-405 are required to yield the right of way. The one exception to this rule, which was added in 1948, is that police vehicles need not be equipped with or display a red light visible to the front of the vehicle. UVC Act V, §§ 25.1, 86 (Rev. ed. 1948).

In 1968, subsection (c) was changed by adding a reference to § 12-401(d) because that section describes performance and other requirements for special audible devices.

Statutory Annotation

The following Table shows the extent of conformity of all state laws with UVC §§ 11-106 (a)-(d). It does not include laws similar to UVC § 11-405, establishing the duty of other drivers on the approach of an authorized emergency vehicle, nor does it include laws similar to UVC §§ 1-103 and 12-218, defining what constitutes an authorized emergency vehicle and the appropriate audible and visual signals on such vehicles. An appendix containing a further explanation of some state laws should be consulted for all states marked with an asterisk. The numbered columns in the Table correspond to the 11 provisions contained in UVC §§ 11-106(a)-(d), which are:

The driver of an authorized emergency vehicle

Based on UVC § 11-106(a)
- (1) when responding to an emergency call
- (2) when pursuing an actual or suspected violator of the law
- (3) when responding to a fire alarm, but not when returning therefrom

Based on UVC § 11-106(b)
- (4) may park or stand irrespective of the provisions of this chapter
- (5) may proceed past stop signs and signals after such slowing down as may be necessary for safe operation
- (6) may exceed maximum speed limits if life or property is not endangered
- (7) may disregard regulations governing direction of movement or turning in specified directions

Based on UVC § 11-106(c)
- (8) if the vehicle is making use of both an appropriate audible signal *and* an appropriate visual signal
- (9) except that police vehicles need not display red light to the front

Based on UVC § 11-106(d)
- (10) the foregoing provisions shall not relieve the driver of his duty to drive with due regard for the safety of all persons
- (11) the foregoing provisions shall not protect the driver from the consequences of his reckless disregard for the safety of others

As shown on the Table, a total of 17 states have laws in conformity with all 11 provisions of UVC § 11-106.

TABLE: COMPARISON OF STATE LAWS WITH UVC § 11-106

	1	2	3	4	5	6	7	8	9	10	11
UVC	X	X	X	X	X	X	X	X	X	X	X
Alabama	—	X	—	—	—	—	—	—	—	X	X
Alaska *	X	X	X	X	X	X	X	X	X	X	X
Arizona *	X	X	X	X	X	X	X	X	X	X	X
Arkansas	X	—	—	—	—	X	—	—	—	X	X
California	X	X	X	X	X	X	X	X	—	X	X*
Colorado	X	X	—	—	X	X	—	X	—	X	X

TABLE: COMPARISON OF STATE LAWS WITH UVC § 11-106

	1	2	3	4	5	6	7	8	9	10	11
UVC	X	X	X	X	X	X	X	X	X	X	X
Connecticut	—	—	—	X	X	X	X	X	X	X	X
Delaware	X	X	X	X	X	X	X	—	—	X	X
Florida	X	X	X	X	X	X	X	—	—	X	X
Georgia	X	X	X	X	X	X	X	X	—	X	—
Hawaii *	X	X	X	X	X	X	X	X	—	X	X
Idaho *	X	X	X	X	X	X	X	—	X	X	X
Illinois *	X	X	X	X	X	X	X	—	—	X	X
Indiana	X	X	X	X	X	X	X	X	X	X	X
Iowa *	—	—	X	X	X	X	X	—	—	X	X
Kansas *	X	X	X	X	X	X	X	X	X	X	X
Kentucky	X	X	X	X	X	X	X	X	—	X	X
Louisiana	X	X	X	X	X	X	X	X	X	X	X
Maine	—	—	—	—	—	—	—	—	—	—	—
Maryland *	X	X	X	X	X	X	X*	X	X	X	—
Massachusetts *	X	—	—	—	X	X	—	—	—	X	—
Michigan *	X	—	—	X	X	X	X	X	X	—	—
Minnesota *	X	X	—	X	X	X	—	—	—	—	—
Mississippi	—	—	—	—	—	X	—	—	—	X	X
Missouri	—	—	—	X	X	X	X	X	—	—	—
Montana	X	X	X	X	X	X	X	X	X	X	X
Nebraska	X	X	X	X	X	X	X	X	—	X	X
Nevada	X	X	X	X	X	X	X	X	—	X	X
New Hampshire *	X	X	X	X	X	X	X	X	—	X	X
New Jersey	—	X	—	—	—	X	—	—	—	—	—
New Mexico	X	X	X	X	X	X	X	X	X	X	X
New York *	X	X	X	X	X	X	X	X	—	X	X
North Carolina	—	X	X	—	—	X	—	—	—	X	X
North Dakota *	X	X	—	X	X	X	X	—	—	X	X
Ohio *	X	—	—	—	X	X	—	—	—	X	—
Oklahoma	X	X	X	X	X	X	X	X	X	X	X
Oregon *	X	X	—	X	X	X	X	—	—	X	X
Pennsylvania *	X	X	X	X	X	X	X	X	X	X	X
Rhode Island	X	X	X	X	X	X	X	X	X	X	X
South Carolina *	X	X	X	X	X	X	X	X	X	X	X
South Dakota *	X	X	X	X	X	X	X	X	—	X	X
Tennessee	X	X	X	X	X	X	X	X	X	X	X
Texas	X	X	X	X	X	X	X	X	X	X	X
Utah *	X	X	X	X	X	X	X	X	X	X	X
Vermont *	X	X	X	X	X	X	X	—	—	X	—
Virginia *	—	X	—	X	X	X	X	X	—	X	X
Washington *	X	X	X	X	X	X	X	X	X	X	X
West Virginia *	X	X	X	X	X	X	X	X	X	X	X
Wisconsin *	X	X	X	X	X	X	X	X	—	X	X
Wyoming	X	X	X	X	X	X	X	X	X	X	X
District of Columbia *	X	X	X	X	X	X	X	—	X	X	X
Puerto Rico	—	—	—	X	X	X	X	—	—	X	X

Appendix to Table

Alaska—Exemption is from any statute, regulation or ordinance governing the operation or movement of a vehicle. Stopped vehicles need not use audible signals. Another regulation (§ 02.580) grants special privileges to firemen driving private vehicles displaying a flashing blue light.

Arizona—A second law (§ 28-874 (E)) provides that restrictions on parking, standing and stopping do not apply to police officers performing

enforcement duties. Section 28-776(B) gives drivers of funeral escort vehicles the same privileges as drivers of authorized emergency vehicles.

California—General provision (§ 21056) on the effect of this exemption is in conformity with UVC § 11-106(d), but may be partially contradicted by § 17004 which grants immunity from civil damages to public employees operating emergency vehicles.

Hawaii—Law comparable to subsection (c) provides that the exemptions apply when the vehicle uses audible and visual signals except as otherwise provided by county ordinance.

Idaho—Requires use of audible and/or visual signals. Police vehicles must display at least one blue light and all other authorized emergency vehicles must display at least one red light.

Illinois—Requires vehicle to use *either* and audible (when in motion) or a visual signal. Police vehicles are not required to be displaying either signal. See also, § 12-117 requiring use of special flashing lights on the top of any police vehicle pursuing a traffic law violator. A second Illinois law (§ 11-1421) requires sirens and lamps to be used on ambulances exercising any special privilege. If traveling over 40 miles per hour, the ambulance driver must comply with all laws and regulations except those pertaining to driving on the right and to official traffic control devices.

Iowa—Privileges are granted to drivers of authorized emergency vehicles when responding to an emergency call, responding to a fire alarm, responding to an incident dangerous to the public or when in pursuit of an actual or suspected perpetrator of a felony. The description of the privileges is the same as in the UVC except drivers may disregard rules on direction of movement only "for the minimum distance necessary before an alternative route that conforms to the traffic laws is available." The privileges may be exercised when the vehicle uses audible *or* visual signals but such use is not required when exceeding speed limits pursuing a suspected violator of speed restrictions to determine his speed of travel.

Kansas—Law also authorizes such drivers to proceed through toll booths on roads or bridges without stopping for payment of tolls, but only after slowing down as may be necessary for safe operation and the picking up or returning of toll cards.

Maryland—Authorizes disregarding traffic control devices and regulations governing direction of movement or turning.

Massachusetts—Driver of a police or fire vehicle may proceed past a stop sign or signal if he first comes to a full stop and then proceeds with due caution. Emergency vehicles must stop for school buses displaying flashing red lights.

Michigan—No driver of any emergency vehicle is entitled to privileges when returning from a call. A second law applicable to drivers of ambulances is identical in all respects to this Code section. Police vehicle need not use audible signal when silence is required.

Minnesota—Has two laws comparable to UVC § 11-106. Section 169.03 allows special privileges for emergency vehicles as to stop signs, signals, wrong-way driving and parking. It does not expressly require due regard for safety nor make such drivers responsible for reckless disregard of others. However, a second law (§ 169.17) allowing emergency vehicle drivers to exceed speed limits does contain these express provisions.

New Hampshire—An emergency vehicle "in pursuit of an actual or suspected violator of the law" is exempt from both the audible and visual signal requirements.

New York—Exempts "authorized emergency vehicles operated as police vehicles" from both the audible and visual signal requirements. All other emergency vehicles must use audible signals and at least one red light visible in all directions for 500 feet under normal atmospheric conditions. Therefore, New York is shown as being in conformity with item 8 but not with item 9. The New York law refers to an authorized emergency vehicle engaged in an "emergency operation" and provides a broad definition of that term. Police vehicles may exceed speed limits to calibrate speedometers.

North Dakota—Has three classes of emergency vehicles: Class A—ambulances, fire and police vehicles and certain other vehicles owned or operated by government officials; Class B—wreckers and such other emergency vehicles as are authorized by local authorities; Class C—vehicles used by civil defense directors in the performance of emergency duties. *Only Class A vehicles are compared in this table,* since they are more comparable to the types of emergency vehicles covered by other state laws.

Ohio—Has two laws. One allows proceeding cautiously past a stop sign or signal without mentioning any audible or visual signal. A second law requires visual and audible signals before exceeding speed limits.

Oregon—Has two laws that are comparable to UVC § 11-106. The first applies to police and fire vehicles while the second applies to ambulances. Privileges for drivers of fire and police vehicles may be exercised when responding to an emergency call but not when returning from an emergency. Ambulance drivers may exercise the privileges whenever they respond to an emergency call but only if they are certified emergency medical technicians. Drivers in both categories may park or stand "in disregard of a statute, regulation or ordinance." Ambulance drivers may exceed "designated" speed limits by not more than 10 m.p.h. Both laws are otherwise closely patterned after subsection (b). Ambulance drivers must use audible *or* visual signals. Police and fire drivers must use audible *and* visual signals to go through stop signs and lights but they need only a visual signal when standing, exceeding speed limits and disregarding rules on direction and turning. Use of audible or visual signals is not required when it would prevent or hamper the apprehension or detection of a violator. Both laws probably conform substantially with subsection (d).

Pennsylvania—Ambulances and blood delivery vehicles must comply with speed limits and stop signs and signals. They may proceed past such lights and signs only after determining they will be given the right of way.

South Carolina—Police vehicle need not be equipped with or display a "blue" light visible from in front of the vehicle.

South Dakota—May not require use of audible or visual signals by a police officer measuring speed with a speedomenter.

Utah—The portion of the law comparable to UVC § 11-106(d) concludes, "nor protect the driver from the consequences of an arbitrary exercise of the privileges declared in this section."

Vermont—Requires use of an audible or a visual signal. A second law (§ 1011) broadly exempts police officers from all speed limits.

Virginia—Ambulances may only exceed speed limits outside cities and towns. Police may also exceed speed to test radar accuracy or the accuracy of speedometers on police vehicles. Drivers are expressly made subject to criminal prosecution and civil suits and all such vehicles must have liability insurance before their drivers may exercise these privileges. Virginia expressly allows such drivers to pass other vehicles at intersections, and to pass or overtake other slow moving vehicles by going off the paved or main traveled portion of the roadway on the right. Vehicles in the latter category are exempt from the requirement to use audible or visual signals. Unfortunately, Virginia specifies different types of vehicles and their respective missions and thus is not as broad as the Code and may not be in substantial conformity, particularly as to police vehicles and some ambulances.

Washington—Requires audible and visual signals in substantial agreement with subsection (c). However, audible signals are required only when necessary to warn others (see UVC § 12-401(d) for a similar provision) and need not be used when parked or standing.

West Virginia—Requires use of a siren when in motion and "as may be necessary." See UVC § 12-401(d).

Wisconsin—Law requires display only of a visual signal when parked and provides that signals need not be displayed when a police vehicle exceeds the limit for the purpose of obtaining evidence of a speed violation.

District of Columbia—Drivers of ambulances may not exceed speed limits.

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ARTICLE II—TRAFFIC SIGNS, SIGNALS AND MARKINGS

§ 11-201—Obedience to and Required Traffic-control Devices

(a) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed or held in accordance with the provisions of this act, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this act. (REVISED, 1975.)

Historical Note

The 1926 Code did not contain a general provision comparable to this subsection, but in 1930 the following was added to the Code:

> It shall be unlawful for the driver of any vehicle or for the motorman of any streetcar to disobey the instructions of any official traffic sign or signal placed in accordance with the provisions of this act, unless otherwise directed by a police officer.

UVC Act IV, § 11 (Rev. ed. 1930). This provision was revised in 1934 to require obedience to any "official traffic-control device" (including traffic signs and signals) and to delete the initial reference, "It shall be unlawful," because of the addition of the general provision (now § 11-102) making any violation of any rule unlawful. Thus, from 1934 to 1944, the section read:

> No driver of a vehicle or motorman of a streetcar shall disobey the instructions of any official traffic-control device placed in accordance with the provisions of this act, unless at the time otherwise directed by a police officer.

UVC Act V, § 31 (Rev. ed. 1934); UVC Act V, § 33 (Rev. eds. 1938, 1944).

In 1948, the provision was revised into its present form and the additional exception for authorized emergency vehicles was added. UVC Act V, § 33(a) (Rev. eds. 1948, 1952); UVC § 11-201(a) (Rev. eds. 1954, 1956, 1962).

In 1968, the reference to streetcar motormen was deleted in connection with the addition of UVC § 11-1401 for enactment by the few jurisdictions where such conveyances are still in operation. Also deleted were the superfluous words "traffic or" before "police officer."

The words "or held" were added in 1975 to cover stop signs and other devices held by flagmen in construction areas. See sections 6E-2 and 6E-4 of the *Manual on Uniform Traffic Control Devices* for the description and use of these devices.

Statutory Annotation

Like the revised Code, laws in Colorado, Idaho, Pennsylvania, South Carolina and Utah expressly require drivers to comply with official devices that are placed or held. These laws are virtually identical to the Code provision. Colorado refers to devices placed "or displayed," Idaho and South Carolina substitute "title" and "chapter," respectively, for the Code's "act," and Pennsylvania adds that unless otherwise directed by a uniformed police officer or other appropriately attired person authorized to direct, control or regulate traffic the driver must obey the applicable devices. Utah refers to "chapter" instead of "act" in the first instance, and does not contain a second reference. The section ends at "vehicle."

Twenty-six states have laws in conformity with the Code prior to its revision in 1975:

Alabama	Illinois [3]	Missouri	Rhode Island
Alaska [1]	Iowa [4]	Montana	South Dakota
Arizona	Kansas	Nebraska	Tennessee
Delaware	Kentucky	New Hampshire	Texas
Florida [2]	Louisiana	New Mexico	West Virginia
Georgia	Maryland	North Dakota	Wyoming
Hawaii	Minnesota	Oklahoma	

1. Alaska regulation concludes, "unless otherwise directed by a police officer, fireman or an authorized flagman."
2. Florida bans going from one roadway to another to avoid obeying a device.
3. The Illinois law bans going across private property to avoid a device.
4. Iowa refers to a "peace" officer.

Four states have provisions in conformity with the 1934 edition of the Code:

Arkansas [1]	Indiana	Michigan [2]	Mississippi

1. A second law (Ark. Gen. Laws 1971, ch. 249, § 2) makes it unlawful for a driver or owner to violate any properly posted limitation, regulation or restriction governing the use of a bridge.
2. Michigan bans driving on private property to avoid obeying a traffic control device.

Thirteen jurisdictions have comparable provisions:

California—§ 21462 provides:

> The driver of any vehicle, the person in charge of any animal, any pedestrian, and the motorman of any streetcar shall obey the instructions of any official traffic signal applicable to him and placed as provided by law, unless otherwise directed by a police or traffic officer or when it is necessary for the purpose of avoiding a collision or in case of other emergency, subject to the exemptions granted by Section 21055.

Section 21461 requires drivers of vehicles to obey any sign or signal carrying out the provisions of the Vehicle Code, a local ordinance or state highway regulations.

Massachusetts—§ 20 of the regulations provides:

> The driver of any vehicle or of any streetcar shall obey the instructions of any official traffic control sign, signal, device, marking or legend unless otherwise directed by a police officer.

Nevada—Law provides:

> It is unlawful for any driver to disobey the instructions of any official traffic-control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a police officer.

Nevada also has a law specifically providing that whenever official traffic-control devices indicate that no right or left turn is permitted, it is unlawful to disobey the directions of any such sign.

New Jersey—§ 39:4-81 provides:

> The driver of every vehicle, the motorman of every street car and every pedestrian shall obey the instructions of any official traffic control device applicable thereto, placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer.

New York—§ 1110(a) provides:

> Every person shall obey the instructions of any official traffic-control device applicable to him placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this title.

Ohio—§ 4511.12 provides:

> No pedestrian, driver of a vehicle, or operator of a streetcar or trackless trolley shall disobey the instructions of any traffic control device placed in accordance with sections 4511.01 to 4511.78, inclusive, and 4511.99 of the Revised Code, unless at the time otherwise directed by a police officer. When both traffic control signals and stop signs are erected at intersections, traffic shall be governed by the traffic control signal while it is in operation.

Oregon—A driver commits the offense of failure to obey an official traffic control device if he does not obey the direction of an official traffic control device. Exceptions are provided to cover situations where drivers are directed otherwise by a police officer and for drivers of authorized emergency vehicles. Though poorly drafted and unnecessarily verbose, the law probably conforms with the Code. Violation is a class B traffic infraction.

Vermont—Requires a driver to obey any device applicable "to him" unless otherwise directed by an "enforcement officer, subject to the exceptions granted in this chapter."

Virginia—§ 46.1-173 provides:

> . . . . The driver of a motor vehicle, trailer or semitrailer shall obey and comply with the requirements of road signs erected upon the authority of the State Highway Commission or subject to the provisions of §§ 33-35, 33-36 and 33-115 by local authorities in cities and towns and the failure of such driver to obey such signs or to comply with this provision shall constitute a misdemeanor and upon conviction shall be punished in accordance with the provisions of § 46.1-16.

Washington—Duplicates the 1968 Code but requires drivers, pedestrians and bicyclists to obey devices.

Wisconsin—§ 346.041(2) provides:

> No operator of a vehicle shall disobey the instructions of any official traffic sign or signal unless otherwise directed by a traffic officer.

District of Columbia—§ 10(a) provides:

> The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto, placed in accordance with the provisions of these regulations, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in these regulations.

Puerto Rico—Requires the driver of any vehicle, except those driving authorized emergency vehicles on emergency duties, to abide by the indications of official devices to control traffic, unless otherwise ordered by a peace officer.

Three states do not have comparable provisions:

Connecticut *	Maine	North Carolina

* Connecticut does have a law requiring obedience to traffic controls established by persons conducting highway repairs or maintenance.

§ 11-201—Obedience to and Required Traffic-control Devices

(b) No provision of this act for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place. (REVISED, 1968.)

Historical Note

This subsection was added to the Code in 1948. UVC Act V, § 33(b) (Rev. eds. 1948, 1952); § 11-201(b) (Rev. eds. 1954, 1956, 1962).

Although editions of the Code prior to 1948 did not contain such a broad provision, the 1926 Code did provide that parking and other special regulations adopted by municipalities would not be enforceable against an alleged violator if an appropriate sign was not in proper position and sufficiently legible to be seen by an ordinarily observant person. UVC Act IV, § 59 (1926). This provision was not retained in the 1930 edition of the Code. Compare with UVC § 15-102(c).

In 1968, the phrase "official traffic-control devices" was substituted for "signs." See the definition of this phrase in UVC § 1-139. This substitution applies the important rules of this subsection to all such devices—signals and markings as well as signs. That is, if a device of any type is not reasonably visible to an ordinarily observant person, obedience can not be expected or enforced. However, if a particular rule does not expressly require or obviously contemplate the presence of a traffic-control device, that rule must be obeyed and is enforceable even though no device is present or visible. The substitution is also consistent with the decision of the National Committee, reflected in several other rules of the road, to generally replace the word "signs" with the term "official traffic-control devices."

Statutory Annotation

Eighteen states are in conformity with the 1968 Code:

Colorado	Illinois	Nebraska	South Carolina
Delaware [1]	Kansas	Nevada	Texas
Florida	Maryland	North Dakota	Utah [2]
Georgia	Minnesota	Pennsylvania	Washington
Idaho	Missouri		

1. Delaware adds that the subsection does not relieve drivers of their duty to drive with due regard for the safety of all persons.
2. Utah substitutes "chapter" for "act."

Eighteen jurisdictions have laws that refer to "signs" instead of "official traffic-control devices" and thus conform to the Code before it was revised in 1968:

Alabama	Montana	Ohio [1]	Tennessee
Alaska	New Hampshire	Oklahoma	Vermont [2]
Arizona	New Mexico	Rhode Island	West Virginia
Hawaii	New York	South Dakota	Wyoming
Louisiana			District of Columbia

1. Refers to "such sections" rather than "this act," thereby limiting its application to rules of the road.
2. Vermont refers to signs not in "approximately" proper position.

Three jurisdictions have these laws:

Oregon—A person shall not be convicted of violating a provision of this chapter for which an official traffic control device is required if the device is not in proper position and legible to a reasonably observant person at the time and place of the alleged violation. Whenever a particular section defining a vehicle rule does not state that official traffic control devices are required, the section shall be effective even though no devices are erected or in place.

Virginia—Violations for disobeying road signs or local traffic signals, markings and lights are not to be enforced if at the time and place of the alleged violation, the sign, signal, marking or light was not in proper position and sufficiently legible.

Puerto Rico—Violations will not be enforced if on the date, time and place of the alleged violation there was no official device installed adequately and easily legible by a reasonably observant person. P.R. Laws Ann. tit. 9, § 1074 (Supp. 1975).

The remaining 13 states do not have comparable laws:

Arkansas	Iowa	Massachusetts	New Jersey
California	Kentucky	Michigan	North Carolina
Connecticut	Maine	Mississippi	Wisconsin
Indiana			

Some of these states do have laws providing, as did the 1926 Code, that some or all regulations adopted by local authorities may not be enforced against an alleged violator if a sign is not properly placed and sufficiently legible to be seen by an ordinarily observant person.

§ 11-201—Obedience to and Required Traffic-control Devices

(c) Whenever official traffic-control devices are placed or held in position approximately conforming to the requirements of this act, 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. (REVISED, 1975).

(d) Any official traffic-control device placed or held pursuant to the provisions of this act and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this act, unless the contrary shall be established by competent evidence. (REVISED, 1975).

Historical Note

These subsections were added to the Code by the National Committee in 1962. The words "or held" were added to each subsection in 1975 to cover signs and flags used by flagmen in construction areas.

Statutory Annotation

Pennsylvania is in verbatim conformity. Idaho virtually duplicates these subsections but refers to this "title" instead of this "act" and refers to lawful requirement (singular) in subsection (d). South Carolina differs only by substituting this "chapter" for this "act." Utah uses somewhat different language but is definitely in conformity.

Twenty-one jurisdictions have laws closely patterned after the 1968 Code provision:

Alaska	Hawaii	Missouri	North Dakota
California [1]	Illinois	Nebraska [2]	Oregon
Colorado	Kansas	Nevada [3]	Vermont
Delaware	Maryland	New Hampshire	Washington
Florida	Minnesota	New York	Puerto Rico
Georgia			

1. California refers to "traffic sign" and "traffic-control device."
2. Nebraska omits "official."
3. Nevada refers to devices and, in (c), to devices placed by "public authority."

Indiana has a law pertaining to traffic signals, speed zones, no passing zones, one-way roadways, turn lanes, stop signs, and use restrictions which provides:

> On the trial of any person charged with the violation of the restrictions thus imposed; and in all civil actions oral evidence of the location and content of such signs or markings shall be prima facie evidence of the adoption and application of such restriction by the commission and the validity thereof. The commission shall upon request by any party in any action at law furnish, under seal of the commission, a certified copy of the resolution establishing the restriction in question which shall be accepted by any court as conclusive proof of such designation or determination by the commission. Such certified copies shall be furnished without cost to the parties to any court action involving such restriction upon request.

The 26 jurisdictions that have not adopted subsections (c) and (d) are:

Alabama	Maine	New Mexico	Tennessee
Arizona	Massachusetts	North Carolina	Texas
Arkansas	Michigan	Ohio	Virginia
Connecticut	Mississippi	Oklahoma	West Virginia
Iowa	Montana	Rhode Island	Wisconsin
Kentucky	New Jersey	South Dakota	Wyoming
Louisiana			District of Columbia

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§ 11-202—Traffic-control Signal Legend

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

Historical Note

The 1926 Code did not have a provision comparable to § 11-202, but a provision applying to drivers of motor vehicles at intersections controlled by signals was added to the 1930 edition. UVC Act IV, § 12 (Rev. ed. 1930).

The section was revised and expanded in 1934 and the introductory paragraph provided:

> Whenever traffic is controlled by traffic-control signals exhibiting the words "Go," "Caution," or "Stop" or exhibiting different colored lights successively one at a time the following colors only shall be used and said terms and lights shall indicate as follows:

UVC Act V, § 32 (Rev. ed. 1934). This paragraph was amended again in 1938 to apply to signals exhibiting colored lights "successively one at a time *or with arrows*." UVC Act V, § 34 (Rev. ed. 1938).

No further revisions were made until 1962, when the present provision was adopted. The significant amendment then, of course, was the elimination of word legends on traffic-control signals as a means of conveying instructions to drivers. Under the 1962 revised Code, word legends are authorized only for pedestrian traffic control in § 11-203.

Statutory Annotation

The laws of 38 jurisdictions conform with the Code by not authorizing the general use of traffic-control signals exhibiting words such as "go," "caution," or "stop":

Alaska	Kansas	Nevada	Pennsylvania [2]
Arizona	Kentucky	New Hampshire	South Carolina
Colorado	Louisiana	New Jersey	Texas
Connecticut	Maine	New Mexico	Utah
Delaware [1]	Maryland	New York	Vermont
Florida	Massachusetts	North Carolina	Virginia
Georgia	Michigan	North Dakota	Washington
Hawaii	Minnesota	Ohio	Wisconsin
Idaho	Missouri	Oklahoma	Puerto Rico
Illinois	Nebraska		

1. Refers to pedestrian signals using a word or symbol. If lights are out, driver must slow and prepare to yield.
2. Pennsylvania also provides that where a traffic-control signal is inoperable or malfunctioning, vehicles facing a green or yellow signal should proceed with caution, and vehicles facing a red or unlighted signal should stop as if at a stop sign and then follow rules applicable to such stops.

The laws of 13 states and the District of Columbia conform with editions of the Code pre-dating 1962 by authorizing the use of traffic-control signals exhibiting the words "go," "caution," "stop," or similar words:

Alabama	Iowa	South Dakota
Arkansas	Mississippi	Tennessee
California	Montana	West Virginia
Indiana	Oregon	Wyoming
	Rhode Island	

§ 11-202—Traffic-control Signal Legend

(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.

Historical Note

The 1930 Code provided that traffic facing a green or "go" signal may proceed but must yield the right of way to pedestrians and vehicles lawfully within a crosswalk or the intersection at the time such signal was exhibited. UVC Act IV, § 12 (Rev. ed. 1930).

The amended 1934 subsection specified that traffic facing such signals could proceed "straight through or turn right or left" unless prohibited by a sign, and must yield the right of way to pedestrians and vehicles within the intersection. UVC Act V, § 32(a)1 (Rev. ed. 1934).

The 1938 subsection provided:

> (a) Green alone or "Go."
>
> 1. Vehicular traffic facing the signal, except when prohibited under section 99, may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection at the time such signal is exhibited.

UVC Act V, § 34(a)1 (Rev. ed. 1938). Section 99, now UVC § 11-1302, prohibits passing a streetcar on the right. In 1944, the second sentence was revised to provide that vehicles, "including vehicles turning right or left," must yield to vehicles and pedestrians in the intersection "or an adjacent crosswalk." UVC Act V, § 34(a)1 (Rev. ed. 1944). No further changes were made until 1962, when the present subsection was adopted. UVC Act V, § 34(a)1 (Rev. eds. 1948, 1952); UVC § 11-202(a)1 (Rev. eds. 1954, 1956, 1962, 1968).

Statutory Annotation

The traffic-control signal legend laws of 44 jurisdictions are in conformity with the Code provisions, as they have existed since 1944, by providing that drivers facing a green signal may proceed straight through or turn right or left but must yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such green signal is exhibited:

Alabama	Kansas	New Hampshire	Tennessee
Alaska	Kentucky	New Mexico	Texas
Arizona	Louisiana	New York [3]	Utah
Arkansas	Maine	North Dakota	Vermont
California [1]	Maryland	Ohio	Washington
Colorado	Michigan	Oklahoma	West Virginia
Connecticut [2]	Minnesota	Oregon	Wisconsin
Delaware	Missouri	Pennsylvania	Wyoming
Florida	Montana	Rhode Island [4]	District of Columbia
Georgia	Nebraska	South Carolina	
Hawaii	Nevada [2]	South Dakota [5]	Puerto Rico
Idaho			

1. California expressly allows U turns on green.
2. Connecticut refers to signs *or markings* that prohibit turns *or straight through movements*. Nevada refers to device instead of signs.
3. New York requires yielding to "traffic lawfully within the intersection or an adjacent crosswalk. . . ."
4. See the flashing green provision quoted in § 11-204, *infra*.
5. A second law (§ 32-27-2) requires drivers to yield to pedestrians at all signalized intersections.

The laws of three states are in verbatim or substantial conformity with the Code subsection on the effect of a green signal on vehicular traffic as it existed in the Code from 1934 to 1944. Thus, the laws of these states do not expressly require vehicular traffic "including vehicles turning right or left" to yield the right of way to other vehicles and pedestrians lawfully within the intersection "or an adjacent crosswalk." The three states are: Illinois, Iowa, and Mississippi.

The traffic signal legend laws of four states relating to green signals differ from the Code's description of a driver's duty toward pedestrians:

Indiana—The law requires such vehicles to yield the right of way "to other vehicles and to pedestrians lawfully within a crosswalk at the intersection." The Code requires such yielding to pedestrians within the intersection as well.

Massachusetts—Drivers facing the signal may proceed through the intersection, yielding the right of way to vehicles and pedestrians lawfully within a crosswalk or the intersection, and drivers making a right or left turn must yield to pedestrians "crossing with the flow of traffic." The Massachusetts regulation does not include the Code phrase on making right or left turns "unless a sign at such place prohibits either such turn." See the Massachusetts regulation on flashing green signals in § 11-204, *infra*.

North Carolina—Has two laws:

> When the stop light is emitting a steady green light, vehicles may proceed through the intersection subject to the rights of pedestrians and other vehicles as may otherwise be provided by law.

The second law, which applies to stop lights at places that are not intersections, provides that vehicles may proceed subject to the rights of pedestrians and other vehicles.

Vermont—The law requires yielding to other vehicles within the intersection but does not include any provisions relating to pedestrians in the intersection or a crosswalk.

The signal legend laws of two states do not contain provisions describing a driver's duty to yield comparable to those in UVC § 11-202(a)1:

New Jersey—A green signal means permission for traffic to go, subject to the safety of others.

Virginia—Green indicates that traffic *shall* then move in the direction of the signal and remain in motion as long as the green signal is given except that such traffic shall yield to other vehicles and pedestrians lawfully within the intersection.

§ 11-202—Traffic-control Signal Legend

(a) Green indication

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. [39]

Historical Note

Until 1962, the Code did not contain a separate subsection on green arrows generally; it dealt only with a "steady red with green arrow" combination signal. The first such provision appeared in the 1934 Code and provided:

> (d) Red with green arrow
> Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall not interfere with other traffic or endanger pedestrians lawfully within a crosswalk.

UVC Act V, § 32(d) (Rev. ed. 1934). In 1938, the subsection was amended to read:

> (d) Red with green arrow
> Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right of way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

UVC Act V, § 34(d) (Rev. ed. 1938). No further revisions were made until 1962. That revision, of course, contemplates that a green arrow may be used in combination with a red signal, yellow signal, by itself, or with other green arrows. UVC Act V, § 34(d) (Rev. eds. 1944, 1948, 1952); UVC § 11-202(d)1 (Rev. eds. 1954, 1956); UVC § 11-202(a)2 (Rev. eds. 1962, 1968).

Footnote 39, which was added to the revised 1962 subsection, provides:

> 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.

Statutory Annotation

The laws of 29 jurisdictions provide for the effect of green arrow signals used alone or in combination with another indication and are in verbatim conformity with UVC § 11-202(a)2:

Alaska	Idaho	Minnesota	Pennsylvania
Arizona	Kansas	Missouri	South Carolina
Colorado	Kentucky	Nebraska	Texas
Connecticut	Louisiana	New Hampshire	Utah
Delaware [1]	Maine	North Dakota	Vermont
Florida	Maryland	Ohio	Washington
Georgia	Michigan	Oklahoma	Puerto Rico
Hawaii			

1. Adds that other traffic movements from the lane or lanes controlled by the arrow may be prohibited.

The laws of nine other states and a District of Columbia regulation provide for the use of green arrows alone or with another signal but are not in verbatim conformity with the Code:

California—Law provides that a green arrow may be displayed alone or with red, yellow or green but does not have the Code provision requiring drivers to enter the intersection cautiously. The law requires drivers to yield to "other vehicles and pedestrians lawfully within the intersection or an adjacent crosswalk" in substantial conformity with the Code. The law contains several provisions that have no express counterpart in the Code subsection: Drivers may make a U-turn; a green light and a red arrow may not be shown at the same time; and a green arrow shall not "direct vehicular traffic in a manner as to conflict with another flow of vehicular traffic directed at the same time in another direction." The law prohibits green arrows that direct cars in a manner that would conflict

with another flow of vehicular traffic at the same time and provides for the effect of flashing red or yellow lights that follow a green arrow.

Illinois—Law contains two subsections, one on green straight-through arrows and another on green turn arrows (shown alone or together with circular green, steady yellow, steady red or a green straight-through arrow). Turning drivers are required to enter the intersection cautiously, but portions of the subsections applicable to drivers proceeding pursuant to the straight-through arrow do not contain a similar instruction. Both subsections are in verbatim conformity with the Code provision requiring drivers to yield to pedestrians and other traffic.

Iowa—Law provides:

> A "steady green arrow" light shown alone or with another official traffic control signal means vehicular traffic may cautiously enter the intersection and proceed in the direction indicated by the arrow. Vehicular traffic shall yield the right-of-way to other vehicles and pedestrians lawfully within the intersection.

Massachusetts—A regulation applicable to driving on state highways provides:

> When a right green arrow is illuminated, drivers facing said signal may turn right. When a left green arrow is illuminated, drivers facing said signal may turn left. When a vertical green arrow is illuminated, drivers facing said signal may go straight ahead. When a green arrow is exhibited together with a red or yellow lens, drivers may enter the intersection to make the movement permitted by the arrow, but shall yield the right of way to vehicles proceeding from another direction on a green indication, and to pedestrians legally within a marked crosswalk.

This provision does not require drivers to enter the intersection cautiously and differs substantially from the Code provision requiring drivers to yield to pedestrians lawfully in an adjacent crosswalk and to all other traffic lawfully using the intersection.

Nevada—Law has four subsections: circular green with a green turn arrow, green turn arrow alone, green straight-through arrow alone, and steady red with a green turn arrow. None requires cautious entry into the intersection. All four subsections require drivers to yield the right of way to pedestrians within an adjacent crosswalk and to other traffic lawfully using the intersection in substantial conformity with the Code. As to circular green with a green turn arrow and steady red with green turn arrow, the law provides that drivers are thereby advised that oncoming traffic faces a steady red signal.

New Jersey—Law does not require a cautious entry, nor does it describe a driver's duty to yield.

New York—Law provides:

> Traffic, except pedestrians, facing a steady green arrow signal 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 traffic shall yield the right of way to other traffic lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

Oregon—Law is patterned closely after the Uniform Vehicle Code but differs in two respects. The law is addressed to "a driver" and not "vehicular traffic." Drivers turning on the arrow are required to yield the right of way to pedestrians in crosswalks as in the UVC but there is no mention of yielding to pedestrians or other traffic in the intersection. It should also be noted that the Oregon law in § 11-202(a)(1), *supra*, may also be applicable.

Wisconsin—Cautious entry into the intersection is required only with respect to a green turn arrow. Portions of the law describing the duty of a driver to yield are in substantial conformity with the Code.

District of Columbia—Regulation applies to any green arrow and does not contain the Code references to other indications shown at the same time. Portions of the regulation requiring a cautious entry and yielding by drivers are virtually identical to the Code.

The laws of 12 states provide only for the effect of green arrows used with red indications, as did the Code prior to 1962. Except as noted, the portions of the laws of these states requiring drivers to enter an intersection cautiously and to yield to pedestrians and vehicles are in verbatim or substantial conformity with the Code.

Alabama	Montana	Tennessee
Arkansas	New Mexico	Virginia [3]
Indiana [1]	Rhode Island	West Virginia
Mississippi [2]	South Dakota	Wyoming

1. Indiana does not have the concluding Code language, "lawfully using the intersection," following "other traffic."
2. Mississippi is in verbatim conformity with the 1934 Code provision and thus enjoins interference with traffic and endangering pedestrians. See Historical Note to this subsection, *supra*.
3. The Virginia law does not require cautious entry or yielding to pedestrians or other traffic.

North Carolina does not have a comparable law.

§ 11-202—Traffic-control Signal Legend

(a) Green indication

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.

Historical Note

The 1930 Code provided that all traffic facing a green or "go" signal may proceed except that vehicular traffic shall yield the right of way to pedestrians lawfully within a crosswalk. UVC Act IV, § 12 (Rev. ed. 1930). See UVC § 1-177 (Rev. ed. 1962) defining "traffic" to include pedestrians. In 1934, the Code section was substantially revised to create one subsection on green or "go" signals and another on green arrows when shown with a red signal. With respect to green or "go" signal, the Code provided: "Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk." Facing a steady red with green arrow signal, "No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic." UVC Act V, §§ 32(a) and (d) (Rev. ed. 1934). These provisions were not again amended until 1962 when they were combined into the present § 11-202(a)3. UVC Act V, §§ 34(a)2 and (d)2 (Rev. eds. 1938, 1944, 1948, 1952); UVC §§ 11-202(a)2 and (d)2 (Rev. eds. 1954, 1956). The 1962 Code, with reference to the conduct of pedestrians facing a circular green signal, is substantially the same—they may proceed across the roadway unless a pedestrian-control signal bearing a word legend indicates otherwise. The only difference in this respect between the 1956 and 1962 Codes is that § 11-202(a)3 now contains an express reference to such pedestrian-control signals. The 1962 amendment on pedestrians facing a green arrow, however, does involve two significant changes. First, the 1962 Code regulates pedestrians facing any green arrow signal, not just those shown in connection with a red signal. Second, if "the sole green signal is a turn arrow," the pedestrian facing such a signal may not proceed to cross unless so directed by a pedestrian-control signal. This change is significant because under the 1956 Code, a pedestrian facing a red light and a green turn arrow could enter the roadway if he could do so "safely and without interfering with any vehicular traffic," unless crossing was prohibited by ordinance adopted pursuant to provisions formerly in UVC §§ 11-501 or 15-107, which were deleted from the Code in 1968.

Statutory Annotation

Twenty-six jurisdictions are in verbatim or substantial conformity with the Code subsection as amended in 1962 by providing that, unless otherwise directed by a pedestrian-control signal, pedestrians facing a circular green signal may proceed across the roadway, but pedestrians facing a green turn arrow, if that is the only green indication showing, may not cross the roadway:

Alaska	Kansas	Nebraska	South Carolina
Arizona	Kentucky	New Hampshire	Texas
Colorado	Louisiana	New York [2]	Utah
Florida	Maine	North Dakota	Vermont
Georgia	Maryland [1]	Ohio	Washington
Hawaii	Minnesota	Oklahoma	Puerto Rico
Idaho	Missouri		

1. Maryland adds at the end, "in the direction of the green signal."
2. Refers to a "*steady* green signal."

Five states have these laws:

Delaware has one law that conforms with the Code. A second law on green arrows provides a pedestrian may not enter the roadway unless it is safe and will not interfere with vehicular traffic.

Illinois has three provisions on the meaning of green signals for pedestrians. On a circular green, pedestrians may cross in any crosswalk unless directed otherwise by a pedestrian control signal. The same instruction is provided in a second provision applicable to pedestrians facing a green straight-through arrow. Pedestrians facing a green turn arrow must comply with the circular green, yellow, red or green-through arrow indication unless a pedestrian signal indicates otherwise.

Nevada has five comparable provisions. On circular green alone, circular green with a green turn arrow and green straight-through arrow alone, a pedestrian may proceed across the highway in a crosswalk unless directed otherwise by another device. If the signal is a green turn arrow alone, a pedestrian may not enter the highway until permitted to proceed by a pedestrian-control signal. On steady red with a green turn arrow, pedestrians may not enter the highway unless permitted to proceed by a pedestrian-control signal.

Oregon and Pennsylvania allow pedestrians to cross on any green light unless otherwise prohibited.

The remaining states are more readily comparable to the two separate 1956 Code provisions on green signals generally and on steady red with green arrows, and are compared below on each point.

Green or "go" signals generally. In addition to the 26 states mentioned above as being in conformity with both of the rules expressed in the Code subsection, Connecticut allows pedestrians facing a circular green to cross except when directed by separate pedestrian-control signals. The District of Columbia conforms with the UVC rule.

Thirteen states, like the 1956 Code, provide that pedestrians facing a green or "go" signal may proceed across the roadway in a marked or unmarked crosswalk without expressly referring to pedestrian-control signals bearing a word legend that would indicate otherwise:

Alabama	Mississippi	Rhode Island	West Virginia
Arkansas	Montana	South Dakota	Wisconsin
California	New Mexico	Tennessee	Wyoming
Indiana			

A Massachusetts regulation applicable to state highways provides that where pedestrian-control signals are not in operation, pedestrians may cross the roadway "within any marked crosswalk in the direction of the green indication." On flashing green, a pedestrian must wait for a "walk" or red-yellow combination, or if such special pedestrian signals are not provided, he "shall cross within crosswalks with due care." In addition, Massachusetts requires pedestrians to yield to authorized emergency vehicles and funeral processions.

Michigan provides that when special pedestrian control signals are not being utilized, pedestrians facing a green indication may proceed across the roadway within a marked or unmarked crosswalk. Pedestrians facing a red signal with an arrow may not enter the intersection "unless they can do so safely without interfering with vehicular traffic."

New Jersey requires pedestrians to use crosswalks at intersections where traffic signals are in operation, but does not *expressly* provide for the effect of green signals on pedestrians.

Iowa, North Carolina and Virginia do not have comparable provisions, although Virginia provides for the meaning of a green indication in terms of "traffic" generally.

Green turn arrows. As explained in the Historical Note to this subsection, two significant changes were made in 1962 with regard to pedestrian behavior at signalized intersections utilizing green turn arrows. The 1965 reference was to a green turn arrow shown in combination with a steady red signal while the subsection as revised in 1962 refers to a green turn arrow in combination with any other signal. And while the 1956 Code permitted pedestrians to cross on a steady red with green arrow signal, if they could do so without interfering with vehicular traffic, the current Code prohibits crossing if the "sole green signal is a turn arrow," unless a pedestrian-control signal indicates otherwise. The majority of state laws on this point are phrased in terms of "steady red with green arrow" signals, like the 1956 Code. They differ, however, in defining the meaning of such signals for pedestrians.

New Jersey generally prohibits pedestrian crossings against a "stop" signal and would thus probably prohibit crossing on red with a green turn arrow.

Massachusetts prohibits crossing except during "the green indication" and provides that pedestrians may cross "in the direction of the green indication."

Twelve states, like the 1956 Code, do permit pedestrians to cross the roadway on a red with green arrow signal if it can be done safely and without interfering with vehicular traffic. Many of these states, however, authorize municipalities to require pedestrians to comply with traffic-control signals. See § 11-501, *infra*. The states are:

Alabama	Mississippi	Rhode Island	West Virginia
Arkansas	Montana	South Dakota	Wisconsin
Michigan	New Mexico	Tennessee	Wyoming

California, Connecticut, Indiana, Iowa, North Carolina, Virginia and the District of Columbia do not have comparable provisions. The District of Columbia does, however, permit a pedestrian facing a "vertical or 'Thru' arrow" to proceed across the roadway in any marked or unmarked crosswalk, which might imply that pedestrians are not allowed to cross when facing a green turn arrow. For provisions in these and other states applicable to pedestrians facing a red signal, see § 11-202(c)3, *infra*.

§ 11-202—Traffic-control Signal Legend

(b) Steady yellow indication [40]

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. (REVISED, 1975.)

Historical Note

Footnote 40, which has been in the Code in its present form since 1934, provides:

> 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.

The historical development of Code provisions on the meaning of a yellow signal following a green one indicates a significant change in the behavior expected of a driver facing such a signal.

The difference between the current Code and the original Code provisions on the meaning of a yellow signal can readily be seen by comparing the two. UVC Act IV, § 12(a) (Rev. ed. 1930) provided:

> Yellow or "Caution," when shown alone following the green or "Go"—Traffic facing the signal shall stop before entering the nearest crosswalk at the intersection unless so close to the intersection that a stop cannot be made in safety.

The 1934 and 1938 Codes made the 1930 provision on yellow signals more explicit. Those editions provided:

> (b) Yellow alone or "Caution" when shown following the green or "Go" signal.
>
> 1. Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection, but if such stop cannot be made in safety a vehicle may be driven cautiously through the intersection.

UVC Act V, § 32(b)1 (Rev. ed. 1934); UVC Act V, § 34(b)1 (Rev. ed. 1938). The first Code provisions on a steady yellow signal following a green one thus provided that, as a general rule, drivers should not proceed through the intersection. The present Code, on the other hand, provides that a steady yellow signal warns a driver that a red signal will be exhibited immediately at which time he shall not enter the intersection. The tacit assumption of the Code is, of course, that a driver may lawfully enter the intersection on a yellow signal and lawfully continue across it even though a red signal may be shown during the time of such crossing. See UVC § 11-202(a)1 requiring drivers facing a green signal on an intersecting street to yield the right of way to vehicles "lawfully within the intersection."

Actually, except for circumstances that would make it unsafe to stop, the original Code provisions on yellow signals required the same conduct on the part of drivers as the Code provision on red or stop signals. Thus, it was not surprising that in 1944, the National Committee substantially amended the Code's yellow signal provision:

> Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter and such vehicular traffic shall not enter *or be crossing* the intersection when the red or "Stop" signal is exhibited. (Emphasis added.)

UVC Act V, § 34(b)1 (Rev. ed. 1944). This provision remained in the Code without amendment until 1962 and, in fact, served as the basis for the 1962 Code provision. UVC Act V, § 34(b)1 (Rev. eds. 1948, 1952); UVC § 11-202(b)1 (Rev. eds. 1954, 1956, 1962). The 1962 Code, however, contained one very substantial change. The italicized clause, "or be crossing," was deleted by the National Committee in 1962 so that a driver may now both legally enter the intersection on yellow and legally clear the intersection for use by traffic on intersecting streets even though a red signal is displayed while he is in the intersection. See discussion by Fisher, *Vehicle Traffic Law* 417 (1961).

In 1975, the Code was amended as follows:

> 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 [when vehicular traffic shall not enter the intersection].

This section was revised in 1975 to make it expressly applicable to yellow arrow signals which are normally shown after a green arrow. The concluding phrase was deleted because UVC § 11-202(c) deals adequately with the meaning of a red light so the phrase was unnecessary.

Statutory Annotation

Four states have laws that are identical to the 1975 Code provision. Thus, these laws would allow entry and clearance on yellow, provide for the meaning of yellow arrows and do not have the concluding phrase about red lights: Colorado, Idaho, Oklahoma and South Carolina.

Twenty-four states have laws patterned in varying degrees upon the subsection appearing in the 1962-1968 editions of the Uniform Vehicle Code. All are in substantial agreement with the Uniform Vehicle Code because they would allow entry and clearance on yellow. Variations are shown in footnotes:

Alaska [1]	Hawaii	Minnesota [5]	Ohio [9]
Arizona	Illinois	Missouri	Pennsylvania [10]
California	Kansas	Nevada [6]	South Dakota [11]
Delaware [2]	Kentucky	New Hampshire [7]	Texas [12]
Florida	Maine [4]	New York [8]	Vermont
Georgia [3]	Maryland	North Dakota	Washington [13]

1. Alaska omits the concluding phrase "thereafter when . . . ." and substitutes the word "signal" for "movement" and "indication."

2. Delaware provides that a circular yellow signal warns that a red will soon be shown. A yellow arrow warns drivers that the green arrow is being ended. Yellow arrows are followed by a red or by a green signal.

3. Georgia law applies to all non-pedestrian traffic and defines meaning of circular and arrow indications.

4. Maine covers circular and arrow signals but has concluding phrase about red lights. Maine also has a subsection providing that drivers shall not enter on a red-yellow combination because the intersection is being used exclusively by pedestrians. Massachusetts has the same rule.

5. Minnesota defines the meaning of a steady *circular* yellow and adds an express exception for a yellow modified by a green arrow. A steady yellow arrow warns that the protected movement permitted by the corresponding prior green arrow is being terminated.

6. Nevada provides that vehicles facing a yellow signal must not enter on red. Also, it defines the meaning of a steady yellow signal *alone*.

7. New Hampshire covers circular and arrow indications.

8. New York laws provide:

> Traffic, except pedestrians, facing a steady circular yellow signal may enter the intersection; however, said traffic is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.
>
> Traffic, except pedestrians, facing a steady yellow arrow signal may cautiously enter the intersection only to complete the movement indicated by such arrow or make such other movement as is permitted by other indications shown at the same time; however, said traffic is thereby warned that the related green arrow movement is being terminated or that a red indication will be exhibited immediately thereafter.

A dark period or red-green combination after green means:

> Traffic, except pedestrians, facing such signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when such traffic shall not enter the intersection.

9. Ohio provides for yellow arrows and differs from the UVC only by having the concluding phrase about a red light.

10. Pennsylvania has the 1968 UVC provision without the concluding phrase.

11. South Dakota omits reference to the green signal being terminated.

12. But Tex. Penal Code art. 827e requires stopping for a yellow light (shown after green) and suggests that drivers facing red prepare to go when a yellow light is shown.

13. Washington differs from UVC only by having the concluding phrase concerning red lights.

Five states have these provisions:

Connecticut—Law provides that a driver facing a steady yellow signal "is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter, when vehicular traffic shall stop before entering the intersection unless so close to the intersection that a stop cannot be made in safety." The concluding portion of this law, beginning with the word "when," is not in substantial conformity with the Code because it may be construed as allowing a driver to enter the intersection on red if it is unsafe to stop. The UVC subsection, of course, concludes with the phrase "when vehicular traffic shall not enter the intersection."

Louisiana—Law provides that "vehicular traffic facing a steady yellow signal alone is thereby warned that the related green signal is being terminated or that a red signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red signal is exhibited."

New Mexico—Defines the meaning of a "yellow alone when shown following the green signal" as indicating that the "red signal will be exhibited immediately thereafter and the vehicular traffic shall not enter

the intersection when the red signal is exhibited except to turn as hereinafter provided." This law does not include any reference to a yellow signal used to indicate only that a related green indication is being terminated. As to the meaning of red lights, see subsection (c), *infra*.

North Carolina—Has two laws, one for intersections and one for non-intersection locations. They both essentially say that "when the stop light is emitting a steady yellow light, vehicles . . . shall be warned that a red light will be immediately forthcoming and vehicles may not enter . . . on such a red light."

Utah—Defines the meaning of steady yellow (circular and arrows) after a green as a warning that red will be shown immediately thereafter and tells drivers not to enter on red.

Seven states have provisions on yellow signals that are in verbatim or substantial conformity with the Code as it existed from 1944 until 1962 and thus provide that a driver facing a yellow light following a green light may enter the intersection but may not be crossing it when the red light is shown:

Alabama	Montana	West Virginia
Arkansas	Rhode Island	Wyoming
	Tennessee	

Twelve jurisdictions have yellow signal provisions that are similar to the 1930-1938 Codes in that they require drivers facing a yellow light following a green light to stop before entering the crosswalk or intersection unless such stop cannot be made in safety:

Indiana	Mississippi	Virginia [5]
Iowa	Nebraska [2]	Wisconsin
Massachusetts [1]	New Jersey [3]	District of Columbia [6]
Michigan	Oregon [4]	Puerto Rico [7]

1. If waiting, a driver should remain stopped. If moving, stopping is not required when it is unsafe to do so. Red-yellow combination is a pedestrian interval.

2. Nebraska duplicates the 1968 Code but adds: and upon display of a steady yellow signal vehicular traffic shall stop before entering the nearest crosswalk at the intersection, but if such stop cannot be made in safety a vehicle may be driven cautiously through the intersection. . . .

3. N.J. Stat. Ann. § 39:4-105 (1960) provides: "Amber, or yellow, when shown alone following green means traffic to stop before entering the intersection or nearest crosswalk, unless when the amber appears the vehicle . . . is so close to the intersection that with suitable brakes it cannot be stopped in safety. A distance of 50 feet from the intersection is considered a safe stopping distance for a speed of 20 mph. and vehicles . . . if within that distance when the amber appears alone, and which cannot be stopped with safety, may proceed across the intersection . . . ."

4. Oregon provides that a yellow light means: A driver facing a steady yellow signal light is thereby warned that the related right of way is being terminated and that a red or flashing red light will be shown immediately. A driver facing the light shall stop at a clearly marked stop line, but if none, shall stop before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection. If a driver cannot stop in safety, he may drive cautiously through the intersection. This law differs substantially from the Uniform Vehicle Code which does not require drivers to stop for steady yellow lights. The first sentence in the law is not true. A red light does not always follow a yellow—a green light may. Or, there may be a green and a yellow shown at the same time. And the advent of a red signal is not always "immediate" but can follow eight seconds later.

5. Virginia provides that traffic which has not entered the intersection, including the crosswalks, shall stop *"if it is not reasonably safe to continue. The amber signal is a warning that the red signal is imminent."* Traffic already in the intersection must continue to move until the intersection is cleared.

6. The District of Columbia prohibits entering an intersection on a steady yellow arrow: Vehicular traffic facing the signal is thereby warned that vehicular movement in the direction that the arrow is pointing is about to be terminated by means of a steady full red, a steady red arrow, or simply by the green arrow being turned off. Such vehicular traffic shall stop before entering the nearest crosswalk at the intersection, unless so close to the intersection that a stop cannot be made in safety. The District of Columbia amended its law on circular yellow lights to require drivers to stop before the crosswalk unless so close that a stop cannot be safely made. Such signals warn that a related green is ending, that a red signal will be shown, or both.

7. Puerto Rico has two provisions: Fixed yellow light beacons warn the driver that traffic in the direction shown by the green light has ceased and that immediately thereafter the red light prohibiting vehicles to enter the intersection shall glow. The driver of every vehicle facing a yellow light beacon shall stop before entering the intersection. When he cannot stop without endangering safety, he may proceed and cross the intersection, taking all possible precautions. Beacons showing a lighted yellow arrow, alone or together with other markings, warn the driver that traffic in the direction shown by the green light has ceased and that immediately thereafter the red light or red arrow prohibiting vehicles to enter the intersection to proceed in the aforesaid direction shall glow. The driver of any vehicle facing a beacon showing a lighted yellow arrow shall stop his vehicle as required by subsection (3)(a) of this section.

§ 11-202—Traffic-control Signal Legend

(b) Steady yellow indication

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. (REVISED, 1975.)

Historical Note

As mentioned in the Historical Note to § 11-202(b)1, *supra*, the 1930 Code provided that all "traffic," which includes pedestrians, facing a yellow or caution signal following a green indication shall stop. In 1934, however, a separate subsection applicable to pedestrians was added, which provided:

> (b) Steady yellow alone
> 2. Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway and any pedestrian then starting to cross shall yield the right of way to all vehicles.

UVC Act V, § 32(b)2 (Rev. ed. 1934). This subsection remained unchanged until 1962. UVC Act V, § 34(b)2 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 11-202(b)2 (Rev. eds. 1954, 1956, 1962, 1968). The change made in 1962 is very significant because, under the amended subsection, a pedestrian may not legally begin to cross the roadway against such a signal while, under prior editions of the Code, he could do so if he yielded the right of way to vehicles. But see § 11-501, *infra*, authorizing municipalities to prohibit such crossings by pedestrians. In 1975, references to yellow arrows and "circular" were added to make it clear that the prohibition applied to both indications.

Statutory Annotation

Twelve jurisdictions are in verbatim conformity with the Code by referring to circular and arrow indications and by prohibiting starting across on yellow:

Colorado	Idaho	Ohio	Utah
Delaware	Maine	Oklahoma	Washington
Georgia	New Hampshire	South Carolina	Puerto Rico

Twenty-five states have laws in substantial conformity with the Code provision which generally prohibits a pedestrian from starting to cross in the face of a steady yellow signal:

Alaska	Kansas	Missouri	North Dakota
Arizona	Kentucky	Nebraska	Oregon
California	Louisiana	Nevada [4]	Pennsylvania
Connecticut	Maryland	New Jersey [5]	Texas
Florida	Massachusetts [2]	New Mexico	Vermont
Hawaii	Minnesota [3]	New York [6]	Wisconsin [5]
Illinois [1]			

1. Illinois omits "before a red indication is shown."

2. A Massachusetts regulation for driving on state highways provides: "Yellow Alone. Red Alone or Flashing 'Don't Walk'.—Pedestrians approaching or facing a yellow, red or flashing 'Don't Walk' illuminated indication shall not start to cross a roadway. . . ." But whenever a special pedestrian red-yellow combination signal is shown, pedestrians may cross "in the direction of such signal only."

3. Refers to a "circular" yellow.

4. Nevada omits the concluding portion commencing with "before a red indication is shown . . . ."

5. New Jersey and Wisconsin require all "traffic" to stop.

6. New York applies the same provision to a "dark period or red-green combined when shown following the green indication."

Twelve states and the District of Columbia have laws in substantial conformity with provisions of the 1934–1956 Codes, which permitted

pedestrians to cross when facing a yellow signal if they yielded the right of way to all vehicles:

Alabama	Iowa	Montana	Tennessee
Arkansas	Michigan	Rhode Island	West Virginia
Indiana	Mississippi	South Dakota	Wyoming

In many of these states, however, laws comparable to provisions formerly in UVC § 11-501 authorize municipalities to prohibit pedestrians from crossing on a yellow signal.

North Carolina and Virginia have no provisions in their signal legend laws relating to pedestrians facing a yellow signal.

§ 11-202—Traffic-control Signal Legend

(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. (REVISED, 1975.)

Historical Note

The 1930 Code provided that all "traffic," which term includes vehicles and pedestrians, facing a red or "stop" signal should stop before entering the nearest crosswalk or such other point as may be designated and should remain standing until a green or "go" signal alone was displayed. UVC Act IV, § 12(a) (Rev. ed. 1930). In 1934, the subsection was revised to define the meaning of a red signal separately for vehicular traffic and for pedestrian traffic. The amended subsection required the driver of a vehicle to stop "before entering the nearest crosswalk at an intersection or at such other point as may be indicated by a clearly visible line." UVC Act V, § 34(c)1 (Rev. ed. 1934). This provision was again amended in 1944 to provide that such stop should be made "before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection." UVC Act V, § 34(c)1 (Rev. ed. 1944). This language, describing where the required stop is to be made, was retained in the 1962 revised subsection. UVC Act V § 34(c)1 (Rev. eds. 1948, 1952); UVC § 11-202(c)1 (Rev. eds. 1954, 1956, 1962). All editions of the Code prior to 1962 required the driver to remain stopped until a "green or 'go' signal alone" was displayed.

In 1968, the Code was revised as follows:

> Vehicular traffic facing a steady red signal alone shall stop *at a clearly marked stop line, but if none,* before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until [a green] *an* indication *to proceed* is shown *except as provided in subsection (c)2.*

The 1968 changes are designed to clarify where drivers must stop and when they may proceed. As in UVC §§ 11-204 and 11-403, the priority of stopping points is: first, the stop line; second, the crosswalk; third, the intersection. Prior to 1968, the subsection appeared to allow a driver to choose between the first two stopping points in situations where a stop line has been placed before a marked crosswalk in order to foster stopping in a position that will not interfere with pedestrians in the crosswalk. As to the duration of a stop for a steady red light, the Code until 1968 contemplated standing "until a green indication is shown." This was changed in two ways, by allowing a turn under the conditions specified in subsection (c)2 and by allowing a driver to proceed when a permissive signal other than a green is shown.

As amended in 1975, this subsection applies only to circular red lights. A new subsection, (c)(2), was added to cover steady red arrows. That addition required the concluding change in numbers at the end of the subsection.

Statutory Annotation

Laws in 11 jurisdictions are patterned very closely after the 1975 Code provision. These laws describe the same stopping points as the UVC and they deal separately with circular red lights and red arrows:

Colorado	Louisiana	New York	Washington
Georgia	Minnesota [1]	Oklahoma [2]	Puerto Rico [3]
Idaho [1]	New Hampshire	South Carolina	

1. Where there is a stop line and crosswalk, stop may be made at either.
2. The Oklahoma law is in verbatim conformity. However, Oklahoma does not have a provision on red arrows.
3. Requires standing until a green indication appears.

Fifteen states are identical to the 1968 Code. Thus, except as noted, these states describe the same stopping points as the UVC, require standing until an indication to proceed is shown, and the law deals with all red lights and not just circular ones:

Arizona	Indiana	Maryland	Oregon [2]
Delaware	Iowa	Nebraska	Pennsylvania
Hawaii	Kansas	North Dakota	Utah
Illinois	Kentucky [1,2]	Ohio	

1. The Kentucky law refers to a circular red signal. However, there is no provision for red arrows.
2. Requires standing until a green is shown.

Three states require a driver to stop at one of three places:

California—Vehicles shall stop at a limit line wherever located. If there is no limit line, vehicular traffic shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering an intersection. Vehicular traffic shall remain standing until green or "go" is shown alone.

Nevada—Requires stopping before entering the nearest crosswalk where a sign or pavement marking indicates where the stop must be made. If there is no crosswalk, sign or marking then the stop must be made before entering the intersection.

Wisconsin—"Vehicular traffic facing a red signal shall stop before entering the crosswalk on the near side of an intersection, or if none, then before entering the intersection or at such other point as may be indicated by a clearly visible sign or marking and shall remain standing until green or other signal permitting movement is shown."

Fourteen jurisdictions are in verbatim conformity with the 1962 UVC § 11-202(c)1 by requiring a driver facing a steady red signal to stop "before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection":

Alabama	Michigan	New Mexico	Tennessee
Alaska [1]	Missouri [2]	Rhode Island [3]	West Virginia
Arkansas	Montana	South Dakota	Wyoming
Florida			District of Columbia [4]

1. Requires drivers to remain standing until a signal to proceed is shown.
2. Requires drivers to remain standing until an indication to proceed is shown except as provided in another subsection.
3. Rhode Island adds a prohibition against turning across private property to avoid such signal.
4. The D.C. regulation requires the driver to remain standing until a green indication or flashing yellow is shown.

Nine more states have comparable provisions, but they vary as follows:

Connecticut—"Red alone or 'Stop': Traffic facing the signal shall stop before entering the crosswalk or, if none, before entering the intersection and remain standing until the next indication is shown."

Maine—Requires stopping before entering the crosswalk or, if none, before the intersection for a circular red light until an indication to proceed is shown.

Massachusetts—". . . stop outside the intersection or at such point as may be clearly marked by a sign or line."

Mississippi—Requires stopping before the near crosswalk or at such other point as may be indicated by a line. This law is based on the pre-1944 Code provision.

New Jersey—The law states that red means "traffic to stop before entering the intersection or crosswalk and remain standing until green is shown alone, unless otherwise specifically directed to go by an officer, official sign or special signal."

North Carolina—Has two provisions, one for intersections and a second one for other locations. Vehicles must come to a complete stop. At intersections, drivers must stop at a stop line; if none, before entering a marked crosswalk; if none, then before entering the intersection at the point nearest the intersecting street where the driver has a view of approaching traffic. At other places, drivers must stop at a stop line, marked crosswalk, or if none, before proceeding past the device.

Texas—Requires stopping at a stop line. If there is no line, drivers must stop before any crosswalk. Drivers must stand until an indication to proceed is shown.

Vermont—Law requires stopping at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection.

Virginia—"Red indicates that traffic then moving shall stop and remain stopped as long as the red signal is shown, except in the direction indicated by a lighted green arrow."

§ 11-202—Traffic-control Signal Legend

(c) Steady red indication

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. (NEW, 1975.)

Historical Note

This subsection was added in 1975 to deal expressly with the meaning of a steady red arrow. Prior subsection (c)(2) was renumbered as subsection (c)(3).

Statutory Annotation

Louisiana and South Carolina have laws in verbatim conformity with this subsection.

The laws of ten jurisdictions define the meaning of a steady red arrow as follows:

Colorado—Like the Code, Colorado has a separate subsection defining the meaning of steady red arrows. It differs by not providing an exception for turning movements but is otherwise virtually identical.

Georgia—Has a separate subsection which is virtually identical to the Code; but it does not expressly allow for turning.

Idaho—Law is virtually identical to the Code but does not contain the concluding exception.

Maine—Law is virtually identical to the Code but provides no exception for turning.

Minnesota—Law provides:

> (3) Vehicular traffic facing a steady red arrow signal, with the intention of making a movement indicated by the arrow, 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 a permissive signal indication is displayed.

New Hampshire—Law provides:

> IV. Traffic, except pedestrians, facing a steady red arrow indication may not enter the intersection to make the movement indicated by such arrow, unless entering the intersection to make such other movement as is permitted by other indications shown at the same time, 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 make the movement indicated by such arrow is shown, except as provided in paragraph (c), VI.

The concluding exception refers to a section allowing certain turns so, except for a few minor differences in the initial wording, this law is identical to the Code.

New York—Law is virtually identical to the Code but does not have the concluding exception.

Washington—Law is virtually identical to the Code differing only by substituting "indication" for "signal."

District of Columbia—The meaning of a steady red arrow is defined as follows:

> Vehicular traffic facing the signal destined to proceed in the direction that the arrow is pointing shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection the vehicle shall stop and remain standing until a green arrow, or flashing yellow, is shown.

Puerto Rico—Law provides:

> (d) The driver of any vehicle facing a beacon showing a lighted red arrow may not proceed in the direction shown by the arrow, and shall stop at the place marked for such purpose on the pavement or before reaching the crosswalk nearest to the intersection, if there is no such mark. If there is no such mark, nor a marked crosswalk, he shall then stop before entering the intersection and shall not proceed in the proper direction until the beacon with the corresponding green arrow and/or the green light beacon is lighted.
>
> Pedestrians facing beacons showing a lighted red arrow and at the same time facing green light or arrow beacons lighted together shall cross the highway on the crosswalk, whether it be marked or not, except in cases where there is a pedestrian traffic-control signal and another signal indicating otherwise.

If steady red arrows are in use in states without a specific provision indicating their meaning, laws comparable to UVC § 11-202(c) (1) would be applicable.

§ 11-202—Traffic-control Signal Legend

(c) Steady red indication

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 re-

quired by subsection (c)1 or subsection (c)2. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. (REVISED AND RENUMBERED, 1975.)

Historical Note

This provision, permitting turns by drivers facing a red signal was added to the Code in 1968. It was revised in 1975 to allow turning unless a sign banned the turn. Before 1975, a driver could turn only when a sign allowed it. Under both rules, a driver must stop and yield the right of way. The subsection was renumbered in 1975 because of the addition of subsection (c)(2) on steady red arrows.

Statutory Annotation

Right turn on red. Only three jurisdictions had not adopted the rule allowing right turns unless a sign prohibits the turn as of January 1, 1979: Massachusetts, the District of Columbia and Puerto Rico. Puerto Rico allows such turns when permitted by a sign. Laws in the other jurisdictions do not mention right turn on red.

Left turn on red. Like the Uniform Vehicle Code, laws in 23 states allow drivers to turn left on red from a one-way street into another one-way street:

Arizona	Illinois	Nevada	Texas
California	Indiana	New Mexico	Utah
Colorado	Iowa	North Dakota	Vermont
Florida	Kentucky	Ohio	Virginia
Georgia	Louisiana	Oklahoma	West Virginia
Hawaii	Minnesota	South Carolina	

Another nine states would allow turning left from a one-way street into another one-way street; but they would allow turns from a two-way highway that the Code would not allow:

Alabama—Allows a left turn into any one-way street in the appropriate direction. This turn could be made from a one-way or from a two-way highway.

Alaska—Allows a left turn into a one-way roadway from a one-way roadway or from a two-way roadway.

Delaware—Allows a left turn from a one-way roadway onto a one-way roadway.

Idaho—Allows a left turn onto a one-way roadway. Apparently, the turn could be made from a one-way or two-way roadway.

Michigan—Allows a left turn into a one-way street from a one-way or from a two-way street.

Oregon—Allows a left turn into a one-way street in the appropriate direction. This turn could be made from any other highway (one-way or two-way).

Pennsylvania—Allows a left turn from a one-way roadway onto a one-way roadway.

Washington—Allows turning left onto a one-way street from a one-way or from a two-way street.

Wisconsin—Allows turning left from a one-way roadway onto a one-way roadway.

Two states allow making any turn indicated by a sign: Maryland and New Hampshire.

While allowing right turn on red, these 16 jurisdictions make no provision for left turn on red:

Arkansas	Mississippi	New Jersey	South Dakota
Connecticut	Missouri	New York	Tennessee
Kansas	Montana	North Carolina	Wyoming
Maine	Nebraska	Rhode Island	Puerto Rico

The duty to stop. Under the Uniform Vehicle Code, each driver must stop before turning on a red light and that stop must be made at one of three points designated in the Code. Those stopping points are a stop line if there is one, before entering a crosswalk if there is a crosswalk, or before entering the intersection if there is no stop line or crosswalk.

In substantial agreement with the Uniform Vehicle Code, a driver must stop at one of the points designated in the Code under the laws of 28 jurisdictions:

Colorado	Iowa	Nebraska	South Carolina
Delaware	Kansas	New Hampshire	Texas [2]
Florida [1]	Kentucky	New York	Utah
Georgia	Louisiana	North Dakota	Vermont [3]
Hawaii	Maryland	Ohio	Washington
Illinois	Michigan	Oklahoma	Wisconsin
Indiana	Minnesota	Pennsylvania	Puerto Rico

1. Florida requires stopping before the crosswalk or the intersection for left turns.
2. Texas requires stopping at a line or crosswalk. Turning drivers must stand until the intersection can be entered safely. It is assumed this latter provision makes Texas in conformity with the Code because there is no explicit duty to stop where there is no stop line or crosswalk.
3. Vermont requires stopping at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection.

One state, Idaho, requires stopping "at a clearly marked stop line *or* crosswalk or if none, then before entering the intersection. . . ."

Fifteen states require stopping before any crosswalk, or, if none, before entering the intersection:

Alaska	Connecticut	Nevada	Tennessee [2]
Arizona [1]	Maine	New Mexico	West Virginia
Arkansas [2]	Missouri	Rhode Island [2]	Wyoming
California [1]	Montana	South Dakota [3]	

1. Law does not describe where to stop before a left turn however.
2. Arkansas and Rhode Island require the stop to be "complete." "Full and complete" in Tennessee.
3. South Dakota may require two stops, one before any crosswalk and a second stop at the entrance to the intersection.

Laws in four states require drivers to stop before commencing a turn on red movement but do not specifically indicate where that stop must be made:

Alabama	New Jersey	North Carolina	Virginia

Mississippi requires stopping before any crosswalk or stop line. If there is no crosswalk or no line, drivers may not have to stop for any red light. Turning drivers, however, must come to a full stop but there is no description of where the stop must be made.

Oregon provides that drivers turning on red must stop "as required with care to avoid accident." The quoted phrase may allow drivers to turn without stopping if there is no danger of an accident.

The duty to yield. In substantial agreement with the Uniform Vehicle Code, laws in 39 jurisdictions require turning drivers to yield to pedestrians in crosswalks and to other traffic in the intersection:

Alaska	Louisiana	New Jersey	Tennessee
Arkansas	Maine	New Mexico	Texas
California	Maryland	New York	Utah
Colorado	Michigan	North Dakota	Vermont
Connecticut	Minnesota	Ohio	Virginia
Florida	Missouri	Oklahoma	Washington
Georgia	Montana	Oregon	Wisconsin
Idaho	Nebraska	Pennsylvania	Wyoming
Illinois	Nevada	South Carolina	Puerto Rico
Kansas	New Hampshire	South Dakota	

Turning on red light laws in eleven states differ from the UVC description of yielding:

Alabama—Driver must see that the way is safe.

Arkansas—Driver must be cautious in entering the intersection.

Delaware—After stopping, a driver's right to proceed is the same as at stop signs. The new Delaware law on stop signs (§ 4164(b)) requires yield to pedestrians in the intersection and bans entering the intersection until it is safe to do so. The Delaware laws clearly do not expressly require yielding to pedestrians in adjacent crosswalks.

Hawaii—Requires yielding to pedestrians but drivers turning left must yield only to pedestrians and not also to other traffic.

Indiana—Requires drivers to yield to pedestrians using the intersection.

Iowa—Turning drivers may not interfere with vehicular or pedestrian traffic lawfully using the intersection.

Kentucky—A driver must yield to pedestrians and other traffic lawfully proceeding through the intersection.

Mississippi—Requires yield to pedestrians and turn must be safe.

North Carolina—Requires yielding to pedestrians using the intersection.

Rhode Island—Allows turning after a complete stop "at intersections when safety would permit such a turn."

West Virginia—Requires yielding to pedestrians in crosswalks and vehicular traffic proceeding as directed by the signal. Yielding to pedestrians lawfully within the intersection is not expressly required by this law.

§ 11-202—Traffic-control Signal Legend

(c) Steady red indication

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. (REVISED AND RENUMBERED, 1975.)

Historical Note

The 1930 Code provided that all "traffic," which term includes pedestrians, facing a red or "stop" signal should stop before entering the nearest crosswalk or such other point as may be designated and should remain standing until a green or "go" signal alone was displayed. UVC Act IV, § 12(a) (Rev. ed. 1930). However, § 39(b) of the 1930 Code provided that local authorities could, by ordinance, make it unlawful for pedestrians to cross a roadway against a red or "stop" signal.

In 1934, a separate subsection applicable to pedestrians facing a red signal was adopted and provided: "No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic." UVC Act V, § 34(c)2 (Rev. ed. 1934).

The 1934 provision continued until it was deleted in 1962 and replaced by the present rule prohibiting pedestrians from crossing unless a special legend allows it. Also deleted in 1962 was a footnote to the subsection, added in 1948, which indicated that UVC § 15-107 would authorize municipalities to prohibit such crossings by pedestrians. The footnote was judged superfluous since the Code prohibition enacted into law would apply throughout a state. UVC Act V, § 34(c)2 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 11-202(c)2 (Rev. eds. 1954, 1956, 1962); UVC § 11-202(c)3 (Rev. ed. 1968). With respect to municipal authority to prohibit pedestrian crossings against a red light, see the Historical Note to § 11-501, *infra*.

In 1975, the references to circular or red arrow indications were added and the subsection was renumbered.

Statutory Annotation

Thirty-seven jurisdictions are in substantial conformity with the 1968 Code which generally prohibits pedestrians from entering the roadway in the face of a steady red signal:

Alaska	Kansas	New Hampshire [1]	South Carolina
Arizona	Kentucky	New Jersey [3]	Texas
California	Louisiana	New Mexico [4]	Utah
Colorado [1]	Maine [1]	New York	Vermont
Connecticut	Maryland	North Dakota	Washington [1]
Florida	Massachusetts	Ohio	Wyoming
Georgia [1]	Minnesota	Oklahoma [5]	District of Columbia
Hawaii	Missouri	Oregon	
Idaho [1]	Nebraska	Pennsylvania	Puerto Rico
Illinois	Nevada [2]		

1. As in UVC, pedestrians may not cross against a circular or red arrow indication.
2. Nevada prohibits entering the "highway."
3. Red means "traffic" to stop before entering intersection. N.J. Stat. Ann. § 39:1-1 defines "traffic" to include pedestrians.
4. But if a red light is shown with any green arrow, a pedestrian may cross if he can do so safely and without interfering with traffic.
5. Oklahoma refers to "circular red" only.

Thirteen states have signal legend laws permitting pedestrians to enter the roadway in the face of a red signal if it can be done with safety and if it does not interfere with vehicular traffic, as did the Code before 1962. However, many of these states authorize municipalities to prohibit pedestrian crossings on a red signal. See § 11-501, *infra*.

Alabama	Iowa	South Dakota
Arkansas	Michigan	Tennessee
Delaware [1]	Mississippi	West Virginia
Indiana	Montana	Wisconsin
	Rhode Island	

1. The Delaware law applies to full red or red arrow.

Two states—North Carolina and Virginia—have signal legend laws that do not expressly provide for the conduct of pedestrians facing a red signal alone.

§ 11-202—Traffic-control Signal Legend

(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.

Historical Note

This provision has been in the Code since 1944 without modification. UVC Act V, § 34(e) (Rev. eds. 1944, 1948, 1952); UVC § 11-202(e) (Rev. eds. 1954, 1956); UVC § 11-202(d) (Rev. eds. 1962, 1968).

Statutory Annotation

The signal legend laws of 41 states and the District of Columbia contain provisions in verbatim or substantial conformity with UVC § 11-202(d):

Alabama	Illinois	Nebraska	Rhode Island
Alaska [1]	Kansas	Nevada	South Dakota
Arizona	Kentucky	New Hampshire	Tennessee
Arkansas	Louisiana	New Mexico	Texas

Colorado	Maine	New York	Utah
Connecticut	Maryland	North Dakota	Vermont
Delaware	Michigan	Ohio	Washington
Florida	Minnesota [2]	Oklahoma	West Virginia
Georgia	Missouri	Oregon [1]	Wisconsin
Hawaii	Montana	Pennsylvania	Wyoming
Idaho			

1. Omits the exception at the end of the first sentence.
2. Additional law provides that when signals control a certain movement or lane and are identified by placing a sign near the indication, no other traffic-control signal indications within the intersection shall control vehicular traffic for such movement or lane.

North Carolina—Law provides:

> When a stop light, stop sign, or other signaling device authorized by subsection (a) requires a vehicle to stop at a place other than an intersection, the driver shall stop at an appropriately marked stop line, or if none, before entering a marked cross walk, or if none, before proceeding past the signaling device.

The signal legend laws of eight states have no comparable provisions:

California	Iowa	Mississippi	South Carolina
Indiana	Massachusetts	New Jersey	Virginia

Citations

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Ariz. Rev. Stat. Ann. § 28-645 (Supp. 1973).
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Miss. Code Ann. § 63-3-309 (Supp. 1977).
Mo. Ann. Stat. § 304.281 (Supp. 1978).
Mont. Rev. Codes Ann. § 32-2137 (Supp. 1977).
Neb. Rev. Stat. § 39-614 (1974).
Nev. Rev. Stat. § 484.283 (1975).
N.H. Rev. Stat. Ann. § 262-A:9 (1977).
N.J. Rev. Stat. §§ 39:4-105, -115, -116, -117 (1973, Supp. 1978).
N.M. Stat. Ann. § 64-16-5 (1972), amended by H.B. 112, CCH ASLR 145 (1977).
N.Y. Vehicle and Traffic Law § 1111 (Supp. 1977).
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S.D. Comp. Laws §§ 32-28-1 to -5, 32-27-2 (1976).
Tenn. Code Ann. § 59-810 (Supp. 1977).
Tex. Rev. Civ. Stat. art. 6701d, § 33 (1977).
Utah Code Ann. § 41-6-24 (Supp. 1979).
Vt. Stat. Ann. tit. 23, § 1022 (Supp. 1978).
Va. Code Ann. § 46.1-184 (Supp. 1978).
Wash. Rev. Code Ann. § 46.61.055 (Supp. 1977).
W. Va. Code Ann. § 17C-3-5 (Supp. 1978).
Wis. Stat. Ann. § 346.37 (1971, Supp. 1978).
Wyo. Stat. Ann. § 31-5-403 (1977).
17 D.C. Regs. § 11 (1975).
P.R. Laws Ann. tit. 9, § 1071 (Supp. 1975).

§ 11-203—Pedestrian-control Signals

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

(a) *Flashing or Steady Walk.*—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 him.

(b) *Flashing or Steady Don't Walk.*—No pedestrian shall start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the don't walk signal is showing. (SECTION REVISED, 1975.)

Historical Note

This section of the Code relating to the use and effect of pedestrian-control signals was adopted in 1938. UVC Act V, § 35 (Rev. ed. 1938). From 1938 to 1952, it provided for the use of "walk" and "wait" legends. In 1952, the "don't walk" legend was added and in 1962 the "wait" legend was deleted. UVC Act V, § 35 (Rev. eds. 1944, 1948, 1952); UVC § 11-203 (Rev. eds. 1954, 1956, 1962, 1968).

This section was revised in 1975 to encompass, expressly, flashing or steady pedestrian signals. For legal purposes, a flashing Walk means the same thing as a steady Walk even though the flashing Walk is supposed to warn pedestrians to watch for vehicles turning across the crosswalk. Similarly, a flashing Don't Walk has the same legal meaning as a steady one and a pedestrian should lose no legal rights because of the different mode of operation. The revision in (a) on a driver's duty to yield the right of way was made to conform more closely with similar descriptions in other sections of the Code, such as UVC §§ 11-202(a), 11-403, and 11-502(a):

> *Any* pedestrian[s] facing *the* [such] 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 him* [shall be given the right of way by the drivers of all vehicles].

Statutory Annotation

Georgia and Idaho duplicate the 1975 Code section.

Louisiana has a law patterned closely after the 1975 Code section and is clearly in conformity.

Twenty-five states are in substantial conformity with the Code by providing only for the use of "walk" and "don't walk" legends on pedestrian-control signals. Except as noted, these states have laws patterned closely after the Code provision prior to its revision in 1975. Thus, they do not expressly refer to flashing legends and provide pedestrians on "walk" shall be given the right of way:

Alaska	Iowa	Nebraska	Pennsylvania [8]
Arizona [1]	Kansas [6]	New Hampshire [8]	South Dakota
Connecticut [2]	Maine [7]	New Mexico	Utah
Delaware [3]	Michigan [5]	New York [8]	Vermont
Florida [4]	Minnesota [8]	North Carolina	Virginia
Hawaii	Missouri	North Dakota	Washington [8]
Illinois [5]			

1. Arizona adds that a pedestrian shall not "loiter or unduly delay" crossing after traffic has stopped.
2. Connecticut has two laws. One duplicates the 1968 Code and the second law provides that pedestrians may cross only as indicated by a "walk" or "don't walk" signal. Pedestrians starting across on a "walk" signal "shall have the right of way over all vehicles, including those making turns, until such pedestrian has reached the opposite curb or safety zone."
3. Delaware provides for flashing and steady indications. It also provides a "Don't Start" legend.
4. Florida does not require emergency vehicles to yield to pedestrians proceeding on a "walk" signal. See § 11-510, *infra*.
5. The portions of the Illinois and Michigan laws comparable to subsection (b) refer to a steady or flashing "don't walk" signal.
6. "Wait" legends not lawful after July 1, 1975.
7. Maine has a second provision which states: "Red and Yellow. Red and yellow (pedestrian signal). While the red and yellow lenses are illumined together, drivers shall not enter the intersection and the intersection shall be reserved for the exclusive use of pedestrians."
8. These states provide for flashing or steady indications.

Fourteen jurisdictions use the words "walk" and "wait or don't walk" as did the 1956 Code. Except as noted, the laws of these states are otherwise in verbatim conformity with the Code:

Arkansas	Nevada [3]	Oregon	Texas
California [1]	Ohio [4]	Rhode Island [6]	Wisconsin [7]
Maryland [2]	Oklahoma [5]	Tennessee	Wyoming
Montana			District of Columbia [8]

1. The California law on walk signals does not require drivers to give pedestrians the right of way. The law also authorizes pedestrians to proceed diagonally across an intersection "if so instructed by signs or signals at or near the intersection."

2. Maryland allows pedestrians to proceed across the roadway in any direction when an exclusive all pedestrian interval using "Walk" indications is provided. On "Don't Walk" and "Wait," the law requires proceeding *without delay* to a sidewalk or island.

3. Nevada substitutes "highway" for "roadway" and refers to an illuminated "Walk" signal and a "Don't Walk" that is illuminated, either steady or flashing. In subsection (b), Nevada substitutes "Zone" for "island."

4. The Ohio law requires yielding to pedestrians by drivers of vehicles, streetcars and trackless trolleys. It differs from UVC subsection (b) by not referring to pedestrians who have partially completed their crossing.

5. In subsection (a), Oklahoma inserts the words "in the direction of the signal" after "right of way."

6. See the Rhode Island flashing green provision quoted in § 11-204, *infra*.

7. In subsection (a), Wisconsin refers to "operators" instead of "drivers" of all vehicles.

8. The District of Columbia regulation differs from UVC subsection (b) by allowing such pedestrians to proceed to a sidewalk or safety island, "whichever is nearest."

Four states provide, as did the 1938 Code, that a pedestrian must obey the signals "walk" and "wait," but are otherwise in verbatim conformity with the 1962 Code:

Alabama	Indiana	South Carolina	West Virginia

Four other states have these variations:

Colorado—Law provides:

> Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" are in place as declared in the traffic control manual adopted by the state department of highways, such signals shall indicate as follows:
>
> (b) "Walk" (steady): While the "Walk" indication is steadily illuminated, pedestrians facing such signal may proceed across the roadway in the direction of the signal indication, and shall be given the right of way by drivers of all motor vehicles.
>
> (c) "Walk" (flashing): Whenever the "Walk" indication is flashing, pedestrians facing such signal are cautioned that there is possible hazard from turning vehicles, but such pedestrians may proceed across the roadway in the direction of the signal indication and shall be given the right-of-way by the drivers of all vehicles.
>
> (d) "Don't Walk" (steady): While the "Don't Walk" indication is steadily illuminated, no pedestrian shall enter the roadway in the direction of the signal indication.
>
> (e) "Don't Walk" (flashing): Whenever the "Don't Walk" indication is flashing, no pedestrian shall start to cross the roadway in the direction of the indication, but any pedestrian who has partly completed his crossing during the "Walk" indication shall proceed to a sidewalk or to a safety island, and all drivers of vehicles shall yield to any such pedestrian.
>
> (f) Whenever a signal system provides for the stopping of all vehicular traffic and the exclusive movement of pedestrians and "Walk" and "Don't Walk" signal indications control such pedestrian movement, pedestrians may cross in any direction between corners of the intersection offering the shortest route within the boundaries of the intersection while the "Walk" indication is exhibited, if signals and other official devices direct pedestrian movement in such manner consistent with section 13-5-58 (4).

Massachusetts—Mass. Rules & Regs. for Driving on State Highways art. 7, § 3 provides:

> (a) Red and Yellow or the Word "Walk".—Whenever the red and yellow lenses are illuminated together or the single word "Walk" is illuminated, pedestrians facing such indication may proceed across the roadway and in the direction of such signal only.
>
> (b) Red Alone or "Don't Walk".—Whenever the words "Don't Walk" or any indication other than red and yellow shown together are illuminated in a traffic control signal where pedestrian indications are provided, pedestrians approaching or facing such indication shall wait on the sidewalk, edge of roadway or in the pedestrian refuge area of a traffic island and shall not enter upon or cross a roadway until the proper indication is illuminated in the traffic control signal, but any pedestrian who has partially completed his crossing on the walk indication shall proceed or return to the nearest sidewalk or safety island on the yellow indication, the red indication or when the words "Don't Walk" are illuminated by rapid intermittent flashes.
>
> (d) Yellow Alone, Red Alone or Flashing "Don't Walk".—Pedestrians approaching or facing a yellow, red or flashing "Don't Walk" illuminated indication shall not start to cross a roadway.
>
> (e) Flashing Red, Yellow or Green.—At any traffic control signal location where a flashing red, flashing yellow or flashing green indication is being given facing a crosswalk, pedestrians shall actuate, where provided, the pedestrian signal indication and cross the roadway only on the red-yellow or "Walk" indication when such indication is in operation. If no pedestrian signal is provided, pedestrians shall cross within crosswalks with due care.

New Jersey—Law provides that a "special pedestrian interval may be provided" and when in use, "pedestrians shall cross the roadway only when the indication is illuminated and vehicles and streetcars shall stop and remain standing until the green is shown alone."

Puerto Rico—Law provides:

> Whenever a special pedestrian traffic-control signal is installed with the words "Go" or "Stop," such words shall have the following meaning:
>
> (a) Go (Fixed)—The pedestrian may cross the roadway towards the traffic-control signal. No vehicle shall be allowed to proceed on the crosswalk while pedestrians are passing by.
>
> (b) Go (Flashing)—The pedestrian may cross the roadway towards the traffic-control signal, though in possible conflict with those vehicles permitted to turn and cross the crosswalk. The drivers of all those vehicles shall yield the right of way.
>
> (c) Stop (Fixed)—No pedestrian may start to cross the roadway towards the traffic-control signal.
>
> (d) Stop (Flashing)—No pedestrian may start to cross the roadway towards the traffic-control signal, provided that any pedestrian who was crossing with the "Go" signal may proceed toward the sidewalk or to a safety inlet.

Two states do not have comparable provisions:

Kentucky	Mississippi

Citations

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13 Alaska Adm. Code § 02.015 (1971).
Ariz. Rev. Stat. Ann. § 28-646 (1956), as amended by Gen. Laws 1971, ch. 91.
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Ill. Ann. Stat. ch. 95½, § 11-307 (Supp. 1978).
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La. Rev. Stat. Ann. § 32:233 (Supp. 1979).
Me. Rev. Stat. Ann. tit. 29, § 947(6) (Supp. 1970).

Md. Transp. Code § 21-203 (1977).
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Mich. Stat. Ann. § 9.2313 (1973), amended by H.B. 6507, CCH ASLR 1309, 1314 (1978).
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Ore. Rev. Stat. § 487.135 (1977).
Pa. Stat. Ann. tit. 75, § 3113 (1977).
R.I. Gen. Laws Ann. § 31-13-8 (1957).
S.C. Code Ann. § 56-5-990 (1976).
S.D. Comp. Laws § 38-28-9.1 (Supp. 1971).
Utah Code Ann. § 59-811 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 34 (Supp. 1972).
Utah Code Ann. § 41-6-25 (Supp. 1975).
Vt. Stat. Ann. tit. 23, § 1023 (Supp. 1973).
Va. Code § 46.1-231.1 (Supp. 1975).
Wash. Rev. Code Ann. § 46.61.060 (Supp. 1966).
W. Va. Code Ann. § 17C-3-6 (1966).
Wis. Stat. Ann. § 346.38 (1958).
Wyo. Stat. Ann. § 31-140 (1959).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 12 (1958).
P.R. Laws Ann. tit. 9, § 1072 (Supp. 1975).

§ 11-204—Flashing Signals

(a) Whenever an illuminated flashing red or yellow signal is used in a traffic signal or with a traffic sign it shall require obedience by vehicular traffic as follows: (REVISED, 1971.)

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. (REVISED, 1968 AND 1971.)

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 act.

Historical Note

Subsection (a) has been in the Code since 1934 and was amended in 1948 when the word "illuminated" and the phrase "in a traffic sign or signal" were added to the introductory paragraph and the clause "or, if none, then before entering the intersection" was added to subsection (a)1. Subsection (b) was added to the Code in 1952. UVC Act V, § 33 (Rev. ed. 1934); UVC Act V, § 36 (Rev. eds. 1948, 1952); UVC § 11-204 (Rev. eds. 1954, 1956, 1962).

In 1968, the stopping points described in subsection (a)1 were changed for consistency with other rules describing the priority of stopping points at intersections where traffic is regulated by signs or signals (see §§ 11-403 and 11-202(c)1):

> When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop *at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway* [before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then] before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

UVC § 11-204(a) (Rev. ed. 1968). In 1971, the introductory paragraph was changed by referring to flashing lights used "in a traffic [sign or] signal *or with a traffic sign*" because such signals often are not within the boundaries of a sign. In subsection (a)1, the concluding reference to "intersection" was changed to "it" (referring to roadway) to cover flashing red lights used at non-intersection locations. UVC § 11-204 (Supp. I 1972).

Statutory Annotation

Ten states conform with the present Code section on flashing red and yellow signals:

Delaware [1]	Kansas	North Dakota	Oregon
Georgia [2]	Kentucky [3]	Ohio	Utah
Idaho			Washington

1. Omits "rapid." "Used" replaces "illuminated." The law adds: "In the event that flashing signals are in place and no lighted indication is visible to an approaching driver, he shall reduce speed and prepare to yield to other vehicles in or approaching the intersection. If facing a stop sign, he shall stop and proceed as from a stop sign."
2. Does not have subsection (b).
3. Substitutes "light" for "signal" following red or yellow in subsection (a).

Nine states are identical to the 1968 Code:

Florida	Illinois [1]	Minnesota [3]	Nebraska
Hawaii	Maryland [2]	Missouri	New York [4]
			Texas

1. Illinois has a second law on stop crosswalks:

> Where stop signs or flashing red signals are in place at an intersection or flashing red signals are in place at a plainly marked crosswalk between intersections, drivers of vehicles shall stop before entering the nearest crosswalk and pedestrians within or entering the crosswalk at either edge of the roadway shall have the right-of-way over vehicles so stopped. Drivers of vehicles having so yielded the right-of-way to pedestrians entering or within the nearest crosswalk at an intersection shall also yield the right-of-way to pedestrians within any other crosswalk at the intersection.

2. Maryland requires stopping at the near side of the intersection at the same places specified in the UVC.
3. Minnesota inserts "circular" before "red" and before "yellow." It adds provisions requiring person facing a red or yellow arrow with the intention of making the move indicated by the arrow to do the same as a person faced with a circular lens of that color.
4. New York limits flashing signals to red or yellow colors and defines the meaning of circular flashing lights.

Except as otherwise noted, the laws of 12 states duplicate the pre-1968 version of UVC § 11-204:

Alaska	Maine	New Mexico	Tennessee [2]
Colorado [1]	Montana	Oklahoma	Vermont [3]
Louisiana	New Hampshire	South Dakota	Wyoming

1. The Colorado law differs from § 11-204(a) by requiring drivers facing flashing yellow to proceed cautiously through the intersection "or other hazardous location" and omits the Code phrase "or past such signal." It also refers to a flashing signal used in conjunction with a sign or signal or as a beacon.
2. The Tennessee law on flashing red light comparable to subsection (a)1 applies only when "said light is clearly visible for sufficient distance ahead to permit stopping."
3. The Vermont law does not apply to drivers approaching school buses.

Except as otherwise noted, the laws of the following seven jurisdictions duplicate subsection (a) prior to its revision in 1968 but have no counterpart to subsection (b):

Alabama	Connecticut	West Virgina
Arizona	Rhode Island [1]	Wisconsin [2]
	South Carolina	

1. The Rhode Island law contains an additional subsection defining flashing green: "(3) Flashing green (pedestrian signal). When a green lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or crosswalk past such a signal only with caution." See the Massachusetts regulation quoted, *infra*.
2. The introductory paragraph in the Wisconsin law does not refer to "traffic sign or signal" as does UVC § 11-204(a).

The laws of four states are identical to this section as it appeared in the 1934 Code. Thus, these states generally do not refer to flashing lights used in a "traffic sign or signal" nor do they mention stopping on flashing red before entering the intersection where there is no crosswalk or limit line. None of these states has UVC subsection (b) excepting signals at railroad grade crossings. The states are:

Arkansas Indiana Michigan Mississippi

The laws of 10 jurisdictions contain these provisions:

California—Provides for the meaning of flashing red or yellow signals used in official traffic control devices. Drivers must stop before the near crosswalk or at a limit line. If there is no crosswalk or line, a driver must stop at the entrance to the intersecting roadway. Law conforms with (a) (2) but there is no (b).

Iowa—The law provides:

> A "flashing circular red" light means vehicular traffic shall stop and after stopping may proceed cautiously through the intersection yielding to all vehicles not required to stop or yield which are within the intersection or approaching so closely as to constitute a hazard, but then may proceed.
>
> A "flashing yellow" light means vehicular traffic shall proceed through the intersection or past such signal with caution.

Massachusetts—A regulation provides:

> (f) Flashing Red (Stop Signal): When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a Stop line when marked, and the right to proceed shall be subject to provisions of C. 89, Sec. 8 of the G.L.
>
> (g) 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.
>
> (h) Flashing Green: A flashing green lens shall indicate a drawbridge, pedestrian crosswalk, fire station location, or intersection, subject to use at unscheduled intervals. Drivers may proceed only with caution and shall be prepared to comply with a change in the signal to a red or yellow or red and yellow indication.

With respect to flashing red signals, subsection (f) of the Massachusetts regulation makes the right to proceed subject to provisions of Mass. Ann. Laws ch. 89, § 8, which establishes right of way rules applicable at uncontrolled intersections and which is comparable to UVC § 11-401. Thus, the regulation does not make the right to proceed after stopping for a flashing red signal subject to rules applicable after stopping for a stop sign, as does the Code. Also, the Code does not provide for the use or effect of flashing green. See the Rhode Island law noted, *supra*. See also, Mass. Ann. Laws ch. 89 § 9 (Supp. 1966), requiring drivers to stop in obedience to a flashing red signal or stop sign. This law is discussed further in § 11-403(b). See also, the regulation on flashing red lights quoted in § 11-203, *supra*, for their effect on pedestrians.

Nevada—Law patterned after 1962 subsection (a)1 refers to flashing signals used in conjunction with an official traffic-control device. Stopping is required before a crosswalk or limit line or, if none, before entering the intersection. The right to proceed is subject to the rules applicable after making "a required stop." It differs from subsection (a)2 by allowing drivers to "proceed past such signal and through the intersection or other hazardous location only with caution." Nevada does not have subsection (b).

New Jersey—The law provides:

> Traffic control signals and beacon or flashing signals when operating as flashing mechanisms shall conform to the following:
>
> . . . The red lens when illuminated with rapid intermittent flashes shall require drivers to come to a complete stop before entering or crossing the intersection.
>
> . . . The amber lens when illuminated with rapid intermittent flashes shall indicate the presence of danger and require drivers to proceed only with caution.

The New Jersey law on flashing red signals does not require stopping before entering a crosswalk or at a stop line, nor does it mention proceeding subject to rules applicable at stop signs.

North Carolina—Requires vehicles approaching a flashing red light at an intersection to stop and yield the right of way to vehicles in or approaching the intersection. The right to proceed is subject to rules applicable at stop signs. The law specifies approximately the same stopping points as the UVC. For flashing yellow lights at intersections, drivers must proceed with caution and yield the right of way to vehicles. A separate law repeats essentially the same provisions for flashing yellow lights used at nonintersection locations except yielding to pedestrians is added.

Pennsylvania—Differs from UVC subsection (a) (1) by referring to duties at stop signs for stopping points as well as yielding right of way. Omits "illuminated."

Virginia—Flashing red indicates traffic shall stop before entering the intersection. Flashing amber indicates traffic may proceed through intersection or past the signal with reasonable care under the circumstances.

District of Columbia—Has a regulation like UVC § 11-204 though different stopping points are mentioned. A second rule on flashing yellow arrows provides:

> Vehicular traffic facing such indication may cautiously enter the intersection to make the movement indicated by such arrow, but shall yield the right-of-way to pedestrians within a crosswalk, and to any vehicle lawfully in the intersection or approaching on another highway so closely as to constitute an immediate hazard. Said drivers having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding; provided, however, that if such driver is involved in a collision with a pedestrian in a crosswalk or a vehicle in the intersection after making the movement indicated by the flashing yellow arrow without stopping, such collision shall be deemed prima facie evidence of his failure to yield right-of-way. 17 D.C. Regs. § 13(c) (1973).

Puerto Rico provides:

> Flashing Yellow Light.—The driver of every vehicle facing flashing yellow light beacons may cross the intersection or proceed, but only after taking all the necessary precautions. The provisions herein provided do not apply to railroad crossings.
>
> Flashing Red Light.—The driver of every vehicle facing flashing red light beacons shall stop before reaching a stop line clearly marked, or if there is no such line, he shall then stop before reaching the crosswalk nearest to the intersection. If there is no crosswalk he shall then stop at the point nearest to the highway that crosses the intersection where he can observe the traffic flowing along it, before entering into the intersection and in such case, the right to proceed shall be subject to the rule applicable when a stop is made before a stopping signal. The provisions herein provided do not apply to railroad crossings.

Citations

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13 Alaska Adm. Code § 02.020 (1971).
Ariz. Rev. Stat. Ann. § 28-647 (1956).
Ark. Stat. Ann. § 75-506 (1957).
Cal. Vehicle Code § 21457 (Supp. 1978).
Colo. Rev. Stat. Ann. § 42-4-506 (1973).
Conn. Gen. Stat. Ann. § 14-299 (1960).
Del. Code Ann. tit. 21, § 4110 (Supp. 1977).
Fla. Stat. § 316.133 (1971).
Ga. Code Ann. § 68A-204 (1975).
Hawaii Rev. Code § 291C-34 (Supp. 1971).
Idaho Code Ann. § 49-614, as amended by H.B. 197, CCH ASLR 504 (1977).
Ill. Ann. Stat. ch. 95½, § 11-309 (1971).
Ind. Ann. Stat. § 9-4-1-37 (1973).
Iowa Code Ann. § 321.257 (Supp. 1979).

Kans. Stat. Ann. § 8-1510 (1975).
Ky. Rev. Stat. Ann. § 189.338, as amended by H.B. 24, CCH ASLR 1651, 1664 (1978).
La. Rev. Stat. Ann. § 32:234 (1963).
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Md. Transp. Code § 21-204 (1977).
Mass. Rules & Regs. for Driving on State Highways art. IV, § 10 (1964).
Mich. Stat. Ann. § 9.2314 (1973).
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Pa. Stat. Ann. tit. 75, § 3114 (1977).
R.I. Gen. Laws Ann. § 31-13-9 (1957).
S.C. Code Ann. § 56-5-1000 (1976).
S.D. Comp. Laws §§ 32-28-6 to -8, -9 (1967).
Tenn. Code Ann. § 59-812 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 35 (Supp. 1972).
Utah Code Ann. § 41-6-26 (Supp. 1977).
Vt. Stat. Ann. tit. § 23, 1024 (Supp. 1977).
Va. Code Ann. § 46.1-184 (Supp. 1978).
Wash. Rev. Code Ann. § 46.61.065 (Supp. 1977).
W. Va. Code Ann. § 17C-3-7 (1966).
Wis. Stat. Ann. § 346.39 (1958).
Wyo. Stat. Ann. § 31-141 (1959).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 13 (1958).
P.R. Laws Ann. tit. 9, § 1071 (Supp. 1975).

§ 11-204.1—Lane Use Control Signals

When lane use control signals are placed over individual lanes, said 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. (SECTION REVISED, 1975.)

Historical Note

This section was added to the Code in 1962 and was revised in 1975 to add two new lane control signals (steady and flashing yellow):

When lane *use* [-direction-control] control signals are placed over [the] individual lanes [of a street or highway], *said 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 [but]

(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. (REVISED, 1975.)

Statutory Annotation

Like the UVC, 11 jurisdictions provide for the meaning of green, yellow and red lane-control devices:

Colorado—Law provides:

> Whenever lane-use-control signals are placed over the individual lanes of a street or highway, as declared in the traffic control manual adopted by the state department of highways, such signals shall indicate and apply to drivers of vehicles as follows:
>
> Downward-pointing green arrow (steady): A driver facing such signal may drive in any lane over which said green arrow signal is located.
>
> Yellow "X" (steady): A driver facing such signal is warned that the related green arrow movement is being terminated and shall vacate in a safe manner the lane over which said steady yellow signal is located to avoid if possible occupying that lane when the steady red "X" signal is exhibited.
>
> Yellow "X" (flashing): A driver facing such signal may use the lane over which said flashing yellow signal is located for the purpose of making a left turn or a passing maneuver, using proper caution, but for no other purpose.
>
> Red "X" (steady): A driver facing such signal shall not drive in any lane over which said red signal is exhibited.

Delaware—Adopted the 1968 Code section and added:

> Left turns may be made across such lane if not otherwise prohibited. Vehicular traffic shall move from any lane over which a steady amber signal is displayed as soon as the movement can be made in safety. Vehicular traffic may use a lane over which a flashing yellow signal is displayed for the purpose of making a left turn.

Idaho—Law is in verbatim conformity with the UVC.

Illinois—Provides that (1) a downward-pointing green arrow means a person may drive in the lane over which the arrow is located and one must obey all other traffic controls present and follow normal safe-driving practices, (2) a red "X" means a person may not drive on that lane and it modifies other traffic controls present, but drivers must obey all other traffic controls and follow safe practices; and (3) a steady yellow "X" means a driver should prepare to vacate that lane in a safe manner to avoid, if possible, occupying that lane when a steady red "X" is shown.

Minnesota—Traffic facing a green arrow is permitted to drive in that lane; traffic facing a red "X" shall not drive in that lane; traffic facing a steady yellow "X" is warned that use of that lane is being terminated, or that a red "X" will be exhibited immediately thereafter; and traffic facing a yellow "X" illuminated with rapid intermittent flashes is permitted to use that lane for a left turn or passing maneuver using proper caution.

New York—Law provides:

> Whenever traffic is controlled by lane direction control signals located over the individual lanes of a highway, only the colors green, yellow and red shall be used, and said signals shall indicate and apply as follows:
>
> (a) Traffic facing a steady downward pointing green arrow signal may travel in any lane over which such signal is located.
>
> (b) Traffic facing a steady yellow X signal is thereby warned that the related green downward arrow indication is being terminated and that a red X indication will be exhibited immediately thereafter and such traffic shall vacate, in a safe manner, the lane over which such signal is located.
>
> (c) Traffic facing a flashing yellow X signal may travel in any lane over which such signal is shown preparatory to making a left turn, using proper caution.
>
> (d) Traffic facing a steady red X signal shall not enter or travel in any lane over which such signal is located.

Ohio—Law provides:

> When lane-use control signals are placed over individual lanes of a street or highway said signals shall indicate and apply to drivers of vehicles and trackless trolleys as follows:
>
> (A) A steady downward green arrow: Vehicular traffic and trackless trolleys may travel in any lane over which a green arrow signal is shown.
>
> (B) A steady yellow "X": Vehicular traffic and trackless trolleys are warned to vacate in a safe manner any lane over which such signal is shown to avoid occupying that lane when a steady red "X" signal is shown.

(C) A flashing yellow "X": Vehicular traffic and trackless trolleys may use with proper caution any lane over which such signal is shown for only the purpose of making a left turn.

(D) A steady red "X": Vehicular traffic and trackless trolleys shall not enter or travel in any lane over which such signal is shown.

Virginia—Duplicates the 1968 Code adding, "and shall vacate as soon as possible any lane over which an amber signal is shown."

Washington—Law provides:

Whenever special traffic control signals exhibit a downward green arrow, a yellow X, or a red X indication, such signal indication shall have the following meaning:

(1) A steady downward green arrow means that a driver is permitted to drive in the lane over which the arrow signal is located.

(2) A steady yellow X or flashing red X means that a driver should prepare to vacate, in a safe manner, the lane over which the signal is located because a lane control change is being made, and to avoid occupying that lane when a steady red X is displayed.

(3) A flashing yellow X means that a driver is permitted to use a lane over which the signal is located for a left turn, using proper caution.

(4) A steady red X means that a driver shall not drive in the lane over which the signal is located, and that this indication shall modify accordingly the meaning of all other traffic controls present. The driver shall obey all other traffic controls and follow normal safe driving practices. The UVC does not define the meaning of a flashing red X while the above law does.

District of Columbia—Law provides:

A steady DOWNWARD GREEN ARROW means that a driver is permitted to drive in the lane over which the arrow signal is located.

A steady YELLOW X means that a driver should prepare to vacate, in a safe manner, the lane over which the signal is located because a lane control change is being made, and to avoid occupying that lane when a steady RED X is displayed.

A flashing YELLOW X means that a driver is permitted to use a lane over which the signal is located for a left turn, using proper caution.

A steady RED X means that a driver shall not drive in the lane over which the signal is located, and that this indication shall modify accordingly the meaning of all other traffic controls present. The driver shall obey all other traffic controls and follow normal safe driving practices.

Puerto Rico law is as follows:

When there are special lane traffic-control signals installed over individual lanes of a public highway where lighted "Green Arrows" or "Yellow X's" or "Red X's" are shown pointing downward, such arrows or X's shall have the following meaning:

(a) Green Arrow (Fixed)—Any driver facing this signal may drive his vehicle upon the lane where the special traffic-control signal with the "Green Arrow" is located.

(b) Yellow X (Fixed)—Any driver facing this signal shall get ready to locate himself, in a safe way, against the lane over which the special traffic-control signal with the Yellow X is located to avoid, if possible, that it be occupied when the "Red X" signal glows.

(c) Red X (Fixed)—Any driver facing this signal shall not drive his vehicle upon the lane having the "Red X" special traffic-control signal.

Laws in 20 states provide for the meaning of red or green lane control signals as did the UVC before 1975:

Alaska	Kansas	Nebraska	Pennsylvania
Connecticut	Maine	Nevada	South Dakota
Florida	Maryland	New Hampshire	Texas
Georgia	Massachusetts	North Dakota	Utah
Hawaii	Missouri	Oregon	Vermont

Wisconsin—§ 346.09(1), containing provisions comparable to those in UVC §§ 11-305 and 11-301(c), has this concluding sentence:

In no case shall the operator of a vehicle drive in a lane when signs or signals indicate that such lane is allocated exclusively to vehicles moving in the opposite direction.

The 20 states that do not have comparable laws are:

Alabama	Iowa	Montana	Rhode Island
Arizona	Kentucky	New Jersey	South Carolina
Arkansas	Louisiana	New Mexico	Tennessee
California	Michigan	North Carolina	West Virginia
Indiana	Mississippi	Oklahoma	Wyoming

Citations

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Wash. Rev. Code Ann. § 46.61.070 (Supp. 1977).
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17 D.C. Regs. § 11.1(1975).
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§ 11-205—Display of Unauthorized Signs, Signals or Markings

(a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control device or any railroad sign or signal.

(b) No person shall place or maintain nor shall any public authority permit upon any highway any official traffic control device bearing thereon any commercial advertising except for business signs included as a part of official motorist service panels or roadside area information panels approved by the (State highway commission). (REVISED, 1975.)

(c) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs

giving useful directional information and of a type that cannot be mistaken for official signs.

(d) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

Prefatory Note

Many states may have provisions comparable to those in UVC § 11-205 in their highway laws or laws regulating outdoor advertising. Though some of these are included in the Statutory Annotation to this section, state highway codes should be consulted for additional provisions that may supplement or duplicate the above Code section.

Historical Note

The 1926 Code, as amended in 1930, provided:

> *It shall be unlawful for any* [No unauthorized] person *to place* [shall erect] or maintain *or to display upon or in view of* [upon] any *street or* highway any *unofficial* [warning or direction] sign, [marker,] signal or *device* [light] *which purports to be or is an* [in] imitation of *or resembles any* [an] official *traffic* sign [, marker,] *or* signal [or light erected under the provisions of this act,] *or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic sign or signal,* and no person shall erect or maintain upon any *street or* highway any traffic or highway sign or signal bearing thereon any commercial advertising, provided that nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers or signals bearing thereon the name of an organization authorized to erect the same by the *appropriate public authority* [(State Highway Commission) or any local authority as defined in this act]. *Every prohibited sign, signal or device 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.*

UVC Act IV, § 60 (1926); UVC Act IV, § 13 (Rev. ed. 1930).

In 1934, the section was again amended to read as it does in the present edition of the Code, except that it was divided into only two subsections. It was divided into four subsections in 1952. UVC Act V, § 34 (Rev. ed. 1934); UVC Act V, § 37 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 11-205 (Rev. eds. 1954, 1956, 1962, 1968).

In 1975, subsection (b) was amended to add the exception permitting logo signs near exit ramps.

Statutory Annotation

Subsection (a).

Thirty-five states and the District of Columbia have provisions in verbatim conformity with UVC § 11-205(a):

Alaska	Idaho	Nevada	South Carolina
Arizona	Kansas [1]	New Hampshire	South Dakota [6]
Arkansas [1]	Maine [3]	New Mexico	Tennessee
Colorado	Maryland	New York	Texas [7]
Connecticut [2]	Minnesota [4]	North Dakota	Vermont
Delaware	Mississippi	Ohio	Washington
Florida	Missouri	Oregon	West Virginia
Georgia	Montana	Pennsylvania	Wyoming
Hawaii	Nebraska [5]	Rhode Island	

1. These states have highway advertising control acts which regulate signs with flashing lights or that resemble an official device.
2. Connecticut provides that no person, "firm or corporation" shall maintain or display such signs.
3. The Maine law is in verbatim conformity but adds the words "as to endanger the public" at the end.
4. A second law (§ 169.073) in Minnesota prohibits red lights or signs in view of any highway that interfere with the effectiveness of any highway or railroad traffic-control device.
5. Nebraska also bans devices using stop or danger.
6. South Dakota has a second law in verbatim conformity with the 1926 Code provision (see Historical Note to this section, *supra*).
7. Texas bans flashing lights and signs within 1,000 feet of any intersection unless a special permit has been obtained.

Ten states are in substantial conformity with subsection (a):

California—The law, in addition to being worded slightly differently, omits the Code references to railroad signs and signals and to signs which would interfere with the effectiveness of official traffic-control devices. The Business and Professions Code (§ 5403) bans any advertising visible from a highway that simulates or imitates any direction, warning, danger or information sign or that uses words such as "stop" or "slow down." Red and flashing lights likely to be mistaken for warning or danger signals and dazzling illumination are also prohibited. Any moving or flashing light is prohibited on certain highways. Section 21466 of the Vehicle Code prohibits lights that prevent drivers from readily recognizing an official traffic-control device and § 21466.5 bans lights that impair the vision of drivers. Vision is deemed impaired by any light measured by a "photoelectric brightness meter" that exceeds standards specified in the law.

Illinois—Law is closely patterned after the UVC and additionally prohibits any sign which "interferes with *the movement of traffic or* the effectiveness of any traffic control device. . . ." (Emphasis added.) Illinois also has a law which provides that no person may place any sign or signal on a public highway within 300 feet of a grade crossing, except authorized official traffic-control devices and those required by the Illinois Commerce Commission. It also provides that no person may place upon or in view of any public highway any sign or billboard or any advertising which in wording, color or shape is similar to official traffic-control devices erected by proper authorities in compliance with the Manual on Uniform Traffic Control Devices for Streets and Highways. Highway Code § 9-112.2 bans rotating or flashing lights within 200 feet of any highway.

Indiana—The law is in verbatim conformity with the Code but in addition prohibits the display of any "flashing, rotating or alternating light, beacon or other lighted device" visible from a highway which may be mistaken for a traffic-control device or a warning device on an emergency vehicle; and any advertising sign, signal or device (1) on or over the roadway of any highway, (2) in cities, between a curb and sidewalk, within 10 feet of a curb, or overhanging a curb, (3) outside of cities and towns, within 100 feet of a highway if it obstructs the view of the highway or any intersecting highway, street, alley or private driveway of any person traveling the highway within 500 feet of such sign, and (4) on "any highway, right-of-way, outside or inside the corporate limits of any incorporated city or town."

Iowa—Prohibits any traffic-control device which is an imitation of or resembles "an official *parking sign, curb or other marking,* traffic-control device . . . if such sign, signal, marking, or device has not been authorized by the state highway commission with reference to highways under their jurisdiction, local authorities with reference to streets and highways under their jurisdiction, and the Iowa state commerce commission with reference to railroad crossings. . . ." (Emphasis added.) Iowa has an additional law (§ 319.12) on red reflectors which provides that "except for official traffic-control devices . . . no person shall place, erect, or attach any red reflector, or any object or other device which shall cause a red reflectorized effect, within the boundary lines of the public highways so as to be visible to passing motorists."

Michigan—The law provides that "Except with authority of a statute or of a duly authorized public body or official," no person may erect along a highway "or upon any structure in or over any highway" any signs, signals, markings, devices, or any "blinking, oscillating or rotating light or lights, decoration or banner" which could be mistaken for or which interferes with official traffic-control devices.

New Jersey—Prohibits "any unauthorized traffic sign, device or other contrivance" which is in imitation of or could be mistaken for "an official traffic sign" as opposed to any official traffic-control device or railroad sign or signal, as in the Code. Section 39:4-60.1 bans rotating or flashing lights within 100 feet of any roadway that imitate or resemble such lights used by utilities and agencies to indicate emergency or hazardous conditions.

Oklahoma—The law is identical to the Code but additionally prohibits the erection or display of any device "which projects any flashing or revolving beams of light."

Utah—The law is identical to the Code but also prohibits any light which resembles an official traffic-control device, railroad sign or signal or "authorized emergency vehicle flashing light," or which "is of such brilliant illumination and so positioned as to blind or dazzle a driver . . . ."

Wisconsin—Prohibits any unauthorized "sign, *light*, *reflector*, signal, marking or device" upon or in view of any highway or "at or in view of any railroad crossing" which resembles "or may be mistaken for" an official sign or signal or which attempts to direct the movement of traffic or which hides from view "or by its color, location, brilliance or manner of operation" interferes with the effectiveness of any official traffic sign or signal or railroad sign or signal. A second law prohibits placing, maintaining or displaying any red or amber reflector within the limits of the highway boundaries at or near the entrance to a private road or driveway, but permits the use of blue reflectors provided there is no disapproval by the appropriate highway authority.

Puerto Rico—Provides that no unauthorized light, signal, warning, signpost, marking, advertisement, device or appliance purporting to be or an imitation of or resembling an official traffic control device or appliance, is to be placed, maintained or displayed on a public highway or in places visible from them.

Three states are in verbatim conformity with the 1926 Code provision (see Historical Note to this section, *supra*):

Alabama	North Carolina [1]	Virginia [2]

1. North Carolina is in verbatim conformity with the 1926 Code but contains an additional clause permitting the use of unauthorized signs which resemble official signs "in case of an emergency."
2. In addition to a provision in verbatim conformity with the 1926 Code, Virginia has a law (§ 33-317) prohibiting any advertisement which: imitates an official sign, implies a requirement of stopping or the existence of danger, resembles a traffic light or sign, or displays flashing lights or moveable objects that distract the attention of a driver or obstruct his view of traffic on certain curves.

Two states have these provisions:

Kentucky—§ 189.045 provides:

> No person shall install or maintain a red, yellow, green or similarly colored flashing light within one hundred feet of the right of way of a state maintained highway for any purposes other than safety, highway construction, or emergency purposes.

Section 277.160(2) provides:

> No person shall erect on or near a public highway any signboard or other contrivance similar to or like the danger signals used by railroads, interurbans and electric railway companies at road crossings.

Section 177.863 regulates highway advertising and prohibits advertising that attempts or appears to direct the movement of traffic "or which interferes with, imitates or resembles any official traffic sign, signal or device." The law also prohibits devices which are illuminated by flashing, intermittent or moving lights, except those giving public service information such as time or temperature, devices that impair driver vision, and devices that interfere with the effectiveness of or obscure an official traffic sign, device or signal.

Louisiana—§ 32:236 provides:

> No person shall erect or maintain any sign of any nature or a traffic control device or any thing resembling a traffic control device within the right-of-way of any highway or street, except the governing authority maintaining the highway or street, a contractor performing work upon the road or street for the governing authority, or a public service corporation or a person having official permission to install or maintain anything in the public right-of-way under the provisions of R.S. 48:344 and 381.
>
> Contractors may place such signs and warning devices and permit holders may place such temporary signs and warning devices as are authorized to warn the traveling public of dangers arising from the work being done within the right-of-way. . . .

Massachusetts does not have a comparable provision in its vehicle code.

Subsection (b).

Pennsylvania adopted the revised subsection (b). Colorado has the 1968 Code adding that it does not prohibit motorist services information of a general nature that do not indicate brand, trademark or name of an enterprise. Missouri and Vermont add unless authorized by the highway commission. Oklahoma and Rhode Island authorize local officials to permit advertising.

Thirty-six states and the District of Columbia are in verbatim conformity with the 1968 Code provision:

Alaska	Illinois	Montana	Oregon [3]
Arizona	Indiana	Nebraska	South Carolina
Arkansas	Iowa	Nevada	South Dakota [4]
Connecticut [1]	Kansas	New Hampshire	Tennessee
Delaware	Maine	New Jersey	Texas [5]
Florida	Maryland	New Mexico	Utah
Georgia	Michigan	New York	Washington
Hawaii	Minnesota	North Dakota	West Virginia
Idaho [2]	Mississippi	Ohio	Wyoming

1. Connecticut states that no person, "firm or corporation" shall be permitted to display a sign with advertising placed on it.
2. Idaho omits "motorist service panels or."
3. Oregon uses the word "erect" instead of "place."
4. South Dakota has a second law in verbatim conformity with the 1926 Code provision.
5. Another Texas law (S.B. 621 (1971)) allows municipalities "for revenue purposes" to place "advisory safety or useful directional information signs of a type that cannot be mistaken as official signs" along non-state highways.

Three states have provisions which are in verbatim conformity with the 1926 Code provision (see Historical Note, *supra*):

Alabama	North Carolina	Virginia

Wisconsin has the following provision:

> No person shall place or maintain nor shall any public authority permit upon any highway any traffic control device bearing thereon any advertisement except that a federal yellow flag, 24 inches square and bearing either the words "Safety Patrol" or "School," attached to a light weight pole 8 feet or less in length may be used by members of school safety patrols standing adjacent to but off the roadway to warn traffic that children are about to cross the roadway.

Four states do not have comparable laws:

California	Kentucky	Massachusetts
	Louisiana	

Subsection (c).

Thirty-eight states and the District of Columbia have provisions which are in conformity with UVC § 11-205(c).

Alaska	Indiana	Nevada	South Carolina
Arizona	Iowa	New Hampshire	South Dakota
Arkansas [1]	Kansas	New Jersey	Tennessee
Colorado	Maine [2]	North Dakota	Texas
Delaware	Maryland	Ohio	Utah
Florida	Minnesota	Oklahoma	Vermont
Georgia	Mississippi [3]	Oregon	Washington
Hawaii	Missouri	Pennsylvania	West Virginia
Idaho	Montana	Rhode Island	Wyoming
Illinois	Nebraska [4]		

1. Arkansas makes the directional information "and/or of a type" that cannot be mistaken for official signs.
2. Maine additionally permits signs that promote highway safety.
3. Mississippi adds a provision making the use of such signs unlawful if they are closer than 50 feet to the center line of state highways.
4. Unless prohibited by another statute.

The remaining states do not have comparable laws.

Subsection (d).

Thirty-nine jurisdictions have provisions in verbatim conformity with UVC § 11-205(d):

Alaska	Indiana	New Hampshire	Tennessee
Arizona	Iowa	New Mexico	Texas
Arkansas	Kansas	New York	Utah
Colorado	Maryland	North Dakota	Vermont
Delaware	Michigan	Oklahoma	Washington
Florida	Minnesota	Oregon [2]	West Virginia
Georgia	Missouri [1]	Pennsylvania [3]	Wyoming
Hawaii	Montana	Rhode Island	District of
Idaho	Nebraska	South Carolina	Columbia
Illinois	Nevada	South Dakota [4]	Puerto Rico

1. Missouri omits the concluding language granting authority to remove a device without notice. A second law authorizes uniform markings and removal of all other markings, guide boards and advertising signs.
2. Oregon uses the word "device" instead of "marking."
3. At reasonable expense to owner. There is no reference to notice.
4. Removal authority is limited to the "Highway Commission."

Three states are in substantial conformity with subsection (d):

California—§ 21467 provides:

> Every prohibited sign, signal, device, or light is a public nuisance, and the Department of Public Works, members of the California Highway Patrol, and local authorities are hereby authorized and empowered without notice to remove the same, or cause the same to be removed, or the Director of the Department of Public Works, the commissioner, or local authorities may bring an action as provided by law to abate such nuisance.

Connecticut—§ 14-310(b) provides:

> The traffic authority having jurisdiction over any such highway is authorized, without notice, to cause any such prohibited sign, signal or marking to be removed as a public nuisance.

Ohio—The law is virtually identical to the Code section but omits the phrase "without notice."

The laws of five states differ from the Code either by granting more limited authority for removal of such signs or by requiring notice before removal:

Maine—The law provides that every such prohibited sign, signal or marking is a public nuisance and the authority having jurisdiction "may order the same removed within 48 hours after receipt of such notice."

Mississippi—The law requires that a 10-day notice be given, either by registered mail or some other method.

New Jersey—§ 39:4-183.3 provides, in part:

> A sign, device or other contrivance prohibited by section four of this act shall be deemed a public and private nuisance and any citizen may maintain an action at law or in equity for its removal. The sole question of law and fact shall be whether it is in imitation of or of a nature as to be mistaken for an official traffic sign.

Virginia—§ 33-321 provides:

> Any advertisement or advertising structure which is erected, used, maintained, operated, posted or displayed in violation of §§ 33-317, 33-317.1 or 33-318 or for which no permit has been obtained where such is required, or after revocation or more than thirty days after expiration of a permit, or which, whether or not excepted under the provisions of § 33-302, is not kept in a good general condition and in a reasonably good state of repair and is not, after thirty days' written notice to the person erecting, using, maintaining, posting or displaying the same, put into good general condition and in a reasonably good state of repair, is hereby declared to be a public and private nuisance and may be forthwith removed, obliterated or abated by the Commissioner or his representatives. The Commissioner may collect the cost of such removal, obliteration or abatement from the person erecting, using, maintaining, operating, posting or displaying such advertisement or advertising structure.

Wisconsin—§ 349.09 provides:

> Every sign, signal, marking or device which is placed, maintained or displayed in violation of s. 346.41 is declared to be a public nuisance. The authority in charge of maintenance of the highway in question may notify in writing the owner or occupant of the premises upon which the nuisance exists or the person causing or maintaining the nuisance to remove the same. If such nuisance is not removed within 30 days after such notice is given or if an unauthorized signal or device is found to be in operation at any time after such notice is given, the authority in charge of maintenance of the highway may cause the nuisance to be removed and collect the expense of removal from the person notified to remove it. The expense of removal may be charged against the premises and, upon certificate of the highway authority causing the removal, assessed as are other special taxes.

The remaining states do not have comparable provisions:

Alabama	Louisiana	Massachusetts
Kentucky		North Carolina

Citations

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§ 11-206—Interference With Official Traffic-control Devices

No person shall, without lawful authority, 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. (REVISED, 1975.)

Prefatory Note

Many states may have provisions comparable to those in UVC § 11-206 in their highway laws. Though some of these are included in the Statutory Annotation that follows, state highway codes should be consulted for additional provisions that may supplement or duplicate the above Code section. See UVC § 1-139 for the definition of "official traffic-control device" and UVC § 16-101 on attempts to commit a crime generally.

Historical Note

The 1926 Code provided that no person should "deface, injure, knock down or remove any sign posted" as provided in the act and stated that any person violating the section sould be guilty of a misdemeanor. UVC Act IV, § 61 (1926).

The 1930 edition stated that any person who defaced, injured, knocked down or removed any "official traffic sign or signal placed or erected as provided . . . shall be guilty of a misdemeanor." UVC Act IV, § 14 (Rev. ed. 1930).

The present Code section was adopted in 1934. UVC Act V, § 35 (Rev. ed. 1934); UVC Act V, § 38 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 11-206 (Rev. eds. 1954, 1956, 1962, 1968).

It was amended in 1975 as follows:

> No person shall, without lawful authority, attempt to or in fact alter, *twist*, deface, injure, knock down, [or] 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. (REVISED, 1975.)

Statutory Annotation

One state, Idaho, duplicates the Code, and four additional states have laws that are patterned closely after the 1975 Code section:

Alaska [1] Colorado [2] Delaware [3] Pennsylvania

1. Alaska does not expressly cover twisting and gives state a right to recover damages.
2. Does not expressly cover twisting.
3. Duplicates Code and bans interfering with any roadway, bridge, drain, light, gate or traffic device.

Thirty-one states and the District of Columbia are in conformity with the 1968 UVC § 11-206:

Arizona	Minnesota	New York	Tennessee
Florida [1]	Mississippi	North Dakota	Texas
Georgia	Missouri	Ohio [3]	Utah
Hawaii	Montana	Oklahoma	Vermont
Illinois	Nebraska [2]	Oregon	Washington
Indiana	Nevada	Rhode Island	West Virginia
Kansas	New Hampshire	South Carolina [4]	Wyoming
Michigan	New Mexico	South Dakota [5]	

1. Florida has a second law making it unlawful to tear down or deface any detour sign or to break down or drive around any barricade erected to close a street.
2. Nebraska adds civil liability for violations.
3. Ohio is identical to the Code, but adds: "This prohibition includes the driving upon or over any freshly painted center line, lane line, letter, number, or symbol on the surface of a roadway while the paint is in an undried condition and is marked by flags, markers, signs, or other devices intended to protect it."
4. The penalty for a violation is a fine of not less than $1,000, imprisonment from one to five years, or both. If injury results, the violation is a felony punishable as determined by the judge. If death results, it is a felony punishable by from two to 30 years in prison.
5. South Dakota has a second law in verbatim conformity with the 1926 Code provision.

Two states—North Carolina and Virginia—are in verbatim conformity with the 1926 Code section (see Historical Note to this section, *supra*). North Carolina § 136-33 prohibits removing or passing any highway sign and authorizes payment of rewards for conviction of violators.

The remaining 13 states are in varying degrees of conformity with the Code. Some, for example, expressly require that the act be committed "willfully," and some apply to less than all traffic-control devices. The pertinent provisions of these laws are:

Alabama—The law is in substantial conformity with the Code but additionally prohibits the removal of any milestone, post board or guideboard set upon the highway.

Arkansas—No person shall alter, knock down, damage or remove any "official highway traffic-control device, road marker, lighting equipment, or any railroad crossing sign or signal" and violation of the section is a misdemeanor.

California—The law provides:

> No person shall without lawful authority deface, injure, attach any material or substance to, knock down, or remove, nor shall any person shoot at, any official traffic control device, . . . traffic guidepost, traffic signpost, or historical marker placed or erected as authorized or required by law, nor shall any person without such authority deface, injure, attach any material or substance to, or remove, nor shall any person shoot at, any inscription, shield, or insignia on any such device, guide or marker.

Connecticut—§ 13a-125 provides:

> Any person, firm or corporation which wilfully or maliciously removes, defaces, destroys, knocks down or otherwise tampers with any barrier, warning, detour, cautionary, direction, or formational or other sign or light placed by the direction of the commissioner shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both.

Iowa—Law bans authorized possession of a device and provides:

> Any persons who willfully and intentionally, without lawful authority, attempts to or in fact alters, defaces, injures, knocks down, or removes any official traffic-control device, any authorized warning sign or signal or barricade, whether temporary or permanent, any railroad sign or signal, any inscription, shield or insignia on any of such devices, signs, signals, or barricades, or any other part thereof, shall, upon conviction, be punished by imprisonment in the county jail for not more than six months, or fined not more than five hundred dollars, or by both such fine and imprisonment.

Kentucky—Any person who without lawful authority "damages, defaces or alters any guideboard, milestone or milepost . . . shall be fined . . . ."

Louisiana—No person shall in any way "tamper with, move, damage, or destroy any barricade, signs or signals placed upon any highway" by the proper authorities.

Maine—Any person who "removes, destroys, damages or defaces any sign or signal erected by or under the direction of the State Highway Commission shall be deemed guilty of a misdemeanor . . . ."

Maryland—No person shall "alter, deface, injure, knock down, change the direction of, twist, or remove any part of" any traffic-control device.

Massachusetts—§ 94 provides:

> Whoever willfully, intentionally and without right breaks down, injures, removes or destroys a monument erected for the purpose of designating the boundaries of a town or of a tract or lot of land, or a tree which has been marked for that purpose, or so breaks down, injures, removes or destroys a milestone, mileboard or guideboard erected upon a public way or railroad, or willfully, intentionally and without right defaces or alters the inscription on any such stone or board, or willfully, intentionally and without right mars or defaces a building or signboard, or extinguishes a light, or breaks, destroys or removes a lamp, lamp post, railing or post erected on a bridge, sidewalk, public way, court or passage, or wilfully, intentionally and without right defaces or otherwise injures, removes, interferes with or destroys any traffic regulating sign, light, signal, marking or device lawfully erected or placed under public authority on any public way, shall be punished by imprisonment for not more than six months or by a fine of not more than fifty dollars.

New Jersey and Wisconsin—No person shall willfully or intentionally deface, injure or remove an official traffic sign or signal.

Puerto Rico—Prohibits damaging official devices.

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

§ 11-301—Drive on Right Side of Roadway—Exceptions

(a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

2. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard; (REVISED, 1962.)

3. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

4. Upon a roadway restricted to one-way traffic. (REVISED, 1968).

Historical Note

The 1926 Code provided that upon highways of sufficient width, the driver of a vehicle should keep on the right half of the highway unless "impracticable" to travel on such side and except when overtaking and passing another vehicle, subject to limitations applicable to such overtaking and passing. UVC Act IV, § 10 (1926). In 1930, this provision was amended as follows:

> Drive on Right Side of Highway. (a) Upon all highways of sufficient width, *other than one-way highways* [except upon one-way streets], the driver of a vehicle shall drive the same upon the right half of the highway [and shall drive a slow moving vehicle as closely as possible to the right-hand edge or curb of such highway,] *except when the right half is out of repair and for such reason impassable* [unless it is impracticable to travel on such side of the highway] or when overtaking and passing another vehicle subject to the limitations [applicable in overtaking and passing] set forth in *Section 30* [Sections 13 and 14].

UVC Act IV, § 26(a) (Rev. ed. 1930). The present Code subsection was adopted in 1934. Subparagraph 2, until revised in 1962, provided: "When the right half of a roadway is closed to traffic while under construction or repair." UVC Act V, § 56 (Rev. ed. 1934); UVC Act V, § 63 (Rev. eds. 1938, 1944); UVC Act V, § 63(a) (Rev. eds. 1948, 1952); UVC § 11-301(a) (Rev. eds. 1954, 1956, 1962).

In 1968, subsection (b)4 was revised. Prior to that time, it referred to a roadway "designated and signposted" for one-way traffic. This phrase was changed to avoid requiring a driver to be on the right side of a one-way roadway merely because it had not been "signposted" (as is often the case with roadways on divided highways).

In addition to the 1926-1930 provisions quoted above, early editions of the Code included a section which provided:

> Keep to the Right in Crossing Intersections or Railroads.
> In crossing an intersection of highways or the intersection of a highway by a railroad right of way, the driver of a vehicle shall

at all times cause such vehicle to travel on the right half of the highway unless such right half is obstructed or impassable.

UVC Act IV, § 11 (1926). In 1930, this provision was amended to include drivers "approaching" an intersection, railroad grade crossing, bridge, viaduct or tunnel and an exception was added for one-way streets. In the 1934 revision which formulated the Code's present general rule requiring operation on the right half of the roadway, including such specific places as intersections, the duplicatory 1930 Code provisions were removed from this section, but were amended and retained as restrictions on overtaking and passing. See § 11-306, *infra*.

Statutory Annotation

Except as noted, 17 jurisdictions have laws in verbatim conformity with subsection (a)

Alaska [1]	Illinois [4]	New York [5]	South Carolina
Colorado [2]	Iowa	North Dakota	Vermont
Georgia	Kansas	Oklahoma [6]	Washington
Hawaii	Nebraska	Oregon [7]	Puerto Rico [8]
Idaho [3]			

1. Substitutes "roadway" for "highway" in (a) (2). Adds exception for left turn.
2. Subsection (a) (4) requires the presence of traffic-control devices.
3. Idaho substitutes "roadway" for the first "highway" appearing in (a) (2).
4. Illinois uses "roadway" in (a) (2). A fifth subsection applies to drivers on a "single track paved road." The one having a wider shoulder must give way.
5. Also allows driving on the left to pass pedestrians, animals or obstructions.
6. A fifth subsection applies on roadways having four or more lanes for moving traffic and providing for two-way movement of traffic.
7. Substitutes "roadway" for "highway" in (a) (2) and excepts drivers preparing to turn left.
8. Puerto Rico requires all vehicles to be driven upon the right half of the roadway except in all the cases specified in the Code, and additionally, when the right half of the roadway is closed to traffic and when the main-travelled portion of the roadway is so narrow as to prevent it, in which case it shall be permissible for the vehicle to keep to the center while the roadway is straight and as long as said vehicle does not have to yield the right of way to other vehicles proceeding in the same or opposite directions.

Pennsylvania adopted a statute based on the Code. The introductory paragraph is adopted verbatim. In subsection (a)(1) the words "where permitted by the rules" are used instead of "under the rules." In subsection (a)(2), "roadway" replaces "highway" and "driver" is used rather than "any person so doing." The exception in subsection (a)(3) is where official traffic-control devices designate a lane or lanes to the left of center of the roadway for movement indicated by the device. Subsection (a)(4) is adopted verbatim. An exception for certain left turns is provided for in subsection (a)(5).

The laws of eight states are in verbatim conformity with § 11-301(a) as it appeared in the 1962 edition of the Code:

Delaware	New Hampshire	Ohio [3]
Florida	North Carolina [2]	Texas
Maryland [1]		Utah

1. Maryland adds a fifth exception: any roadway marked or signed in a manner indicating that a contrary rule exists.
2. North Carolina substitutes "highway" for "roadway."
3. The Ohio law contains two additional exceptions: "When making a left turn under the rules governing such movements" and "when otherwise directed by a police officer or traffic-control device."

Eleven states and the District of Columbia have laws in verbatim conformity with the subsection as it appeared in the 1956 Code; i.e., with subparagraph 2 providing: "When the right half of a roadway is closed to traffic while under construction or repair":

Arizona	Minnesota	New Mexico	West Virginia
Arkansas	Mississippi	Rhode Island	Wyoming
Indiana	Montana	Tennessee	

Two more states—California and Louisiana—are also in conformity with the 1956 Code section except that they do not include provisions similar to § 11-301(a) 3 relating to three-lane roadways. California has an additional subsection expressly excepting vehicles making left turns and duplicates 1968 subsection (b)4. See also, Cal. Vehicle Code § 21661 providing that on a grade not wide enough for meeting vehicles to pass, the driver of the descending vehicle shall yield and, if necessary, back his vehicle to a place where it is possible for them to pass.

The laws of eleven states, many of which may be in substantial conformity with UVC § 11-301(a), are quoted or discussed briefly below.

Alabama—§ 32-5-55 provides:

> Drive on Right Side of Highways—Upon all highways of sufficient width, except upon one-way streets, the driver of a vehicle shall drive the same upon the right half of the highway and shall drive a slow moving vehicle as closely as possible to the right hand edge or curb of such highway, unless it is obstructed or impassable and except when overtaking and passing another vehicle subject to the limitations applicable in overtaking and passing as set forth in sections 32-5-131 and 32-5-132. Any person violating this section shall be guilty of a misdemeanor. . . .

Compare with the 1926 and 1930 Code provisions in the Historical Note, *supra*.

Connecticut—§ 14-230 provides:

> Driving in right hand lane. Upon all highways, each vehicle shall be driven upon the right, except (1) when overtaking and passing another vehicle proceeding in the same direction, (2) when overtaking and passing pedestrians, parked vehicles, animals or obstructions on the right side of the highway, (3) when the right side of a highway is closed to traffic while under construction or repair, (4) on a highway divided into three or more marked lanes for traffic, or (5) on a highway designated and signposted for one-way traffic. . . .

This law may be in substantial conformity with the 1956 Code, but is included here because it does not contain several phrases such as "roadways of sufficient width" and "half of the roadway," as in the first sentence of UVC § 11-301(a), "under the rules governing such movement," as in § 11-301(a)1, and "under the rules applicable thereon," as in § 11-301(a)3. The law also refers to "highway" rather than "roadway." Also, subsection (2) of the Connecticut law is very similar to a subsection in the New York law, noted *supra*.

Kentucky—§ 189.300 provides:

> Vehicles to keep to right. (1) The operator of any vehicle when upon a highway shall travel upon the right side of the highway whenever possible, and unless the left side of the highway is clear of all other traffic or obstructions and presents a clear vision for a distance of at least one hundred and fifty feet ahead.

The Kentucky law does not except one-way or three-lane roadways and refers to "highway" rather than "roadway."

Massachusetts—§ 4 provides:

> Vehicles to Keep to Right When View Obstructed; Exceptions.—Whenever on any way, public or private, there is not an unobstructed view of the road for at least four hundred feet, the driver of every vehicle shall keep his vehicle on the right of the middle of the traveled part of the way, whenever it is safe and practicable so to do, except that the department of public works may alter this provision by the use of restrictive pavement markings in areas of limited sight distance. . . .

And § 4B provides:

> [Driving on Ways Divided into Lanes Regulated.] Upon all ways the driver of a vehicle shall drive in the lane nearest the

right side of the way when such lane is available for travel, except when overtaking another vehicle or when preparing for a left turn. When the right lane has been constructed or designated for purposes other than ordinary travel, a driver shall drive his vehicle in the lane adjacent to the right lane except when overtaking another vehicle or when preparing for a left or right turn.

Taken alone, § 4 is not in conformity with UVC § 11-301(a). If § 4B applies on all roadways, it may be in substantial conformity with the Code but if it applies only on roadways divided into lanes, it is not. A regulation requires use of the lane nearest the right side of the roadway except when passing or preparing for a left turn.

Michigan—Law contains no subsection comparable to (a)4 on one-way roadways and the portion comparable to (a)2 reads as follows:

When the right half of a roadway is closed to traffic while under construction or repair or when an obstruction exists making it necessary to drive to the left of the center of the highway. A driver who is driving on the left half under this subdivision shall yield the right of way to oncoming vehicles traveling in the proper direction upon the unobstructed portion of the highway.

Michigan is identical to subsections (a)1 and (a)3.

Missouri—Law provides:

2. Upon all public roads or highways 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 placing a vehicle in position for and when such vehicle is lawfully making a left turn in compliance with the provisions of sections 304.014 to 304.026 or traffic regulations thereunder or of municipalities.

(3) When the right half of a roadway is closed to traffic while under construction or repair;

(4) Upon a roadway designated by local ordinance as a one-way street and marked or signed for one-way traffic.

This law does not have UVC subsection (a)3 and the UVC does not have the law's subsection 2(2) relating to left turns. Subsection 2(3) in the law is patterned after the 1956 Code and subsection 2(4) differs by applying only to local one-way roadways while the UVC applies to all one-way roadways.

Nevada—Law requires driving upon the right half of a highway. This position is not required when passing under the laws governing such movements, when the right half of the highway is closed to traffic, upon a highway divided into three lanes, upon a highway designated and posted for one-way traffic, nor when the highway is not of sufficient width.

New Jersey—§ 39:4-82 provides:

Keeping to right. Upon all highways of sufficient width, except upon one-way streets, the driver of a vehicle shall drive it on the right half of the roadway. He shall drive a vehicle as closely as possible to the right-hand edge or curb of the roadway, unless it is impracticable to travel on that side of the roadway, and except when overtaking and passing another vehicle subject to the provisions of sections 39:4-84 and 39:4-85 of this Title.

If the latter part of the second sentence, beginning with the word "unless," applies also to the first sentence, this law is probably in substantial conformity with UVC §§ 11-301(a)1 and 2 as well as with UVC § 11-301(a)4. Compare the first sentence of this law with the 1926 Code section, quoted in the Historical Note, *supra*. A second New Jersey law (§ 39:4-83) provides:

Keep to the Right in Crossing Intersections or Railroads.—In crossing an intersection of highways or the intersection of a highway by a railroad right of way, the driver of a vehicle shall at all times cause such vehicle to travel on the right half of the highway unless such right half is obstructed or impassable. The foregoing limitations shall not apply upon a one-way roadway.

Compare the first sentence of this law with the 1926 Code Act IV, § 11, quoted in the Historical Note, *supra*.

South Dakota—Law is virtually identical to the 1926 Code section, quoted in the Historical Note, *supra*, and a second law (§ 32-26-2) requires keeping right at all intersections and grade crossings as did the 1926 Code.

Virginia—§ 46.1-203 provides:

Drive on right side of highways.—Except as otherwise provided by law, upon all highways of sufficient width the driver of a vehicle shall drive the same upon the right half of the highway, unless it is impracticable to travel on such side of the highway and except when overtaking and passing another vehicle, subject to the provisions applicable to overtaking and passing set forth in §§ 46.1-208, 46.1-210 and 46.1-212.

Compare with the 1926 and 1930 Code provisions quoted in the Historical Note, *supra*. Virginia also has a law (§ 46.1-205) that is identical to the 1926 Code provision requiring a driver to travel on the right half of the highway when crossing an intersection of highways or the intersection of a highway by a railroad right of way, unless it is obstructed or impassable "except as otherwise provided by law." See text of the 1926 Code, Act IV, § 11, in the Historical Note, *supra*.

Wisconsin—§ 346.05 provides:

Vehicles to be driven on right side of roadway; exceptions. (1) Upon all roadways of sufficient width the operator of a vehicle shall drive on the right half of the roadway and in the right-hand lane of a 3-lane highway, except:

(a) When making an approach for a left turn under circumstances in which the rules relating to left turns require driving on the left half of the roadway; or

(b) When overtaking and passing under circumstances in which the rules relating to overtaking and passing permit or require driving on the left half of the roadway; or

(c) When the right half of the roadway is closed to traffic while under construction or repair; or

(d) When overtaking and passing pedestrians, animals or obstructions on the right half of the roadway; or

(e) When driving in a particular lane in accordance with signs or markers designating such lane for traffic moving in a particular direction or at designated speeds; or

(f) When the roadway has been designated and posted for one-way traffic, subject, however, to the rule stated in sub. (3) relative to slow-moving vehicles.

Maine does not have a comparable law providing that as a general rule a driver should drive on the right half of the roadway. See also, the Massachusetts laws discussed, *supra*.

§ 11-301—Drive on Right Side of Roadway—Exceptions

(b)Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the

same direction or when preparing for a left turn at an intersection or into a private road or driveway.

Historical Note

Section 10 of the 1926 Code, which is quoted in full in § 11-301(a), *supra*, required operators to drive upon the right half of the highway and to "drive a slow moving vehicle as closely as possible to the right-hand edge or curb of such highway," unless impracticable and except when overtaking and passing another vehicle. UVC Act IV, § 10 (1926).

The 1930 Code, however, contained three subsections directing a person to drive in the right lane. They provided:

> Section 26. Drive on Right Side of Highway.
>
> (b) In driving upon the right half of the highway the driver shall drive as closely as practicable to the right-hand edge or curb of the highway except when overtaking or passing another vehicle, or when placing a vehicle in position to make a left turn.
>
> (d) In driving upon a one-way highway the driver shall drive as closely as practicable to the right-hand edge or curb of the highway except when overtaking or passing or traveling parallel with another vehicle or when placing a vehicle in position to make a left turn.
>
> Section 27. Special Regulations Applicable on Streets and Highways Laned for Traffic. Whenever any street or highway has been divided into clearly marked lanes for traffic, drivers of vehicles shall obey the following regulations:
>
> (a) A vehicle shall normally be driven in the lane nearest the right-hand edge or curb of the highway when said lane is available for travel except when overtaking another vehicle or in preparation for a left turn. . . .

UVC Act IV, §§ 26(b) and (d), 27(a) (Rev. ed. 1930). In 1934, the Code sections relating to driving on the right, overtaking and passing, and use of the roadway generally were substantially revised and the above provisions relating to driving in the right-hand lane were deleted. A provision comparable to any of those contained in the 1926 and 1930 editions did not again appear in the Code until 1948 when the National Committee approved the section now designated as UVC § 11-301(b). UVC Act V, § 63(b) (Rev. eds. 1948, 1952); UVC § 11-301(b) (Rev. eds. 1954, 1956, 1962, 1968). The section has not been amended since it was placed in the Code in 1948.

Statutory Annotation

The laws of 29 states and the District of Columbia are in verbatim conformity with UVC § 11-301(b):

Arizona	Indiana [5]	New Hampshire [9]	South Carolina
Colorado [1]	Iowa	New Mexico	Tennessee
Delaware [2]	Kansas [6]	New York	Texas
Florida	Minnesota	Ohio	Utah
Georgia [3]	Mississippi	Oklahoma [10]	Vermont
Hawaii	Montana [7]	Pennsylvania [11]	West Virginia
Idaho [4]	Nebraska [8]	Rhode Island	Wisconsin
Illinois			

1. Colorado has an additional law (§ 13-5-35) providing that if a person drives at less than the normal speed of traffic outside cities, he must drive in the right lane or pull off the roadway if he impedes or retards traffic. If there are uphill lanes or turnouts, drivers proceeding less than the normal and reasonable speed must use them to allow other vehicles to pass or maintain normal traffic flow.

2. Delaware has a second law (§ 4125):

> On a two-lane highway where passing is unsafe because of traffic in the opposite direction or other conditions, a slow moving vehicle, behind which five (5) or more vehicles are formed in line, shall turn off the roadway wherever sufficient area for a safe turnout exists, in order to permit the vehicles following to proceed. As used in this section, a slow moving vehicle is one which is proceeding at a rate of speed less than the normal flow of traffic at the particular time and place.

3. Georgia adds that no two vehicles shall impede the normal flow of traffic by traveling side by side at the same time while in adjacent lanes: Provided, that this Section shall not be construed to prevent vehicles traveling side by side in adjacent lanes because of congested traffic conditions.

4. Idaho has a second law which requires a person who is driving at such a slow speed on a two-lane highway that three or more vehicles are formed in a line behind him and cannot pass to the left safely, to turn off the roadway wherever sufficient area for a safe turnout exists in order to permit the vehicles following to proceed. A "slow-moving vehicle" is defined as one proceeding at a speed less than the normal flow of traffic at that particular time and place. Idaho Code Ann. § 49-704A.

5. Indiana has a second provision which requires a person who is driving at such slow speed that three or more other vehicles are blocked and cannot pass on the left to give the right of way to such other vehicles by "pulling off to the right of the right lane at the earliest possible opportunity and allowing the blocked vehicles to pass." Ind. Ann. Stat. § 9-4-1-59. Indiana adopted laws requiring drivers on interstate highways to use the "right lanes" if they are traveling at a speed less than the established maximum limit. All trucks and combinations of vehicles on such highways must use the far right lane unless they are passing, entering or leaving the highway or where a special hazard exists. If there are three or more lanes in one direction, trucks and combinations of vehicles must be in the two far right lanes except when entering or leaving the highways or where a special hazard exists. Ind. Code § 9-4-1-59 (Supp. 1979).

6. Kansas has a second law requiring drivers proceeding at such a slow speed and under such circumstances that three or more vehicles are blocked and cannot pass on the left to give right of way to the blocked vehicles at the earliest reasonable opportunity unless it cannot be safely done. § 8-534(c).

7. Montana has a second law (32-2147) requiring a driver blocking four or more vehicles to turn off the road in a turnout or other area to let them pass on two lane highways.

8. A second law requires animal riders, persons driving animal drawn vehicles and drivers of farm tractors to use the nearest available shoulder when their slowness obstructs the normal flow of traffic.

9. New Hampshire (§ 262-A:52) requires school bus drivers to pull over when there are five or more motor vehicles following the bus if road conditions and space permit.

10. Oklahoma substitutes "when" for the Codes "*then* available for traffic."

11. The Pennsylvania law does not apply to a driver who must be in a different lane to continue on his intended route. Pennsylvania has a second law (§ 3364) which provides:

> Except when reduced speed is necessary for safe operation or in compliance with law, whenever any person drives a vehicle upon a roadway having width for not more than one lane of traffic in each direction at less than the maximum posted speed and at such a slow speed as to impede the normal and reasonable movement of traffic, the driver shall, at the first opportunity when and where it is reasonable and safe to do so and after giving appropriate signal, drive completely off the roadway and onto the berm or shoulder of the highway. The driver may return to the roadway after giving appropriate signal only when the movement can be made in safety and so as not to impede the normal and reasonable movement of traffic.

12. A second Vermont law (§ 1082) requires all slow-moving vehicles to keep as close to the right side as is practicable and to pull off the highway when impeding traffic to let it pass.

The laws of six more jurisdictions use somewhat different language, but are in substantial conformity with this Code subsection:

California—§ 21654 provides:

> (a) Notwithstanding the prima facie speed limits, any vehicle proceeding upon a highway at a speed less than the normal speed of traffic moving in the same direction at such time shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.
>
> (b) If a vehicle is being driven at a speed less than the normal speed of traffic moving in the same direction at such time, and is not being driven in the right hand lane for traffic or as close as practicable to the right-hand edge or curb, it shall constitute prima facie evidence that the driver is operating the vehicle in violation of subdivision (a) of this section.

See also, § 21655(b), quoted in full in § 11-309(c), *infra*, expressly requiring certain types of vehicles to be driven in the right-hand lane or as close as practicable to the right edge or curb.

Connecticut—§ 14-230 provides:

> Driving in right hand lane. . . . Any vehicle proceeding at less than the normal speed of traffic shall be driven in the right-hand lane available for traffic, or as close as practicable to the right-hand curb or edge of the highway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

See also, § 14-99 which provides:

. . . . When operating at below the posted speed limits and when so approached or overtaken, the operator of such commercial motor vehicle [one that is so constructed or loaded that driver cannot have a view of the rear] shall drive to the extreme right of the travelled way as promptly as safety will permit, giving the vehicle approaching from the rear opportunity to pass.

North Dakota—§ 39-10-08(2) is in verbatim conformity except that it refers to a left turn "in" rather than "at" an intersection.

Oregon has the following laws:

§ 487.170. Slow driver duty to drive on right. (1) As used in this section, "slow driver" means a driver who operates a vehicle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing.

(2) A slow driver commits the offense of failure to drive on the right if he fails to drive in the right-hand lane available for traffic or as close as practicable to the right-hand curb or edge of the roadway except:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing this movement; or

(b) When preparing to turn left at an intersection, alley or private road or driveway.

(3) A slow driver failing to drive on the right commits a Class C traffic infraction.

§ 487.180. Slower driver duty to yield. (1) A driver commits the offense of failure to yield to an overtaking vehicle if he fails to move his vehicle off the main traveled portion of the highway into an area sufficient for safe turnout when:

(a) The driver of the overtaken vehicle is proceeding at a speed less than a designated speed under ORS 487.470;

(b) The driver of the overtaking vehicle is proceeding at a speed in conformity with ORS 487.470;

(c) The highway is a two directional two-lane highway; and

(d) There is no clear lane for passing available to the driver of the overtaking vehicle.

(2) Failure of slower driver to yield to overtaking vehicle by use of safe turnout is a Class C traffic infraction.

§ 487.185. Duty of driver of certain vehicles to drive to right. (1) A driver of a vehicle having a gross weight of 8,000 or more pounds, a camper or a vehicle with trailer commits the offense of failure to drive on the right if he does not drive in the right lane of all roadways having two or more lanes for traffic proceeding in a single direction, except:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing this movement when such movement can be made without interfering with the passage of other vehicles;

(b) When preparing to turn left;

(c) When reasonably necessary in response to emergency conditions;

(d) To avoid actual or potential traffic moving onto the right lane from an acceleration or merging lane; or

(e) When necessary to follow highway directional signs that direct use of a lane other than the right lane.

(2) A driver who violates subsection (1) of this section commits a Class C traffic infraction.

Washington—Law provides:

Upon all roadways any vehicle proceeding slower than the legal maximum speed or at a speed slower than necessary for safe operation at the time and place under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

A second law on slowpokes provides:

On a two-lane highway where passing is unsafe because of traffic in the opposite direction or other conditions, a slow moving vehicle, behind which five or more vehicles are formed in a line, shall turn off the roadway wherever sufficient area for a safe turn-out exists, in order to permit the vehicles following to proceed. As used in this section a slow moving vehicle is one which is proceeding at a rate of speed less than the normal flow of traffic at the particular time and place.

Puerto Rico—Requires that on public highways of more than one lane, all heavy motor vehicles, including buses, and other slow-moving vehicles, are under an obligation to keep to the extreme right hand lane, except for those instances noted in the Code.

The laws of the following 15 states contain various provisions that are not in conformity with UVC § 11-301(b):

Alabama—Law is quoted in full in § 11-301(a), *supra*, and is somewhat similar to § 10 of the 1926 Code by requiring drivers to keep on the right half of the highway and, in the same sentence, to drive a slow-moving vehicle as close as is reasonably possible to the right-hand edge of the highway. However, it does not apply on one-way streets or highways and therefore is not in substantial conformity with UVC § 11-301(b). See texts of 1926 and 1930 Code provisions in the Historical Notes to § 11-301(a) and this section, *supra*.

Alaska—Requires slower-moving vehicles to keep in the right lane except upon one-way roadways.

Kentucky—§ 189.300 provides:

Vehicles to keep to right . . . . (2) The operator of any vehicle moving slowly upon a highway shall keep his vehicle as closely as practicable to the right-hand boundary of the highway, allowing more swiftly moving vehicles reasonably free passage to the left.

Louisiana—§ 32:71 contains much of the language appearing in UVC § 11-301(b). It applies, however, only upon "multiple-lane highways," which are defined as any highway having two or more clearly marked lanes for traffic in each direction, and not "upon all roadways" as in the Code. The law also does not contain the phrase "or as close as practicable to the right-hand curb or edge of the roadway" and excepts a driver overtaking another vehicle proceeding in the same direction "if passing on the left side of it." However, the law then provides:

Nothing herein contained shall be construed to authorize driving any vehicle in the left lane so as to prohibit, impede or block passage of an overtaking vehicle in such lane and in such event the vehicle in the left lane prohibiting, impeding or blocking passage of an overtaking vehicle shall expeditiously merge into the right lane of traffic.

The law also provides that any person going at least 10 mph under the speed limit must drive in the right lane or near the curb. Such persons may pass or turn left.

Maine—§ 85 provides:

Vehicles shall keep to right.—A person in control of any vehicle moving slowly along a way shall keep said vehicle as closely as practicable to the right-hand boundary of the way, allowing more swiftly moving vehicles reasonably free passage to the left.

Maryland—Law provides:

On every roadway, except while overtaking and passing another vehicle going in the same direction or when preparing for a lawful left turn, any vehicle going 10 miles an hour or more below the applicable maximum speed limit or, if any existing

conditions reasonably require a speed below that of the applicable maximum, at less than the normal speed of traffic under these conditions, 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.

Section 11-1407 requires trucks and slow-moving traffic to use the right lane in tunnels.

Massachusetts—See § 4B, quoted in § 11-301(a), *supra*, which generally requires drivers to use the right lane on a way divided into lanes. UVC § 11-301(b) applies on all roadways. See also, Mass. Ann. Laws § 4, which, in part, requires a driver of a slow-moving vehicle to "reasonably keep said vehicle in the extreme right-hand lane" while ascending to the top of a grade. A regulation requires use of the lane nearest the right side of the roadway except when passing or preparing for a left turn. Another law (ch. 89, § 4C) requires trucks over 2½ tons to use the right lane in ordinary operation when there is "more than one passing lane in the same direction." When overtaking and passing, drivers of such trucks can use the next adjacent passing lane but can use other lanes only in an emergency.

Michigan—§ 9.2342 provides:

> Whenever any roadway has been divided into 2 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 the lane until the driver has first ascertained that the movement can be made with safety. Upon a roadway with 4 or more lanes which provides for 2-way movement of traffic, a vehicle shall be driven within the extreme right hand lane except when overtaking and passing but in no event shall cross the center line of the roadway except where making a left turn.

Section 9.2334 provides:

> (b) Except when lawfully permitted to drive on the left half of the roadway as provided in subparagraph (a), upon a roadway having 2 or more lanes for travel in one direction a vehicle shall be driven in the extreme right hand lane available for travel; except that a vehicle may be driven in any lane lawfully available to traffic moving in the same direction of travel when the lanes are occupied by vehicles moving in substantially continuous lanes of traffic or for a reasonable distance prior to making a left turn.
>
> (c) This section shall not be construed to prohibit a vehicle traveling in the appropriate direction from traveling in any lane of a freeway having 3 or more lanes for travel in the same direction. A city, village, township, or county may not enact an ordinance which regulates the same subject matter as any provision of this subsection.

These laws differ from the Code which requires *slower-moving* traffic to keep in the right lane. The second law requires *all* drivers to be in the right lane unless passing, driving around an obstruction, preparing for a left turn or when available lanes are occupied by substantially continuous "lanes," and the first law requires a right-lane position except while passing or making a left turn. Also, while the Code would require a slower-moving vehicle to be in the right lane in heavy traffic, the second Michigan law would not because it allows driving in "any lane lawfully available . . . when the lanes are occupied by vehicles moving in substantially continuous lanes of traffic." However, the first Michigan law probably would require a slower vehicle to be in the right lane. When these two laws are considered in connection with Michigan's not having a law like UVC § 11-301(a)4, providing a general exception from remaining on the right half of a one-way roadway, it thus appears:

(1) Michigan would require a vehicle to be in the right lane of a one-way roadway even though it may be the only vehicle on that roadway. The Code would not.

(2) Michigan would not allow a vehicle in the right lane of a one-way roadway to move left to accommodate merging traffic. The Code would.

(3) The Michigan law would not allow use of the left lane in innumerable other instances where such a position on the roadway is indicated by safe driving practices or traffic conditions.

(4) The Michigan law may result in the deployment of signs directing drivers to "Keep Right Except To Pass" on one-way roadways of controlled-access or divided highways rather than the sign supporting the Code's rule of "Slower-moving Traffic Keep Right." See also, UVC § 11-309(c).

The second Michigan law would also appear to permit passing on the left side of a roadway with two lanes for traffic moving in each direction and does not seem to allow passing in the left lane on the right half of the roadway. But see the first law and see UVC § 11-301(c).

These Michigan laws constitute a substantial variation from the Uniform Vehicle Code and, in effect, utilize rules that were deleted from the Code in 1934 following the advent of one-way and multiple-lane roadways. They have been judged unworkable and impractical in other states and materially contribute to poor utilization of roadway space and to unsafe driving practices. The National Committee has consistently reaffirmed its opposition to applying the general rule of "keep right except to pass" on one-way roadways and on most roadways that are wide enough to accommodate two lines of vehicles moving in the same direction. Though directed at Michigan laws, some of the above comments appear applicable also to existing laws in Massachusetts, New Jersey, Oregon, and Pennsylvania and to provisions in the *Convention on Road Traffic* (U.N. Conference on Road Traffic, 1968).

As to freeways with three or more lanes in one direction, drivers (even those going very slowly) may travel in any lane.

Missouri—§ 304.015(5) (3), applicable to roadways with three or more clearly marked lanes, provides:

> Upon all highways any vehicle proceeding at less than the normal speed of traffic thereon shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except as otherwise provided in sections 304.014 to 304.026.

The sections referred to deal with proper position on the highway, passing and turning movements and right of way. Another Missouri law, authorizing passing on the right (§ 304.016(2) (6)), provides that such authorization "shall not relieve the driver of a slow-moving vehicle from the duty to drive as closely as practicable to the right-hand edge of the roadway." A second law (§ 304.015(6)) provides:

> All vehicles in motion upon a highway having two or more lanes of traffic proceeding in the same direction shall be driven in the right-hand lane except when overtaking and passing another vehicle or when preparing to make a proper left turn or when otherwise directed by traffic markings, signs or signals.

Nevada—Law requires a person driving so slowly as to impede traffic on a highway, where there is a lawful higher speed and where the highway is wide enough, to drive to the extreme right of the highway until such traffic passes. Nevada also adopted a law requiring funeral processions to drive as near to the right-hand edge of the highway as practicable.

New Jersey—§ 39:4-82, quoted in § 11-301(a), *supra*, apparently is in substantial conformity with UVC § 11-301(b). It generally requires a position near the right edge of the roadway irrespective of other traffic. See also, N.J. Stat. § 39:4-88(a), applicable to roadways that have been divided into clearly marked traffic lanes, providing that vehicles "shall normally be driven in the lane nearest the right-hand edge or curb of the roadway when that lane is available for travel, except when overtaking another vehicle or in preparation for a left turn." Another law (§ 39:4-88(e)) prohibits trucks of 10,000 pounds gross weight or over in the left-hand lane of a roadway divided into three or more lanes in any one direction, except to the extent necessary to make a left turn or

to leave the roadway by entrance or exit to or from the left lane, or when reasonably necessary in an emergency.

North Carolina—Law provides:

> Upon all highways any vehicle proceeding at less than the legal maximum speed limit shall be driven in the right-hand lane then available for thru traffic, or as close as practicable to the right-hand curb or edge of the highway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.

A second law reads as follows:

> Notwithstanding any other provisions of this section, when appropriate signs have been posted, it shall be unlawful for any person to operate a motor vehicle over and upon the inside lane, next to the median of any dual lane highway at a speed less than the posted speed limit when the operation of said motor vehicle over and upon said inside lane shall impede the steady flow of traffic except when preparing for a left turn. "Appropriate signs" as used herein shall be construed as including "Slower Traffic Keep right" or designations of similar import.

South Dakota—Law is identical to the Alabama law discussed, *supra*.

Virginia—§ 46.1-206 provides:

> Special regulations applicable on streets and highways laned for traffic.—Whenever any highway has been divided into clearly marked lanes for traffic, drivers of vehicles shall obey the following regulations:
>
> (a) Any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions existing shall be driven in the lane nearest the right hand edge or curb of the highway when such lane is available for travel except when overtaking and passing another vehicle or in preparation for a left turn or as permitted in paragraph (d) of this section.

As to such laned roadways, this law is in substantial conformity with UVC § 11-301(b). The Code provision, however, applies to all roadways and Virginia does not have a similar provision.

Wyoming—Law is identical to UVC § 11-301(b) but also contains a phrase providing that it does not apply on "one-way streets." UVC § 11-301(b) does apply on such streets, so the Wyoming law may not be in substantial conformity.

One state—Arkansas—does not have a provision comparable to UVC § 11-301(b).

§ 11-301—Drive on Right Side of Roadway—Exceptions

(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 ot the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (a)2 hereof. However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway. (REVISED, 1968.)

Historical Note

This provision was added to the Code by the National Committee in 1962 and the last sentence was added in 1968. See also, UVC §§ 11-204.1 and 11-309(c).

Statutory Annotation

The following 16 states are identical to the Code:

Colorado [1]	Hawaii	Kansas	South Carolina
Delaware	Idaho	Nebraska [2]	Texas
Florida	Illinois	North Dakota	Vermont [3]
Georgia	Iowa	Oklahoma	Washington

1. Adds to the second sentence, "when safe and without interfering with other traffic."
2. A second law (§ 39-624(4)) bans passing on the left side of an undivided highway with two or more lanes in each direction.
3. Adds intersection to the second sentence.

In addition, the laws of five states conform substantially to the 1968 Code:

Louisiana—Defines "multiple-lane highway" as any highway with two or more clearly marked lanes for traffic in each direction (§ 32:1(29)) and provides (in § 32:82(b)) that "no vehicle shall cross the painted center line of any multiple lane highway, except for the purpose of making a turn." Section 32:82 is captioned "Driving on divided highways" and subsection (a) is comparable to UVC § 11-311.

Maryland—§ 21-301(c) is nearly identical to the Code. It differs only in style.

Michigan—§ 9.2342, quoted in full in § 11-301(b), provides: "Upon a roadway with four or more lanes . . . a vehicle shall . . . in no event cross the center line of said highway except when making a left turn."

Oregon—§ 487.175 provides:

> Duty to drive on right on two-way four lane roadway. (1) A driver commits the offense of failure to drive on the right if he drives to the left of the center line of a two-way roadway having four or more lanes for moving traffic, except:
>
> (a) When authorized by an official traffic control device designating certain lanes to the left side of the center of the roadway for use by traffic; or
>
> (b) When permitted under paragraph (c) of subsection (1) of ORS 487.165; or
>
> (c) When making a left turn at an intersection, alley or private road or driveway.
>
> (2) Failure to drive on the right of a two-way four lane highway is a Class B traffic infraction.

Puerto Rico—Law provides:

> Upon any roadway divided in four or more lanes for the flow of traffic in opposite directions, no vehicle shall be driven to the left of the center line of the roadway, except otherwise authorized by official devices for traffic control, authorizing one or more lanes to the left of the center of the roadway for the use of the traffic, which otherwise would not be permitted, the use of said lanes or except as permitted under paragraph (2) of subsection (a) of this section. However, it shall be understood that it is not prohibited to enter into the center line to make a left turn to or from an alley, private road or driveway.

Four states' laws duplicate the 1962 Code and thus differ from the 1968 provision only by not expressly excepting left turns:

New Hampshire	New York [1]	North Carolina [2]	Ohio

1. The New York law refers to "sign or markings" rather than to "official traffic-control devices." See UVC § 1-139 for the definition of such devices.
2. North Carolina refers to "highway" not to "roadway."

The laws of five other states contain the following provisions:

Alaska—The comparable provision is part of a regulation comparable to UVC § 11-306. It prohibits driving "to the left of the center line of a two-way roadway having four or more lanes for moving traffic." This rule does not apply to left turns, when driving to the left is authorized by official traffic-control devices, nor when permitted by a regulation comparable to UVC § 11-301(a). As under the UVC, the latter exception

would allow driving to the left for the purpose of proceeding around an obstruction. However, it would also appear to allow driving to the left on four-lane, two-way roadways for the purpose of overtaking and passing and to prepare for a left turn, which would not agree with the Code. However, Alaska also adopted a rule against driving "to the left of the center line of any roadway . . . when the center line is marked by two parallel solid yellow lines, except at a point where the solid yellow lines are broken."

California—§ 21657 provides:

> Offcenter Lanes. The authorities in charge of any highway may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the highway, and all members of the California Highway Patrol and other peace officers may direct traffic in conformance with such signs. When authorized signs may have been erected designating offcenter traffic lanes, no person shall disobey the instructions given by the signs.

Ohio—Law merely provides that a vehicle need not be driven upon the right half of the roadway when otherwise directed by a traffic-control device.

Oregon—§ 483.308, containing provisions comparable to those in UVC §§ 11-305 and 11-306, provides:

> (2) The driver of a vehicle shall not in any event drive to the left side of the center line of a highway.
>
> (b) Upon any highway of sufficient width for four or more lanes of moving traffic unless more than two of such four lanes are at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

Wisconsin—§ 346.09(1) contains a sentence comparable to UVC § 11-305, then provides:

> In no case when overtaking and passing on a roadway divided into 4 or more clearly indicated lanes shall the operator of a vehicle drive to the left of the pavement marking indicating allocation of lanes to vehicles moving in the opposite direction, or in the absence of such marking, to the left of the center of the roadway.

The remaining states and the District of Columbia do not have express provisions directly comparable to UVC § 11-301(c). See also, § 11-309(c).

Citations

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13 Alaska Adm. Code §§ 02.050, .060 (1971).
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Ohio Rev. Code Ann. § 4511.25 (Supp. 1977).
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Wyo. Stat. Ann. § 31-5-201 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 25 (1960).
P.R. Laws tit. 9, § 891 (Supp. 1975).

§ 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.

Historical Note

This section has been in the Code without amendment since 1934. UVC Act V, § 57 (Rev. ed. 1934); UVC Act V, § 64 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 11-302 (Rev. eds. 1954, 1956, 1962).

UVC Act IV, § 12 (1926) and UVC Act IV, § 28 (Rev. ed. 1930) provided:

> Drivers of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

Statutory Annotation

Thirty-seven states and the District of Columbia have laws in verbatim or substantial conformity with UVC § 11-302:

Alaska [1]	Illinois	New Hampshire	South Carolina
Arizona	Indiana	New Mexico	Tennessee
Arkansas	Kansas	New York	Texas
Colorado	Louisiana	North Dakota	Utah
Connecticut	Maryland	Ohio [3]	Vermont
Delaware	Minnesota	Oklahoma	Washington
Florida	Mississippi	Oregon [4]	West Virginia
Georgia	Montana	Pennsylvania	Wisconsin
Hawaii	Nevada [2]	Rhode Island	Wyoming
Idaho			

1. Alaska omits "of the main traveled portion."
2. Nevada substitutes "highway" for "roadway" and inserts "keeping" before "to the right."
3. The Ohio law, however, concludes "or as nearly one-half as is reasonably possible" and not "as nearly as possible" as in UVC § 11-302.
4. Oregon adds, "unless otherwise directed by an official traffic control device."

The laws of the following six states are identical to the provision appearing in the 1926 and 1930 editions of the Code, quoted above:

Alabama	New Jersey	South Dakota
Michigan	North Carolina	Virginia

Laws in seven states contain these variations:

California—§ 21660 provides:

> Approaching Vehicles. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and, except when a roadway has been divided into traffic lanes, each driver shall give to the other at least one-half of the main traveled portion of the roadway whenever possible.

A 1965 law (§ 21059) excepts garbage trucks while actually engaged in collection of such material in a business or residence district from the above law if simultaneously flashing warning lamps are in operation.

See also, § 21661, providing that on grades not wide enough for meeting vehicles to pass, the driver of the descending vehicle shall yield the right of way and shall, if necessary, back his vehicle to a place where it is possible for them to pass.

Iowa—§ 321.298 provides:

> Except as otherwise provided in section 321.297, vehicles or persons on horseback meeting each other on any roadway shall yield one-half of the roadway by turning to the right.

Kentucky—§ 189.310 provides:

> Vehicles meeting other vehicles and animals. . . . (2) Vehicles proceeding from opposite directions shall pass each other from the right, each giving to the other one-half of the highway as nearly as possible.

See also, § 189.350(2), providing that in all cases of meeting or overtaking, a driver shall give such assistance to the other driver as circumstances may reasonably demand to avoid an accident.

Maine—§ 83 provides:

> Teams meeting shall turn to right.—When persons traveling with a team are approaching to meet on a way, they shall seasonably turn to the right of the middle of the traveled part of it so that they can pass each other without interference. When it is unsafe, or difficult on account of weight or load to do so, a person about to be met or overtaken, if requested, shall stop a reasonable time, at a convenient place, to enable the other to pass.

Chapter 22, § 1, of the Maine laws defines "team" and "vehicle" synonymously as including "all kinds of conveyances on ways for persons and for property except those propelled or drawn by human power or used exclusively on tracks." For the Code definition of "vehicle," see UVC § 1-184.

Massachusetts—§ 1 provides:

> Persons Meeting to Turn to the Right; Exceptions—When persons traveling with vehicles meet on a way, each shall seasonably drive his vehicle to the right of the middle of the traveled part of such way, so that the vehicles may pass without interference, except that the department of public works may modify such restriction by pavement markings. . . . The department may by permit, revocable upon notice, authorize cities and towns to modify such restriction by pavement markings.

Missouri—§ 305.015(5) (5) contains the same provisions as the California law quoted, *supra*.

Nebraska—Law provides:

> Passing vehicles proceeding in opposite directions shall each keep to the right side of the roadway, passing left to left, and upon roadways having width for not more than one lane of traffic in each direction, each driver shall give to the other, as nearly as possible, at least one half of the main-traveled portion of the roadway.

Citations

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13 Alaska Adm. Code § 02.070 (1971).
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N.M. Stat. Ann. § 64-18-9 (1960).
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N.C. Gen. Stat. § 20-148 (1965).
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Pa. Stat. Ann. tit. 75, § 3302 (1977).
R.I. Gen. Laws Ann. § 31-15-3 (1957).
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Tex. Rev. Civ. Stat. art. 6701d, § 53 (1960).
Utah Code Ann. § 41-6-54 (1960).
Vt. Stat. Ann. tit. 23, § 1032 (Supp. 1977).
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Wash. Rev. Code Ann. § 46.61.105 (Supp. 1966).
W.Va. Code Ann. § 17C-7-2 (1965).
Wis. Stat. Ann. § 346.06 (1958).
Wyo. Stat. Ann. § 31-5-202 (1977).
D.C. Traffic & Motor Vehicles Regs. Pt. I, § 26 (1960).

§ 11-303—Overtaking a Vehicle on the Left

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

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

Historical Note

This provision has not been amended since 1934. UVC Act V, § 58(a) (Rev. ed. 1934); UVC Act V, § 65(a) (Rev. eds. 1938, 1944, 1948, 1952); UVC § 11-303(a) (Rev. eds. 1954, 1956, 1962, 1968). See also, UVC § 11-305, *infra*.

The 1926 Code provided:

> Overtaking a Vehicle. (a) The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof, and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle.

UVC Act IV, § 13(a) (1926). In 1930, this section was amended as follows:

> Overtaking a Vehicle. *Except as otherwise provided in Section 30 the following rules shall govern the overtaking and passing of vehicles:* (a) The driver of *a* [any] vehicle overtaking another vehicle proceeding in the same direction shall pass [at a safe distance] to the left thereof *at a safe distance* and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle.

UVC Act IV, § 29(a) (Rev. ed. 1930). The "Section 30" referred to is the present § 11-305. In 1934, of course, the caption and introductory paragraph were revised into their present form and the word "roadway" substituted for "highway."

Statutory Annotation

Thirty-two states and the District of Columbia have laws that are in verbatim conformity with the introductory paragraph and subsection (a) of UVC § 11-303:

Alaska	Illinois	Montana	South Carolina
Arkansas	Indiana	Nebraska [3]	Tennessee
Colorado	Iowa	New Hampshire	Texas
Delaware	Kansas	New Mexico	Utah
Florida	Louisiana [1]	New York	Washington
Georgia	Minnesota	North Dakota [2]	West Virginia [2]
Hawaii	Mississippi	Oklahoma [4]	Wisconsin
Idaho	Missouri [2]	Rhode Island [2]	Wyoming

1. The subsection in the Louisiana law, however, is preceded by the clause "Except when overtaking and passing on the right is permitted."

2. Missouri, Rhode Island and West Virginia require the overtaking driver to give an audible signal before passing. The Code does not. These and other states with comparable requirements are discussed, *infra*, in this Annotation. North Dakota requires use of a horn "whenever reasonably necessary for safe operation under the circumstances."

3. Nebraska requires a visible signal of one's intention to pass and requires audible signal before passing bicycles, animal-drawn vehicles or farm tractors. The audible signal must be given 100 to 300 feet away.

4. Oklahoma adds the following provision to its law:

> Every driver who intends to pass another vehicle proceeding in the same direction, which requires moving his vehicle from one lane of traffic to another, shall first see that such movement can be made with safety and shall proceed to pass only after giving a proper signal by hand or mechanical device.

In view of Oklahoma rules comparable to those in UVC § 11-309(a) on changing lanes with caution, UVC § 11-604(a) requiring safety and signals before moving right or left on a roadway, and UVC § 11-605(a) on giving a signal manually or by signal lamps, the necessity of this new provision is questioned, and so is the particular requirement that the signal be given "by hand or mechanical device," without also mentioning electric signal lamps.

Seven more states have laws containing both an introductory paragraph and a provision like UVC § 11-303(a), but with these differences:

Arizona—§ 28-723 is identical to the Code section except that its introductory paragraph concludes "subject to those limitations, exceptions and special rules stated in this section." The Code, of course, refers to such rules "hereinafter stated."

Connecticut—§ 14-232 is captioned "Passing" and the introductory phrase provides "Except as provided in sections 14-233 and 14-234," which sections deal with passing on the right and no-passing zones. The law contains a subsection in verbatim conformity with the Code subsection except that it refers to "highway" rather than "roadway" and another subsection that is similar to UVC § 11-305.

Maryland—Introductory paragraph begins, "Except as otherwise provided in this section. . . ." Subsection (a) differs by telling a driver not to drive "any part of his vehicle directly in front of the overtaken vehicle until safely clear of the overtaken vehicle."

Michigan—§ 9.2336 is in verbatim conformity with the introductory paragraph of UVC § 11-303, but its subsection provides:

> (a) The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof, and when safely clear of such overtaken vehicle shall take up a position as near the right-hand edge of the main traveled portion of the highway as is practicable.

Ohio—Introductory paragraph is similar, but does not contain the Code section's concluding clause "subject to those limitations, exceptions and special rules hereinafter stated." A subsection of the law contains all the significant provisions of UVC § 11-303(a), but applies to the "operator of a vehicle or trackless trolley overtaking another vehicle or trackless trolley."

Pennsylvania—Introductory paragraph concludes "special rules stated in this chapter." Law differs from (a) by requiring passing driver to stay to the left until safely clear instead of regulating returning to the right side.

Vermont—Law provides:

> Vehicles proceeding in the same direction may be overtaken and passed only as follows:
>
> (1) The driver of a vehicle overtaking another vehicle proceeding in the same direction *may* pass to its left at a safe distance, and when so doing shall exercise due care, . . . and shall not again drive to the right side of the roadway until safely clear of the overtaking vehicle.

The laws of 12 states do not have introductory paragraphs like that in the Code section, but do have provisions comparable to UVC § 11-303(a).

Two of the 12 states—New Jersey and Oregon—have laws in verbatim conformity with the Code subsection.

Two more—Alabama and Nevada—have laws identical to the Code subsection except that they use the word "highway" rather than "roadway." The Alabama law also uses the phrase "at a safe distance to the left" as compared with the Code's "to the left thereof at a safe distance."

The laws of the other eight states provide as follows:

California—§ 21750 provides:

> Overtake and Pass to Left. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left at a safe distance without interfering with the safe operation of the overtaken vehicle subject to the limitations and exceptions hereinafter stated.

Though not containing some of the language of UVC § 11-303(a), this law is in substantial conformity because passing without "interfering" with the overtaken vehicle would probably encompass the Code section's requirement that the overtaking driver be "safely clear" before turning to the right.

Kentucky—§ 189.340 provides:

> Overtaking vehicles; traffic lanes; following vehicles. (1) Vehicles overtaking other vehicles proceeding in the same direction shall pass to the left of them and shall not again drive to the right until reasonably clear of those vehicles . . . .

The law differs from UVC § 11-303(a) by not expressly requiring the passing driver to remain a safe distance away from the overtaken vehicle.

Maine—Provisions in two laws are similar to UVC § 11-303(a). Section 1151 duplicates the Code and concludes, "unless otherwise permitted by this Title." The second law, § 1152, provides:

> The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. . . .

Massachusetts—§ 2 provides:

> Except as herein otherwise provided, the driver of a vehicle passing another vehicle traveling in the same direction shall drive a safe distance to the left of such other vehicle; and, if the way is of sufficient width for the two vehicles to pass, the driver of the leading one shall not unnecessarily obstruct the other.

A regulation bans cutting in front of the passed vehicle until safely clear of it.

A second law (ch. 90, § 14) requires slowing for bicyclists and passing at a safe distance.

North Carolina—§ 20-149 provides:

> Overtaking a vehicle.—(a) The driver of any such vehicle overtaking another vehicle proceeding in the same direction shall pass at least two feet to the left thereof, and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle. This subsection shall not apply when the overtaking and passing is done pursuant to the provisions of G.S. 20-150.1.

Section 20-150.1 is similar to UVC § 11-304 on passing on the right.

South Dakota—Law provides:

> The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof. The driver of an overtaking vehicle shall pass at a safe distance to the side of an overtaken vehicle and shall not cut in front of the latter until safely clear of the overtaken vehicle.

Virginia—§ 46.1-208 provides:

> Passing upon overtaking a vehicle.—The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at least two feet to the left thereof and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle, except as hereinafter provided.

Puerto Rico—Requires an overtaking vehicle on a public highway to pass the overtaken vehicle to the left. The overtaking vehicle may not pass unless it is possible to keep a reasonable distance from the overtaken vehicle or to pass so that it can return without danger to the right half

of the roadway. When overtaking in rural zones, the driver must give warning by sounding his horn.

Audible warning before passing. The first two editions of the Code required drivers to give an audible signal before any passing movement. That requirement was abandoned in 1934, however, and since then the Code has contemplated that the passing driver will give an audible signal only when the driver being passed is expected to "give way to the right" under UVC § 11-303(b). The Code generally authorizes the use of a horn only "when reasonably necessary to insure safe operation," as provided in the present § 12-401(a), or when necessary to avoid colliding with a pedestrian, as provided in § 11-504.

For the purpose of comparison, since nine states do have such laws, § 13(b) of the 1926 Code provided:

> The driver of an overtaking motor vehicle not within a business or residence district as herein defined shall give audible warning with his horn or other warning device before passing or attempting to pass a vehicle proceeding in the same direction.

The amended § 29(d) of the 1930 Code deleted the clause "as herein defined" and inserted "and under other conditions when necessary to insure safe operation."

The nine state laws compare as follows:

Alabama—§ 32-5-131(b) of title 32 is in verbatim conformity with the 1926 Code provision.

Kentucky—§ 189.340(1), in part, provides:

> . . . . The person operating or in charge of the overtaking vehicle shall sound his horn or other sound device before passing.

Maine—As noted, *supra*, Maine has two laws on overtaking and passing: § 1151 has a concluding paragraph in verbatim conformity with the 1926 Code provision; § 1152 does not have such a provision.

Missouri—§ 304.016 provides:

> Passing regulations.—1. . . . (1) An operator of a vehicle overtaking and desiring to pass a vehicle shall sound horn before starting to pass except in cities where prohibited by ordinance.

New Jersey—§ 39:4-85 contains a provision identical to § 13(b) of the 1926 Code except that it does not contain the clause "as herein defined."

Ohio—§ 4511.27(A) provides:

> The operator of a vehicle or trackless trolley overtaking another vehicle or trackless trolley proceeding in the same direction *shall signal to the vehicle or trackless trolley to be overtaken*, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle or trackless trolley. (Emphasis added.)

However, audible signals are not required on divided, limited-access or four-lane highways.

Rhode Island—§ 31-15-4(a) provides:

> The driver of a vehicle overtaking another vehicle proceeding in the same direction shall give a timely, audible signal and shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

West Virginia—§ 17C-7-3(a) provides:

> The driver of a vehicle overtaking another vehicle proceeding in the same direction shall give an audible signal and pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

Wisconsin—§ 346.07(1) is substantially similar to the 1926 Code and provides:

> The operator of an overtaking motor vehicle not within a business or residence district shall give audible warning with his warning device before passing or attempting to pass on the left a vehicle proceeding in the same direction. This does not apply on a highway with two or more lanes for traffic in the same direction except when reasonably necessary to give warning.

§ 11-303—Overtaking a Vehicle on the Left

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Historical Note

This provision has been in the Code without amendment since 1934. UVC Act V, § 58(b) (Rev. ed. 1934); UVC Act V, § 65(b) (Rev. eds. 1938, 1944, 1948, 1952); UVC § 11-303(b) (Rev. eds. 1954, 1956, 1962, 1968). The 1926 and 1930 editions of the Code contained slightly different provisions:

> Driver to Give Way to Overtaking Vehicle. The driver of a vehicle upon a highway about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

UVC Act IV, § 15 (1926).

> Overtaking a Vehicle. Except as otherwise provided in Section 30 the following rules shall govern the overtaking and passing of vehicles: . . . . (b) The driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on suitable and audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

UVC Act IV, § 29 (Rev. ed. 1930).

Statutory Annotation

The laws of 35 states and the District of Columbia have provisions in verbatim conformity with UVC § 11-303(b):

Alaska	Louisiana	New Hampshire	Texas
Arkansas	Maine	New Mexico	Utah
Colorado	Maryland	New York [2]	Vermont
Delaware	Massachusetts [1]	North Carolina	Virginia
Hawaii	Michigan	North Dakota	Washington
Idaho	Minnesota	Oklahoma	West Virginia
Illinois	Mississippi	Rhode Island	Wisconsin
Indiana	Missouri	South Carolina	Wyoming
Kansas	Montana	Tennessee	

1. Has an additional provision quoted in § 11-303(a), *supra*, providing that the leading vehicle shall not unnecessarily obstruct the other vehicle.
2. Law comparable to UVC § 12-223 on use of multiple beam lamps does not prevent changing beams to signify an intention to pass.

Six more states have laws with only minor variations or have more than one law on the subject:

California—§ 21753 is entitled "Yielding for Passing" and otherwise differs only by not containing the words "overtaking and."

Connecticut—§ 14-232 cites its law on passing on the right rather than using the Code phrase "Except when overtaking and passing on the right is permitted."

Iowa—§ 321.299 contains a subsection in verbatim conformity. A second law (§ 321.300) makes it a misdemeanor for a driver to fail to "heed

the signal of the overtaking vehicle when it is given under such circumstances that he could, by the exercise of ordinary care and observation and precaution, hear such signal" and to fail to yield that part of the traveled way "as herein provided." A third law (§ 321.301) provides that upon proof that a signal was given by the overtaking driver, the burden of proof shall rest upon the accused to prove that he did not hear the signal.

Nevada—Requires giving way upon observing the overtaking vehicle or hearing a signal.

Ohio—§ 4511.27 refers to "operator" rather than "driver" and uses the phrase "at the latter's audible signal" instead of "on audible signal."

South Dakota—Law provides:

> 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 suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

Three states—Arizona, Florida and Pennsylvania—have laws that are identical to UVC § 11-303(b) except that each contains an addtional clause which would require a driver to give way to an overtaking vehicle blinking its headlamps at nighttime. The Code has never had such a provision.

Two states have laws comparable to the 1926 Code provision, quoted *supra:* The Alabama law is identical. The New Jersey law is virtually identical but captioned "Overtaken Vehicle to Give Way."

The laws of the five states vary as follows:

Georgia, Nebraska and Oregon—Laws are identical to the Code but omit any reference to an audible signal.

Kentucky—§ 189.350 provides:

> Assistance in passing or overtaking. (1) The operator of a vehicle about to be overtaken and passed shall give way to the right in favor of the overtaking vehicle, upon audible signal being given by the overtaking vehicle, if the overtaking vehicle is a motor vehicle or bicycle. (2) In all cases of meeting, passing or overtaking of vehicles such assistance shall be given by the operator and occupants of each vehicle, respectively, to the other as the circumstances reasonably demand, in order to obtain clearance and avoid accidents.

Puerto Rico—Requires the driver of an overtaken vehicle to "abandon the highway moving to right when the horn is sounded" and not to speed up until the other vehicle has passed completely.

Citations

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13 Alaska Adm. Code § 02.065 (1971).
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Utah Code Ann. § 41-6-55 (1960).
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Va. Code Ann. §§ 46.1-208, -209, -211 (1967).
Wash. Rev. Code Ann. § 46.61.110 (Supp. 1966).
W. Va. Code Ann. § 17C-7-3 (1966).
Wis. Stat. Ann. § 346.07 (1971, Supp. 1977).
Wyo. Stat. Ann. § 31-5-203 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 27 (1960).
P.R. Laws tit. 9, §§ 892, 922 (Supp. 1975).

§ 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 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. (Section revised, 1971.)

Historical Note

When the first Uniform Vehicle Code was published in 1926, it did not authorize passing on the right under any circumstances. Later, however, provisions were adopted which authorized passing to the right of a vehicle "making or about to make a left turn" and passing on the right whenever vehicles were "moving in two or more substantially continuous lines." UVC Act IV, § 29(c) (Rev. ed. 1930).

The latter provision was changed in 1934 to authorize passing on the right on roadways "with unobstructed pavement of sufficient width for four or more lines of moving traffic" and a third provision, which prohibited driving off the pavement or on the shoulder of the roadway to accomplish such passing, was added. UVC Act V, § 59 (Rev. ed. 1934); UVC Act V, § 66 (Rev. ed. 1938).

In 1944, these provisions were revised to read as follows:

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

This section remained unchanged until it was amended in 1971. UVC Act V, § 66 (Rev. eds. 1944, 1948, 1952); UVC § 11-304 (Rev. eds. 1954, 1956, 1962, 1968).

The 1971 revision combined subsections (a)2 and (a)3 into one rule: a driver may pass whenever the roadway is wide enough to accommodate at least two lines of vehicles moving in the same direction. Also, subsection (b) was changed by substituting "roadway" for "pavement or main-traveled portion of the roadway" to make it clear that drivers should not use a paved shoulder to pass on the right. UVC § 11-304 (Supp. 1972).

Statutory Annotation

The Code provides that a driver may pass on the right:

(1) Of a vehicle making or about to make a left turn.

(2) When there are at least two unobstructed lanes for vehicles moving in the same direction.

(3) Only when such passing can be accomplished safely.

(4) Only when such passing can be accomplished without driving off the roadway.

All jurisdictions have comparable laws. The 52 laws are compared below with each of the four points in the UVC.

(1) *Left-turning vehicles*. The laws of 46 jurisdictions authorize passing on the right of a vehicle making or about to make a left turn in agreement with the UVC:

Alabama	Indiana	Montana	South Carolina
Alaska	Iowa	Nebraska	South Dakota
Arizona	Kansas	New Hampshire	Tennessee
Arkansas	Kentucky	New Jersey	Texas
California	Louisiana	New Mexico	Utah
Colorado	Maine	New York	Vermont
Delaware	Maryland	North Dakota	Washington
Florida	Michigan	Ohio	West Virginia
Georgia	Minnesota	Oklahoma	Wisconsin
Hawaii	Mississippi	Pennsylvania	Wyoming
Idaho	Missouri	Rhode Island	District of Columbia
Illinois			Puerto Rico

Laws in the remaining six states provide as follows:

Connecticut—Authorizes passing on the right of a vehicle which is making or which "has signified the intention to make a left turn."

Massachusetts—Allows passing on the right of a vehicle making or about to make a left turn only if the roadway is "free from obstructions and of sufficient width for two or more lines of moving vehicles."

Nevada—Drivers may pass a vehicle making or signaling to make a left turn.

North Carolina—Allows passing on the right only when the left-turning vehicle is in a "lane designated for left turns."

Oregon—Driver may pass a vehicle making a left turn or one whose driver has signaled an intention to turn left.

Virginia—Drivers may pass a vehicle making or about to make a left turn only when the driver of the overtaken vehicle has given a turn signal.

(2) *Two lanes*. As revised in 1971, the Code allows passing on the right when there are two unobstructed lanes for vehicles moving in the same direction. Prior to 1971, the Code expressed this rule for highways with at least two lanes in each direction and separately for one-way roadways wide enough for at least two lanes. Thirteen states have laws closely patterned after the 1971 Code and thus allow passing when there are two or more lanes in one direction:

Georgia	Kansas	Ohio	South Carolina
Idaho	Kentucky	Oregon [1]	Washington
Illinois	North Dakota	Pennsylvania	Utah [2]
Indiana			

1. Also allows passing a vehicle in the left lane of two or more clearly marked lanes.
2. Utah duplicates the Code provision but also contains former subsection (a)(3).

One Wisconsin law is clearly in substantial conformity with the Code. It allows passing upon any "highway with unobstructed pavement of sufficient width to enable two or more lines of vehicles lawfully to proceed at the same time, in the direction in which the passing vehicle is proceeding." A second Wisconsin provision authorizes passing to the right on one-way streets and divided highways with unobstructed pavement of sufficient width for two or more lines of vehicles to proceed lawfully in the same direction at the same time.

With laws closely patterned after the 1944-1968 Code provision, the laws of 22 jurisdictions are in substantial conformity with the UVC because they allow passing on the right when there are two lanes in one direction on highways with at least four lanes and on one-way roadways:

Alabama	Maine	New Mexico	Texas
Alaska	Maryland	New York	Virginia
Arizona	Minnesota	Oklahoma	West Virginia
Arkansas	Montana	South Dakota	Wyoming
Florida	Nebraska	Tennessee	District of Columbia
Hawaii			Puerto Rico

The laws of 16 states are described below in alphabetical order. Of these, four (Iowa, Mississippi, Missouri, Nevada) apparently would not allow passing to the right of another vehicle on a one-way, two-lane roadway of a divided highway, including those in the interstate system of highways. Two of these states (Colorado and North Carolina) allow passing only on roadways with marked lanes while others require that certain roadways be marked into lanes. In Massachusetts, passing on the right is allowed only on one-way roadways.

California—In a business or residence district, passing on the right is permitted on streets with "unobstructed pavement of sufficient width for two or more lines of moving vehicles in the direction of travel." Outside business and residence districts, such passing is permitted when the pavement is unobstructed, sufficiently wide, "and clearly marked for two or more lines of moving traffic in the direction of travel." Although both provisions require that there be space for at least two lines of vehicles in the direction of travel, the California law would include the passing situations contemplated by the Code. However, the Code does not require roadways outside business and residence districts to be "clearly marked for two or more lines," as does the California law. On one-way streets and one-way roadways of divided highways, passing on the right is authorized in broader terms than those in the UVC because the law does not specify that there be "unobstructed pavement of sufficient width for two or more lines of vehicles."

Colorado—Passing on the right is authorized ". . . upon a street or highway with unobstructed pavement not occupied by parked vehicles and marked for two or more lanes of moving vehicles in each direction" and upon "a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and marked for two or more lanes of moving vehicles."

Connecticut—Passing to the right is permitted upon a "one-way street" that is free from obstructions and sufficiently wide for two or more lines of moving vehicles, but on limited-access highways and parkways, a driver may pass on the right only when there are three or more lanes provided for traffic in one direction, while the Code would permit the passing if the roadway were wide enough for two lines of moving vehicles. However, the Connecticut law also provides that, on any highway, when vehicles in "adjoining traffic lanes have come to a stop or have reduced their speed," a driver may pass on the right.

Delaware—Passing to the right is authorized upon any street or roadway which is "officially marked for more than one traffic lane in one direction." A second provision in conformity with subsection (a)3 in the 1968 Code allows passing on the right upon any one-way roadway where the roadway is wide enough for at least two lanes of moving vehicles.

Iowa—Like the 1934 Code, the law authorizes passing on the right only on roadways with "unobstructed pavement of sufficient width for four or more lines of moving traffic." There is no special provision for one-way roadways.

Louisiana—Allows passing on the right on highways with two or more

clearly marked lanes for traffic in each direction and on one-way streets or highways wide enough for two or more lines of moving vehicles.

Massachusetts—Passing on the right is authorized only on one-way roadways where there are at least two lines for vehicles moving in the same direction. This provision duplicates former UVC subsection (a)3.

Michigan—Law duplicates former UVC subsections (a)2 and (a)3 but adds a requirement that vehicles be "moving in substantially continuous lanes of traffic."

Mississippi—Allows passing to the right only when the roadway has at least four lanes. There is no other provision that would apply to one-way roadways. See the Indiana law, *supra*.

Missouri—Passing to the right is authorized "upon a city street with unobstructed pavement of sufficient width for two or more lines of vehicles in each direction" and on any highway with "unobstructed pavement of sufficient width and clearly marked for four or more lines of traffic" outside of a city and on one-way streets.

Nevada—Duplicates former subsection (a)2 and allows passing to the right on one-way highways that are wide enough for at least two lines of moving vehicles.

New Hampshire—Passing to the right of other vehicles is allowed only on one-way city streets that are wide enough for two or more lines of moving vehicles and on limited-access highways where traffic moves in one direction if there are three or marked lanes.

New Jersey—When vehicles are moving in two or more substantially continuous lines, vehicles in one line may pass on the right or left.

North Carolina—Allows passing on the right on highways marked for two or more lanes in each direction and upon one-way roadways that are marked for two or more lanes of moving vehicles.

Rhode Island—Allows passing on the right on one-way streets and roadways that are unobstructed and wide enough for two or more lines of moving vehicles.

Vermont—Allows passing on one-way roadways and on highways that are wide enough for two or more lines of moving vehicles in one or more directions.

(3) *Pass in safety*. The Code since 1934 has expressly provided that passing on the right is lawful and proper only when it can be done in safety. Of the 50 states with comparable laws only five do not have this provision:

Massachusetts	North Carolina	Oregon
New Hampshire		Vermont

(4) *Driving off pavement*. Like the UVC from 1944 until 1971, the laws of 41 jurisdictions prohibit driving off the "pavement or main-traveled portion of the roadway" while passing on the right:

Alabama	Indiana	New Mexico	Texas
Arizona	Kansas	New York	Utah
Arkansas	Louisiana [1]	North Dakota	Vermont
California	Maine	Ohio	Virginia
Colorado	Michigan	Oklahoma	Washington
Connecticut	Minnesota	Oregon	West Virginia
Florida	Missouri	Rhode Island	Wisconsin
Georgia	Montana	South Carolina	Wyoming
Hawaii	Nebraska	South Dakota	District of Columbia
Idaho	New Jersey	Tennessee	Puerto Rico
Illinois			

1. Louisiana bans driving off the pavement or main traveled portion of the "highway."

Nevada prohibits driving off the paved portion of the highway.

Two state laws contain provisions that are in substantial conformity by prohibiting driving off the pavement or "upon the shoulder" of the roadway, as did the Code from 1934 to 1944:

Iowa Mississippi

Maryland prohibits driving off the roadway.

Delaware allows use of the shoulder to pass a vehicle making a left turn. It bans leaving the roadway, or regular moving traffic lane.

Kentucky prohibits driving off the roadway "unless passing vehicle comes to a complete stop and such movement may be made safely."

Pennsylvania bans driving off the berm or shoulder when passing a left-turning vehicle and off the roadway in other situations.

The four states remaining have no similar express prohibitions in their passing-on-the-right laws. They are:

Alaska Massachusetts New Hampshire North Carolina

Miscellaneous provisions. The Illinois law applies only to drivers of vehicles with at least three wheels. Vehicles with two wheels apparently may not pass on the right. See UVC § 11-1303 for special passing rules for motorcyclists.

South Dakota requires drivers outside business and residence districts to sound their horns before passing on the right.

Citations

Ala. Code tit. 32, § 32-5-134 (1975).
13 Alaska Adm. Code § 02.055 (1971).
Ariz. Rev. Stat. Ann. § 28-724 (1956).
Ark. Stat. Ann. § 75-610 (Supp. 1965).
Cal. Vehicle Code §§ 21754, 21755 (1960).
Colo. Rev. Stat. Ann. § 42-4-904 (1973).
Conn. Gen. Stat. Ann. § 14-233 (Supp. 1966).
Del. Code Ann. tit. 21, § 4117 (Supp. 1977).
Fla. Stat. § 316.084 (1974).
Ga. Code Ann. § 68A-304 (1975).
Hawaii Rev. Stat. § 291C-44 (Supp. 1971).
Idaho Code Ann. § 49-624, as amended by H.B. 197, CCH ASLR 507 (1977).
Ill. Ann. Stat. ch. 95½, § 11-704 (Supp. 1977).
Ind. Ann. Stat. § 9-4-1-67, amended by S.B. 68, CCH ASLR 63 (1977).
Iowa Code Ann. § 321.302 (1966).
Kans. Stat. Ann. § 8-1517 (1975).
Ky. Rev. Stat. Ann. § 189.340(2), as amended by H.B. 24, CCH ASLR 1651, 1665 (1978).
La. Rev. Stat. Ann. § 32:74 (1963).
Me. Rev. Stat. Ann. tit. 29, § 1151A (1978).
Md. Transp. Code § 21-304 (1977).
Mass. Ann. Laws ch. 89, § 2 (Supp. 1966).
Mich. Stat. Ann. § 9.2337 (1973).
Minn. Stat. Ann. § 169.18(4) (1960).
Miss. Code Ann. § 63-3-613, amended by H.B. 141, CCH ASLR 22 (1977).
Mo. Ann. Stat. § 304.016(2) (1963).
Mont. Rev. Codes Ann. § 32-2154 (1961).
Neb. Rev. Stat. § 39-623 (1974).
Nev. Rev. Stat. § 484.297 (1975).
N.H. Rev. Stat Ann. § 262-A:18 (1977).
N.J. Rev. Stat. § 39:4-85 (1961).
N.M. Stat. Ann. § 64-7-311, as amended by H.B. 112, CCH ASLR 161, 511-12 (1978).
N.Y. Vehicle and Traffic Law § 1123 (1960).
N.C. Gen. Stat. § 20-150.1 (1965).
N.D. Cent. Code § 39-10-12 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.28 (Supp. 1977).
Okla. Stat. Ann. tit. 47, § 11-304 (1962).
Ore. Rev. Stat. § 487.200 (1977).
Pa. Stat. Ann. tit. 75, § 3304 (1977).
R.I. Gen. Laws Ann. § 31-15-5 (Supp. 1971).
S.C. Code Ann. § 56-5-1850 (Supp. 1977).
S.D. Comp. Laws §§ 32-26-27, -28 (1967).
Tenn. Code Ann. § 59-818 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 55 (Supp. 1971).
Utah Code Ann. § 41-6-56 (Supp. 1979).
Vt. Stat. Ann. tit. 23, § 1034 (Supp. 1977).
Va. Code Ann. § 46.1-210 (1967).
Wash. Rev. Code Ann. § 46.61.115 (Supp. 1977).
W.Va. Code Ann. § 17C-7-4 (1966).
Wis. Stat. Ann. § 346.08 (1958).
Wyo. Stat. Ann. § 31-5-206 (1977).
D.C. Traffic & Motor Vehicle Reg. Pt. I, § 28 (1960).
P.R. Laws tit. 9, § 893 (Supp. 1975).

§ 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. (REVISED, 1971.)

Historical Note

The 1926 Code provided that a driver could not drive to the left to pass another vehicle unless the way was clearly visible and free of oncoming traffic for a sufficient distance to permit the passing maneuver in safety. UVC Act IV, § 14 (1926).

In 1930, this provision was reworded to emphasize that the pass must be made not just "in safety" but "without impeding the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken." UVC Act IV, § 30 (Rev. ed. 1930).

The 1930 provision was revised in 1934, as follows:

> Sec. *60* [30] Limitations on *overtaking on the left* [privilege of overtaking and passing]
>
> *No vehicle shall be driven* [The driver of a vehicle shall not drive] to the left side of the center *of the roadway* [line of a highway] 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* [impeding] with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. *In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.*

UVC Act IV, § 60(a) (Rev. ed. 1934). This section was not again revised until 1962. UVC Act V, § 67 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 11-305 (Rev. eds. 1954, 1956).

In 1962, this section was amended to provide expressly for the use of the left side of a roadway where authorized by official traffic-control devices (see §§ 11-301(c) and 11-309(c)) and to require a driver on a two-lane, two-way roadway to return to the right side before coming within 200 feet of an oncoming vehicle. The text of the 1962 revision is as follows:

> No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction *unless authorized by the provisions of this article and* unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the [safe] operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to [the right-hand side of the roadway] *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* [100] feet of any *approaching vehicle* [vehicle approaching from the opposite direction].

UVC § 11-305 (Rev. eds. 1962, 1968).

In 1971, the phrase "unless authorized by the provisions of this article" was removed as unnecessary and confusing. UVC § 11-305 (Supp. I 1972).

Statutory Annotation

Two states, Idaho and South Carolina, duplicate the 1971 Code provision.

Seventeen states have laws that are clearly in substantial conformity with the Code because they are patterned very closely after the 1962-1968 section:

Alaska	Illinois	New York	Texas
Colorado	Kansas [1]	North Dakota	Utah
Florida	Maryland	Ohio [2]	Vermont [4]
Georgia	New Hampshire	Pennsylvania [3]	Washington
Hawaii			

1. Retains "safe" before "operation" in the first sentence.
2. Bans interfering with any "traffic" instead of "vehicle."
3. Adds "or marked center line" after "center."
4. Another law (§ 1033) like UVC § 11-303(a) bans passing to the left unless the way ahead is clear of traffic.

Another two jurisdictions probably conform but their laws are worded differently:

Nebraska—Law provides:

> (1) No vehicle shall overtake another vehicle proceeding in the same direction on an undivided two-way roadway when such overtaking shall require the overtaking vehicle to be driven on the left side of the center of the roadway unless the left side is clearly visible for a distance sufficient to accomplish such overtaking and is free from oncoming traffic for a distance sufficient to:
>
> (a) Permit the overtaking vehicle to return to an authorized lane of traffic before coming within two hundred feet of any approaching vehicle; and
>
> (b) Permit the overtaking vehicle to be safely clear of the overtaken vehicle while returning to the authorized lane of travel as provided in this act.
>
> (2) After completing such overtaking, the overtaking vehicle shall return to the authorized lane of travel as soon as practicable.
>
> (3) Any such overtaking shall be subject to the provisions of this act.

Puerto Rico—Law prohibits driving on the left side of the center of the roadway for overtaking and passing another vehicle proceeding in the same direction, unless the left hand side may be clearly seen and there is reasonable distance ahead along an open highway which permits the operation without interfering with the movement of a vehicle approaching in an opposite direction or with an overtaken vehicle. The overtaking vehicle must return to the right when the distance between it and an approaching vehicle is 200 feet.

Laws in 17 jurisdictions differ from the Code by requiring a driver to return to the right side before coming within 100 feet of an approaching vehicle and not 200 feet:

Arizona	Louisiana	New Mexico	West Virginia
Arkansas	Maine	Oklahoma	Wyoming
Indiana	Minnesota	Rhode Island	District of
Iowa	Mississippi	Tennessee	Columbia
Kentucky	Montana		

Delaware and Oregon conform substantially with the first sentence (though Delaware omits "or any vehicle overtaken") but have only the first part of the second sentence about returning to an authorized lane.

Five states have the first sentence in the Code but not the second:

California [1]	Michigan	Missouri
Connecticut		Nevada

1. Omits "or any vehicle overtaken."

Five states have these variations of the first sentence: The North Carolina law concludes "to permit overtaking and passing to be made in safety"; and New Jersey, South Dakota, Virginia and Wisconsin all conclude "for sufficient distance ahead to permit such overtaking and passing to be made in safety" rather than the Code's "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."

Alabama and Massachusetts do not have provisions comparable to UVC § 11-305.

Citations

13 Alaska Adm. Code § 02.065 (1971).
Ariz. Rev. Stat. Ann. § 28-725 (1956).
Ark. Stat. Ann. § 75-611(a) (Supp. 1965).
Cal. Vehicle Code § 21751 (Supp. 1977).

Colo. Rev. Stat. Ann. § 42-4-905 (1973).
Conn. Gen. Stat. Ann. § 14-232 (1960).
Del. Code Ann. tit. 21, § 4118 (Supp. 1977).
Fla. Stat. § 316.085(1) (1971).
Ga. Code Ann. § 68A-305 (1975).
Hawaii Rev. Stat. § 291C-45 (Supp. 1971).
Idaho Code Ann. § 49-625, amended by H.B. 197, CCH ASLR 508 (1977).
Ill. Ann. Stat. ch. 95½, § 11-705 (1971).
Ind. Ann. Stat. § 9-4-1-68 (1973).
Iowa Code Ann. § 321.303 (1966).
Kans. Stat. Ann. § 8-540(a) (Supp. 1971).
Ky. Rev. Stat. Ann. § 189.340(4), as amended by H.B. 24, CCH ASLR 1651, 1666 (1978).
La. Rev. Stat. Ann. § 32:75 (1963).
Me. Rev. Stat. Ann. tit. 29, § 1152 (1978).
Md. Transp. Code § 21-305(A) (1977).
Mich. Stat. Ann. § 9.2338 (1973).
Minn. Stat. Ann. § 169.18(5)(a) (Supp. 1966).
Miss. Code Ann. § 63-3-611(a) (1972).
Mo. Ann. Stat. § 304.016(3) (1963).
Mont. Rev. Codes Ann. § 32-2155 (1961).
Neb. Rev. Stat. § 39-624 (1974).
Nev. Rev. Stat. § 484.299(1) (1975).
N.H. Rev. Stat. Ann. § 262-A:19 (1966).
N.J. Rev. Stat. § 39:4-86 (1961).
N.M. Stat. Ann. § 64-7-312, as amended by H.B. 112, CCH ASLR 161, 512 (1978).
N.Y. Vehicle and Traffic Law § 1124 (Supp. 1966).
N.C. Gen. Stat. § 20-150(a) (1965).
N.D. Cent. Code § 39-10-13 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.30 (Supp. 1977).
Okla. Stat. Ann. tit. 47, § 11-305 (1962).
Ore. Rev. Stat. § 487.195 (1977).
Pa. Stat. Ann. tit. 75, § 3305 (1977).
R.I. Gen. Laws Ann. § 31-15-6 (1957).
S.C. Code Ann. § 56-5-1860 (Supp. 1977).
S.D. Comp. Laws § 32-26-34 (1967).
Tenn. Code Ann. § 59-819 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 56 (Supp. 1971).
Utah Code Ann. § 41-6-57 (Supp. 1977).
Va. Code Ann. § 46.1-212 (1967).
Vt. Stat. Ann. tit. 23, § 1035 (Supp. 1977).
Wash. Rev. Code Ann. § 46.61.120 (Supp. 1966).
W. Va. Code Ann. § 17C-7-5 (1966).
Wis. Stat. Ann. § 346.09(1) (1958).
Wyo. Stat. Ann. § 31-5-204 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 29 (1960).
P.R. Laws tit. 9, § 892 (Supp. 1975).

§ 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; (REVISED, 1975.)

3. When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.

(b) The foregoing limitations shall not apply upon a one-way roadway, nor under the conditions described in § 11-301(a)2, nor to the driver of a vehicle turning left into or from an alley, private road or driveway. (Section Revised, 1968.)

Historical Note

This section describes areas where driving on the left side of a roadway to overtake and pass a vehicle proceeding in the same direction would be so hazardous that such maneuvers are prohibited. In 1975, subsection (a)(2) was amended by adding the concluding phrase to allow passing at intersections where dashed centerlines have been installed. In 1968, the section was amended as follows:

> (a) No vehicle shall [at any time] be driven [to] *on* the left side of the roadway under the following conditions:
>
> 1. When approaching *or upon* the crest of a grade or [upon] 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. . . . .
>
> 3. . . . .
>
> (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.*

The 1968 changes in subsection (b) were designed to limit its application to such instances by making clear that these limitations on passing do not apply on one-way roadways or to drivers proceeding around an obstruction or while actually making a left turn. Consistent with this revision, the phrase "at any time" was deleted from the introductory sentence in subsection (a). See also, UVC § 11-307 dealing with no-passing zones that are indicated by signs or markings.

The substitution of "on" for "to" in subsection (a) was made for purposes of consistency with the marked no-passing zone provisions of § 11-307 and to indicate that a driver should not be on the left side of the roadway within such hazardous areas during any portion of a maneuver involving the passing of another vehicle proceeding in the same direction. Also, a few courts had interpreted "driving to" the left side of the roadway as merely prohibiting a driver from turning out to begin a passing maneuver within such areas.

Subsection (a)1 was further amended to prohibit passing when approaching or upon a hill crest or when approaching or upon a curve where the driver's view is obstructed. Prior to 1968, such passing was only restricted while approaching a hill crest or upon a curve.

Prior to 1968, this section had not been changed since 1938. UVC Act V, § 68 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 11-306 (Rev. eds. 1954, 1956, 1962). Its predecessors in the 1926, 1930 and 1934 editions provided as follows:

Hill or curve. The 1926 Code provided that: "The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction upon the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed within a distance of 500 feet." UVC Act IV, § 14(b) (1926). The emphasis was changed somewhat in 1930 to provide that a driver also shall not "drive to the left side of the center line of a highway" on a curve or crest of a grade unless he has an unobstructed view for 500 feet. UVC Act IV, § 30 (Rev. ed. 1930). In 1934, the 500-foot distance specification was discontinued so that a driver was prohibited from passing on the left on a curve or crest of a grade if his view was "obstructed." The introductory paragraph in the 1934 Code was phrased in terms of not driving to the left side of the roadway to overtake and pass another vehicle or at any other time.

Intersection or railroad grade crossing. The 1926 Code prohibited overtaking and passing another vehicle at any intersection or steam or electric railway grade crossing unless permitted to do so by a police officer. UVC Act IV, § 14(c) (1926). In addition, as noted in § 11-301(a), *supra*, the 1926 Code generally required a driver to remain on the right half of the highway while crossing an intersection or railroad right of way. UVC Act IV, § 11 (1926). In 1930, the first provision was deleted and the second amended to apply to drivers approaching an intersection, railroad crossing, bridge, viaduct or tunnel and an exception was added for one-way streets. UVC Act IV, § 26(c) (Rev. ed. 1930). In the 1934 revision, the 1930 provision was added to the section limiting overtaking and passing another vehicle. The 1934 Code, like the 1962 edition, prohibited passing another vehicle when "approaching within 100 feet of or traversing any intersection or railroad grade crossing." The 1934 Code section did not, however, expressly except one-way roadways. UVC Act V, § 60(b)2 (Rev. ed. 1934).

Bridge, viaduct or tunnel. As noted above, the 1934 Code made it unlawful to drive to the left side of a roadway to overtake and pass another vehicle, or at any other time, when approaching within 100 feet of a bridge, viaduct or tunnel. In 1938, this restriction on passing was amended to apply only "when the view is obstructed" and was placed in a separate subsection. UVC Act V, § 68(a)3 (Rev. ed. 1938).

Exceptions to limitations. As noted above, the 1930 Code requirement

of remaining on the right half of the highway at intersections and railroad crossings did not apply on one-way streets. The 1934 revised section did not include a comparable express exception. (But UVC Act V. § 56(4) (Rev. ed. 1934)—now UVC § 11-301(a)4—excepted drivers on one-way streets from the general requirement of driving on the right half of the roadway.)

UVC § 11-306(b), expressly making the passing limitations inapplicable on one-way roadways, was added to the Code in 1938. UVC Act V, § 68(b) (Rev. ed. 1938).

Statutory Annotation

Four states have laws that conform with the 1975 Code section:

Delaware	Idaho	Oklahoma	Pennsylvania

The laws of 16 states duplicate the 1968 Code section:

Alaska [1]	Hawaii	Nebraska [5]	South Dakota [8]
California [2]	Illinois [4]	North Dakota [6]	Utah
Colorado	Kansas	Ohio [7]	Vermont [9]
Georgia [3]	Kentucky	South Carolina	Washington

1. Bans driving to the left of the center line under circumstances that duplicate subsections (a)1, (a)2, and (a)3 in the UVC. However, subsection (a)1 in Alaska refers to creating a hazard "if another vehicle approaches from the opposite direction." Subsection (b) omits a reference to § 11-301(a)2 (driving around an obstruction) and adds "unless a sign specifically prohibits the turn." Alaska also bans driving to the left when the center line consists of two parallel solid yellow lines.
2. California duplicates subsections (a)1 to (a)3. The introductory portion of the law bans driving "to" the left and subsection (b) refers to one-way roadways.
3. The introductory paragraph refers to roadways where traffic moves in opposite directions.
4. Illinois duplicates introductory paragraph and (a). In subsection (b), the passing restrictions do not apply to left turns, one-way roadways nor roadways with two or more lanes in each direction. This latter exception differs from the UVC.
5. Introductory paragraph prohibits overtaking and passing or driving to the left side. Law copies (a) and (b).
6. Introductory paragraph uses "driving to" but law duplicates (a) and (b).
7. Subsection (a)(1) uses pre-1968 wording and (b) does not except left turns.
8. Omits any reference to driving around an obstruction.
9. Vermont prohibits passing at places described in (a) but omits "within such distance . . . direction" in (a)(1).

The laws of 11 states are identical to this Code section prior to its revision in 1968:

Arizona	Maryland	New Hampshire	West Virginia
Indiana	Montana	New Mexico	Wyoming
Louisiana [1]	Nevada [2]	Rhode Island	

1. Louisiana in (b) excepts left turns, one-way roadways and multiple lane highways.
2. Nevada refers to "highway" instead of "roadway."

The remaining 21 jurisdictions are compared below with each subsection of UVC § 11-306:

Hill or curve. Oregon prohibits driving on the left side on a two-way roadway upon any part of a grade or upon a curve where the driver's view is obstructed.

Five states and the District of Columbia are in verbatim conformity with the 1962 subsection (a)1 by prohibiting driving to the left "when approaching the crest of a grade or upon a curve in the highway" if such movement would create a hazard:

Florida	Michigan	Missouri
Maine		New York

Five jurisdictions may be considered in substantial conformity because, although the language differs, the meaning is synonymous with that of the Code: Connecticut prohibits driving to the left when approaching a hill or curve "or elsewhere" if the view is not unobstructed for a "sufficient distance." Wisconsin uses the phrase "upon any part" of a grade and otherwise is in verbatim conformity. Arkansas and Mississippi prohibit overtaking, passing or driving to the left "where the driver's view is obstructed." Puerto Rico prohibits passing to the left half upon grades or curves if there is no visibility for a reasonable extent.

Three more state laws differ from the Code in that they prohibit driving to the left when approaching within a specified distance of a curve or hill, rather than employing the "good judgment" concept of the present Code provision:

Iowa—within approximately 700 feet. A second Iowa law (§ 321.364) requires being on right side approaching all hill crests.

Minnesota—within 500 feet.

Tennessee uses the Code's general "good judgment" provision, but adds "or when the driver's view is obstructed within 300 feet."

Four states expressly prohibit overtaking and passing only, rather than driving to the left at any time, and generally provide specific distances rather than applying the Code's general criterion of a safe distance: Alabama, New Jersey, and North Carolina specify 500 feet; the Virginia law on reckless driving applies to any person "who shall . . . overtake and pass . . . upon or approaching the crest of a grade or upon or approaching a curve in the highway, where the driver's view along the highway is obstructed. . . ."

The Massachusetts law is quite different; it provides that "wherever . . . there is not an unobstructed view of the road for at least 400 feet" a driver must keep to "the right of the middle of the traveled part of the way." The only reference to a specific site in the Massachusetts law is that a "slow moving vehicle, while ascending a grade" shall keep in the extreme right-hand lane. A second law, however, provides that a driver "upon any way or a curve or a corner in said way where his view is obstructed shall slow down and keep to the right and upon approaching any junction of said way with an intersecting way shall, before entering the same, slow down and keep to the right of the center line."

Texas has no provision comparable to UVC § 11-306(a)1.

Intersection or railroad grade crossing. Six states and the District of Columbia prohibit driving to the left within 100 feet of or traversing any intersection or railroad grade crossing:

Arkansas	Iowa	Missouri
Connecticut	Mississippi	Tennessee

Three more states have substantially similar provisions, but add certain exceptions: Florida and Minnesota—outside cities, the law applies only to "signed" crossing; Maine—except when turning to the left to enter an intersecting way.

Texas has one law duplicating the Code and another that applies only when there is a no-passing zone outside cities and towns.

Alabama is in substantial conformity with the Code, although its law contains a phrase that last appeared in the Code in 1926. It prohibits "overtaking and passing" when approaching within 100 feet of or traversing any intersection or (as in the 1926 Code) any "steam or electric railway grade crossing" unless permitted by a traffic or police officer.

Six states have these variations:

Massachusetts—See discussion of the Massachusetts law under the heading "Hill or curve," *supra*.

New Jersey—When "crossing an intersection of highways or the intersection of a highway by a railroad right of way, the driver . . . shall at all times . . . travel on the right half of the highway unless such right half is obstructed or impassable." See Historical Note, *supra*.

North Carolina—Prohibits passing any vehicle proceeding in the same direction "at any railway grade crossing or at any intersection" unless permitted to do so by a police officer. This rule applies only at intersections designated and marked by the State Highway Commission by appropriate signs and at intersections in cities and towns.

Oregon—Prohibits passing at any intersection or crossing and when approaching either where the view is obstructed should a vehicle come from the opposite direction.

Virginia—Has a law identical to the New Jersey provision adding "except when otherwise provided by law." Another law provides that a driver is guilty of reckless driving if he overtakes and passes another vehicle "at any steam, diesel, or electric railway grade crossing or at any intersection. . . ."

Wisconsin—Prohibits driving to the left "at" any intersection or grade crossing—except when permitted by a traffic officer, or when intersections are marked or posted for two lines of vehicles or, outside business and residence districts, when intersections are not marked by signs or signals. The law also does not apply at grade crossings where the roadway is wide enough for two or more lanes of traffic.

Three states—Michigan, New York and Puerto Rico—have no similar provisions.

Bridge, viaduct or tunnel. Seven of the 21 states prohibit driving to the left "when the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel" in verbatim conformity with the Code:

Arkansas	Maine	Missouri	Tennessee
Florida	Michigan	New York	

The laws of another three states and the District of Columbia omit the phrase "when the view is obstructed": Minnesota (uses the words "tunnel or underpass"), Mississippi and Texas.

Iowa refers to "narrow bridge, viaduct or tunnel, when so signposted."

The following nine jurisdictions have no comparable provisions:

Alabama	New Jersey	Virginia
Connecticut	North Carolina	Wisconsin
Massachusetts	Oregon	Puerto Rico

Exception to limitations. The Code provision that "the foregoing limitations shall not apply on a one-way roadway," is found in the laws of nine of the 21 states and the District of Columbia:

Arkansas	Maine	New York
Connecticut	Michigan	Tennessee
Florida	Minnesota	Texas *

* Texas excepts turns, as does the Code.

Oregon excepts turns and driving around an obstruction. Though one-way roadways are not excepted, the section applies only on two-way roadways.

Two states have entirely different provisions: The New Jersey provisions relating to intersections and grade crossings do not apply on one-way roadways, but such an exception is not made in the provision relating to hills or curves. The Virginia reckless driving law, discussed *supra*, does not apply on one-way streets and highways or on highways with "two or more designated lanes of roadway for each direction of travel."

Eight jurisdictions have no separate provision excepting one-way roadways:

Alabama	Mississippi	North Carolina
Iowa	Missouri	Wisconsin
Massachusetts		Puerto Rico

Citations

Ala. Code tit. 32, § 32-5-132 (1975).
13 Alaska Adm. Code § 02.060 (1971).
Ariz. Rev. Stat. Ann. § 28-726 (1956).
Ark. Stat. Ann. § 75-611(b) (Supp. 1971).
Cal. Vehicle Code § 21752 (Supp. 1971).
Colo. Rev. Stat. Ann. § 42-4-905 (Supp. 1977).
Conn. Gen. Stat. Ann. § 14-235 (1960).
Del. Code Ann. tit. 21, § 4119 (Supp. 1977).
Fla. Stat. § 316.087 (1971).
Ga. Code Ann. § 68A-306 (1975).
Hawaii Rev. Stat. § 291C-46 (Supp. 1971).
Idaho Code Ann. § 49-713 (Supp. 1977).
Ill. Ann. Stat. ch. 95½, § 11-706 (Supp. 1977).
Ind. Ann. Stat. § 9-4-1-69 (1973).
Iowa Code Ann. § 321.304 (1966).
Kans. Stat. Ann. § 8-540(b) (Supp. 1971).
Ky. H.B. 24, § 7, CCH ASLR 1651, 1670 (1978).
La. Rev. Stat. Ann. § 32:76 (Supp. 1977).
Me. Rev. Stat. Ann. tit. 29, § 1151 (1965).
Md. Transp. Code § 21-305(B) (1977).
Mass. Ann. Laws ch. 89, § 4; ch. 90, § 14 (1957).
Mich. Stat. Ann. § 9.2339 (1973).
Minn. Stat. Ann. § 169.18(5)(b) (Supp. 1972).
Miss. Code Ann. § 63-3-611 (1972).
Mo. Ann. Stat. § 304.016(4) (1963).
Mont. Rev. Codes Ann. § 32-2156 (1961).
Neb. Rev. Stat. §§ 39-746.06, -747 (Supp. 1965).
Nev. Rev. Stat. § 484.299(2) (1975).
N.H. Rev. Stat. Ann. § 262-A:20 (1966).
N.J. Rev. Stat. § 39:4-86 (1961).
N.M. Stat. Ann. § 64-7-313, as amended by H.B. 112, CCH ASLR 161, 513 (1978).
N.Y. Vehicle and Traffic Law § 1125 (1960).
N.C. Gen. Stat. § 20-150 (1965, Supp. 1969).
N.D. Cent. Code § 39-10-14 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.30 (Supp. 1977).
Okla. Stat. Ann. tit. 47, § 11-306 (Supp. 1978).
Ore. Rev. Stat. § 487.205 (1977).
Pa. Stat. Ann. tit. 75, § 3306 (1977).
R.I. Gen. Laws Ann. § 31-15-7 (1957).
S.C. Code Ann. § 56-5-1880 (Supp. 1977).
S.D. Comp. Laws §§ 32-36-35 to -36.1 (Supp. 1971).
Tenn. Code Ann. § 59-820 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 57 (Supp. 1972).
Utah Code Ann. § 41-6-58 (Supp. 1977).
Vt. Stat. Ann. tit. 23, § 1035 (Supp. 1977).
Va. Code Ann. §§ 46.1-205, -190(b) and (c) (1974).
Wash. Rev. Code Ann. § 46.61.125 (Supp. 1977).
W. Va. Code Ann. § 17C-7-6 (1966).
Wis. Stat. Ann. § 346.09(2) (1958).
Wyo. Stat. Ann. § 31-5-205 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 30 (1960).
P.R. Laws tit. 9, § 892 (Supp. 1975).

§ 11-307—No-passing Zones

(a) The (State highway commission) and local authorities are hereby authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof. (REVISED, 1968 and 1971.)

(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 throughout its length. (New, 1956.)

(c) This section does not apply under the conditions described in § 11-301(a)2, nor to the driver of a vehicle turning left into or from an alley, private road or driveway. (New, 1968.)

Historical Note

Until 1934, the Code had no express provision dealing with no-passing zones indicated by a sign or roadway markings. In that year, a subsection was added to the section on "Limitations on overtaking on the left" which provided:

> (b) No vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the left side of the roadway under the following conditions:
>
> . . . .
>
> 3. Where official signs are in place directing that traffic keep to the right, or a distinctive center line is marked, which distinctive line also so directs traffic as declared in the sign manual adopted by (the State highway commission).

UVC Act IV, § 60(b)3 (Rev. ed. 1934). The present subsection (a) was adopted in 1938 and remained in the Code without amendment until 1968. UVC Act V, § 69 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 11-307 (Rev. ed. 1954); UVC § 11-307(a) (Rev. eds. 1956, 1962).

In 1968, subsection (a) was amended to extend the power to establish no-passing zones to local authorities. UVC § 11-307 (Rev. ed. 1968). In 1971, subsection (a) was amended for consistency with subsection (b) and § 11-306 by changing "to" to "on" to make it clear that a driver should not be on the left side of the roadway within a no-passing zone during any portion of his passing maneuver. UVC § 11-307 (Supp. I 1972).

Subsection (b) was added to the Code in 1956. The effect of this provision is to prohibit driving *on* the left side of the roadway or *on* the left side of any roadway marking indicating a no-passing zone during any phase of a passing maneuver. UVC § 11-307(b) (Rev. eds. 1956, 1962, 1968).

Subsection (c) was added in 1968 for clarification and consistency with § 11-306.

Statutory Annotation

Eight jurisdictions have laws that are patterned after the 1971 Code section. Thus, laws in these states refer in (a) to driving *on* the left:

Colorado	New Mexico	Pennsylvania [1]	Utah
Kansas	North Dakota	South Carolina	Puerto Rico

1. Adds that signs must indicate beginning and end of each zone.

Laws in seven states are very similar to the 1968 Code section and thus differ from the UVC by referring in (a) to driving *to* the left:

Alaska [1]	Florida	Nebraska	Washington
Delaware	Georgia [2]	Texas [3]	

1. Alaska conforms substantially with subsection (b) referring to a "solid yellow striping." Subsection (b) adds "unless a sign specifically prohibits the turn," adds an exception for one-way roadways and omits any reference to driving around an obstruction. Subsection (a) provides that when state or local authorities have by signs or markings indicated the beginning or end of zones where overtaking, passing or driving to the left is prohibited, drivers must obey the directions of the sign or marking.
2. Georgia adds that zones must be marked by a solid barrier line on right side of a combination striping.
3. Omits any reference to driving around an obstruction in (c).

Five states have provisions conforming to subsections (a) and (b) of the 1962 Code, except as noted. The five states are:

Louisiana	Montana	Oklahoma [2]	South Dakota [3]
Maryland [1]			

1. Maryland expressly allows making left turns in no-passing zones when it is safe to do so.
2. Subsection (a) refers to the Oklahoma Department of Highways or other designated authorities.
3. A second law (§ 3226-37) provides: "The driver of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction when traveling in a no-passing zone on highways or bridges when either marked by signs or lines on the roadways."

Except as noted, the laws of the following seven states duplicate the 1962 subsection (a), but do not contain subsection (b) which was added to the Code in 1956:

Alabama	Indiana [2]	Rhode Island	West Virginia
Arizona [1]	Kentucky	Tennessee	

1. An Arizona law (§ 28-726) comparable to UVC § 11-306 bans driving to the left side where signs or markings define a no-passing zone.
2. The Indiana law may require an "engineering and traffic investigation."

The laws of the following four states are essentially similar to the 1934 Code provision which prohibited overtaking and passing or driving to the left side of the roadway where signs directing traffic to keep to the right are in place or where a distinctive center line so directs traffic. See Historical Note, *supra*. The four states are:

Arkansas [1]	Iowa [2]	Minnesota [3]	Mississippi

1. Arkansas is identical to the 1934 Code, but expressly excepts a one-way roadway.
2. Iowa refers to a "distinctive center line *or off-center line*," but is otherwise identical to the 1934 Code section.
3. Minnesota substitutes "official signs *prohibiting passing*" for "official signs . . . directing that traffic keep to the right," as in the 1934 Code.

The laws of 18 states are discussed or quoted below. Particularly significant words or phrases in many of the following 18 laws have been italicized for emphasis:

California—§ 21459 provides:

> (a) The Department of Public Works in respect to state highways and a local authority with respect to highways under its jurisdiction, is authorized to place and maintain upon highways distinctive roadway markings as described and with the effect set forth in Section 21460.
>
> (b) The distinctive roadway markings shall be employed to designate any portion of a highway where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive *on* the left side of the marking or to indicate no driving *to* the left as provided in Section 21460, and shall not be employed for any other purpose.
>
> (c) Any pavement marking other than as described in this section placed by the Department of Public Works or any local authority shall not be effective to indicate no driving *over* or *to* the left of the marking.

And § 21460 provides:

> (a) When double parallel solid white or yellow lines are in place, no person driving a vehicle shall drive *to* the left thereof, except as permitted in this section.
>
> A double parallel solid line consists of two parallel solid white or yellow lines, each four inches in width, separated by a black line three inches in width or a corresponding width of pavement.
>
> (b) When the double line described in this subdivision is in place, no person driving a vehicle shall drive *to* the left thereof, except that the driver on that side of the roadway in which the broken line is in place may cross over the double line or drive to the left thereof when overtaking or passing other vehicles.
>
> The double line consists of two parallel lines, one of which shall be a solid white or yellow line and one a broken white line, each four inches in width separated by a black line three inches in width or a corresponding width of pavement. The term "broken line" used herein shall mean a line in which the breaks or unpainted portions thereof do not exceed 26 feet in length and the solid or painted portions thereof between the breaks are not less than eight feet in length.
>
> (c) Either of the markings as specified in subdivision (a) or (b) shall not prevent a driver from turning to the left across any such marking at any intersection or into or out of a driveway, or making a U-turn under the rules governing such movement, and either of the markings shall be disregarded when authorized signs have been erected designating off-center traffic lanes as permitted under Section 21657.
>
> (d) Raised pavement markers may be used to simulate painted lines when placed in accordance with standards established by the Department of Public Works.

Connecticut—§ 14-234 provides:

> The state traffic commission is authorized to determine those portions of any state highway where overtaking and passing or driving to the left of the highway would be especially hazardous and may by appropriate signs or markings on the highway indicate the beginning and end of such zones. A local traffic authority, as defined in section 14-297, may, in accordance with standards approved by the state traffic commission, determine and designate such no-passing zones on highways under its jurisdiction. When such signs or markings are in place and clearly visible to an ordinarily observant person, each driver of a vehicle shall obey the directions thereof.

Hawaii—Law conforms with (b) and (c) but portion like (a) reads as follows:

(a) The director of transportation is authorized to and the counties by ordinance with respect to highways under their respective jurisdictions may establish no-passing zones where overtaking and passing or driving to the left of the roadway would be especially hazardous and shall by appropriate signs or markings on the highway establish or indicate the beginning and the end of a no-passing zone and may place intermediate signs establishing or indicating the continued existence of a no-passing zone. Signs or markings placed by the director of transportation establishing the zone and signs or markings indicating the zone established by ordinance shall be clearly visible to an ordinary observant person and every driver of a vehicle shall obey the directions thereof.

Hawaii also has a law defining the various kinds, colors and combinations of roadway markings. Those pertaining to no-passing zones read as follows:

(6) A solid yellow line is used to indicate the left edge of a traffic lane where overtaking and passing on the left is prohibited. The crossing of a solid yellow line by vehicular traffic is prohibited except when the crossing is part of a left turn movement.

(7) A solid yellow line is also used to indicate the left edge of [the pavement on] *each roadway of* a divided street or highway [where there is inadequate clear space to the left of the line to safely allow any stops, including emergency stops, by vehicles. The operation, parking or stopping, including emergency stopping of any vehicle, including a disabled vehicle, on, or to the left of, a solid yellow line is prohibited.]

(8) A double solid line is used to indicate the separation between lanes of traffic moving in opposite directions. The crossing of a double solid yellow line by vehicular traffic is prohibited except when crossing is part of a left turn movement.

(9) A double line consisting of a broken yellow line and a solid yellow line is used to indicate a separation between lanes of traffic moving in opposite directions and vehicular traffic adjacent to the broken line is permitted to overtake or pass if the movement can be made with safety and does not interfere with traffic moving in the opposite direction. The crossing of this double line by vehicular traffic adjacent to the solid line is prohibited except when the crossing is part of a left turn movement.

Idaho—Law duplicates subsections (a) and (c) of the 1971 UVC and it also provides as follows:

(2) Except that a motorist may drive to the left of such pavement markings to complete a passing maneuver started in advance of the no-passing zone providing the requirements of section 49-625, Idaho Code, are met.

Illinois—Law duplicates the 1971 UVC and it also has the following:

(c) The pavement striping designed to mark the no-passing zone may be crossed (1) from the left-hand lane for the purpose of completing a pass that was begun prior to the beginning of the zone in the driver's direction of travel, (2) from the right-hand lane when making a left turn into or from an alley, private road or driveway when such movement can be made with safety, or (3) under conditions set forth in Section 11-701(a)2 of this Act.

The first clause, permitting completion of a passing maneuver begun prior to entry into the zone, is not in substantial conformity with UVC § 11-307. Certain school areas are no-passing zones.

Massachusetts—§ 4 provides:

Whenever on any way, public or private, there is not an unobstructed view of the road for at least four hundred feet, the driver of every vehicle shall keep his vehicle on the right of the middle of the traveled part of the way, whenever it is safe and practicable so to do, except that the department of public works may alter this provision by the use of restrictive pavement markings in areas of limited sight distance, at intersections and at obstructions in the highway, on state highways, on ways leading thereto and on all main highways between cities and towns; and may by permit, revocable upon notice, authorize cities and towns to alter said provision by the use of such restrictive pavement markings; provided, that such markings shall be in accordance with accepted standards of engineering practice; but, notwithstanding the foregoing provisions, every driver of a slow moving vehicle, while ascending a grade shall reasonably keep said vehicle in the extreme right-hand lane until the top of such grade has been reached.

Michigan—§ 9.2340(a) provides:

The state highway commission and county road commissions shall determine those portions of any highway under their jurisdiction where overtaking and passing or driving to the left of the roadway would be especially hazardous, and by appropriate signs or markings on the roadway shall indicate the beginning and end of those zones in a manner enabling an ordinary observant driver of a vehicle to observe the directions and obey them. A sign shall be placed to the left of the highway on those portions of a highway where additional notice is considered necessary.

A second subsection in the Michigan law requires such no-passing zones to be based upon a "traffic survey and engineering study" and provides that any traffic-control device must conform to the state manual and specifications. A third subsection makes failure to obey such devices a civil infraction.

Nevada—Law differs from (a) by referring to zones where passing to the left or making left turns would be hazardous and by using "official traffic control devices" and not "signs or markings." The law duplicates (b) and allows turning across no passing pavement striping in two subsections.

New Hampshire—§ 262-A:21 provides:

The commissioner of public works and highways and, subject to his approval, selectmen of any town or board of mayor and aldermen or group having similar powers in any city, having control of any highway may order such marking of highway, by painted lines, as is deemed necessary to the safe and efficient use of any such highway. In ordering or approving such marking the commissioner of public works and highways insofar as is practicable shall conform to nationally accepted standards and any marking of the highway by painted lines shall prima facie be deemed to be approved or ordered by the commissioner of public works and highways. When the single center line highway marking method is used, no operator of a motor vehicle shall, while proceeding along a highway drive any part of such vehicle *to the left of nor across* an unbroken painted line marked on the highway by order of or with the approval of the said commissioner, except as herein otherwise provided and when the barrier line highway marking system is employed, no operator of a motor vehicle shall while proceeding along a highway, drive any part of such vehicle *to the left of nor across* an unbroken painted line marked on the highway in such operator's lane by order of or with the approval of said commissioner except (1) in an emergency, or (2) to permit ingress or egress to side roads or property adjacent to the highway, or (3) in case such operator has an unobstructed view and can see the end of the said unbroken painted line.

In connection with the second sentence of this section, see the Code provision on presumption of authority applicable to all "official traffic-control devices" in UVC § 11-201(c). A second law (§ 262-A:52) requires school buses to pull over when there are five or more following cars. "An operator passing the school bus must do so without driving

any part of his vehicle to the left of or across any unbroken painted line."

New Jersey—Laws contain the following provisions:

39:4-86. Overtaking and passing vehicles; crossing "No Passing" lines . . . .

Except when otherwise directed by a duly constituted traffic or police officer or when the lane in which he is operating is obstructed and impassable, the driver of a vehicle *shall not cross* an appropriately marked "No Passing" line in a "No Passing" zone duly established pursuant to a duly promulgated regulation of the State Highway Commissioner or an ordinance or resolution duly adopted by a municipal governing body or a board of chosen freeholders, whichever has jurisdiction over the highway.

39:4-198. Notice of ordinance, resolution or regulation by signs

No ordinance . . . nor any regulation . . . shall be effective unless due notice thereof is given . . . by placing a sign . . . . Except, in the case of "No Passing" zones, in lieu of or in addition to signs, notice shall be given to the public by highway pavement markings consisting of a combination of 2 parallel white lines as follows:

(a) A solid line placed as the right-hand element of a combination of a dash line and a parallel solid line along the center or lane line of the highway; or

(b) Two solid parallel lines placed along the center or lane lines of the highway.

39:4-201.1. "No-passing" zones; notice

With respect to highways under his jurisdiction the State Highway Commissioner, by regulations subject to the approval of the Director of the Division of Motor Vehicles, shall have authority to establish and maintain as "no passing" zones portions of such highways where overtaking and passing, or driving to the left of the roadway is deemed especially hazardous. Notice to the public of the establishment of said "no-passing" zones shall be given in the manner provided in section 39:4-198 of the Revised Statutes.

New York—Law comparable to subsection (b) provides:

When official markings are in place indicating those portions of any highway where overtaking and passing or driving to the left of such markings would be especially hazardous, no driver of a vehicle proceeding along such highway shall at any time drive on the left side of such markings.

A law comparable to subsection (c) of the 1968 Code provides:

The foregoing limitations shall not apply to the driver of a vehicle turning left while entering or leaving such highway.

For the New York laws comparable to subsection (a) of this Code section, see Vehicle and Traffic Law §§ 1621, 1640 and 1650, granting authority to state and local officials to establish no-passing zones with appropriate signs or markings. An additional subsection makes it clear that the law does not apply to two-way left turn lanes.

North Carolina—§ 20-150(e) provides:

The driver of a vehicle shall not overtake and pass another on any portion of the highway which is marked by signs or markers placed by the State Highway Commission stating or clearly indicating that passing should not be attempted.

Another subsection bans driving to the left on hills and curves marked with a centerline.

Ohio—§ 4511.31, which is comparable to UVC § 11-307(a), provides:

The department of highways may determine those portions of any state highway where overtaking and passing other traffic or driving to the left of the center or center line of the roadway would be especially hazardous, and may, by appropriate signs or markings on the highway, indicate the beginning and end of such zones. When such signs or markings are in place and clearly visible, every operator of a vehicle or trackless trolley shall obey the directions thereof. . . .

Oregon—Prohibits driving on the left side of a roadway when signs or markings indicate the zone is especially hazardous for overtaking and passing. The law does not apply to drivers proceeding around an obstruction or making a left turn. A second law, comparable to (a) authorizes determining where overtaking or passing or driving to the left would be especially hazardous. Signs or a "yellow unbroken line . . . on the right-hand side of and adjacent to the center line or a lane line . . . indicate the beginning and end of the zone."

Vermont—Law differs from (a) by omitting references to local authorities and markings. Subsection (b) differs by banning driving to the left where signs are in place. There is no reference to markings or pavement striping. The law duplicates subsection (c).

Virginia—§ 46.1-206, applicable only on laned roadways, provides in part:

(e) Wherever a highway is marked with double traffic lines consisting of a solid line immediately adjacent to a broken line, no vehicle shall be driven *to* the left of such line if the solid line is on the right of the broken line, except that it shall be lawful to make a left turn for the purpose of entering or leaving a public, private or commercial road or entrance.

Wisconsin—§ 346.09(3) provides:

The operator of a vehicle shall not drive *on* the left side of the center of a roadway on any portion thereof which has been designated a no-passing zone, either by signs or by a yellow unbroken line on the pavement on the right-hand side of and adjacent to the center line of the roadway, provided such signs or lines would be clearly visible to an ordinarily observant person.

A second law provides:

The state highway commission with respect to the state trunk highway system and each county highway committee with respect to highways under its jurisdiction, may determine, in accordance with standards and procedures adopted by the state highway commission, where overtaking or passing or driving to the left of the center of the roadway would be especially hazardous and may, by appropriate signs or by a yellow unbroken line on the pavement on the right hand side of and adjacent to the center line or a lane line of a roadway, indicate the beginning and end of such zones.

Wyoming—§ 31-5-207 provides:

(a) The superintendent and local authorities are hereby authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

(b) Where signs or markings are in place to define a no-passing zone as set forth in paragraph (a) *except as necessary to return to his normal lane of traffic* 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 throughout its length.

(c) This section does not appply under the conditions described in Section 31-99 (a)(2), Wyoming Statutes 1957, Compiled 1967, nor to the driver of a vehicle turning left into or from any alley, private road or driveway.

Two states and the District of Columbia do not have express provisions directly comparable to those in UVC§ 11-307.

Maine Missouri

Citations

Ala. Code tit. 32, § 32-5-135 (1975).
13 Alaska Adm. Code § 02.075 (1971).
Ariz. Rev. Stat. Ann. § 28-727 (1956).
Ark. Stat. Ann. § 75-611(b) (Supp. 1965).
Cal. Vehicle Code §§ 21459, 21460 (1960, Supp. 1971).
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Miss. Code Ann. § 63-3-611 (1972).
Mont. Rev. Codes Ann. § 32-2157 (1961).
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Nev. Rev. Stat. § 484.301 (1975).
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N.M. Stat. Ann. § 64-7-315, as amended by H.B. 112, CCH ASLR 161, 514-15 (1978).
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N.C. Gen. Stat. § 20-150 (Supp. 1977).
N.D. Cent. Code § 39-10-15 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.31 (1965).
Okla. Stat. Ann. tit. 47, § 11-307 (1962).
Ore. Rev. Stat. §§ 487.210, .880 (1977).
Pa. Stat. Ann. tit. 75, § 3307 (1977).
R.I. Gen. Laws Ann. § 31-15-8 (1957).
S.C. Code Ann. § 56-5-1890 (Supp. 1977).
S.D. Comp. Laws §§ 32-26-38, -39 (1967).
Tenn. Code Ann. § 59-821 (1955).
Tex. Rev. Civ. Stat. art. 6701d, §§ 57(a)(1), 58 (Supp. 1971).
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§ 11-308—One-way Roadways and Rotary Traffic Islands

(a) The (State highway commission) and local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic-control devices. (Revised, 1968.)

(b) Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic-control devices. (Revised, 1968.)

(c) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

Historical Note

Subsections (b) and (c) of UVC § 11-308 have been in the Code since 1934 and subsection (a) since 1938. UVC Act V, § 61 (Rev. ed. 1934); UVC Act V, § 70 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 11-308 (Rev. eds. 1954, 1956, 1962).

In 1968, subsections (a) and (b) were revised as follows:

(a) The (State highway commission) *and local authorities with respect to highways under their respective jurisdictions* may designate any highway, [or any separate] roadway, *part of a roadway or specific lanes* [under its jurisdiction for one-way traffic] *upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic-control devices* [and shall erect appropriate signs giving notice thereof].

(b) Upon a roadway *so* designated [and signposted] 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.*

As amended in 1968, subsections (a) and (b) permit the designation and use of reversible one-way roadways to accommodate heavy traffic situations during certain times. Subsection (a) was amended further to extend such authority to localities as well as to the state highway commission. No changes were made in subsection (c) in 1968.

Statutory Annotation

Fifteen jurisdictions have laws duplicating UVC § 11-308, except as noted:

Alaska [1]	Georgia	Kansas	Utah
California [2]	Hawaii	North Dakota	Washington
Colorado [3]	Idaho [2]	Pennsylvania	Puerto Rico
Florida	Illinois	South Carolina	

1. Alaska conforms substantially. Subsection (b) requires persons to drive only in the direction designated and, if so signposted, only at the times designated.
2. California and Idaho omit subsection (c).
3. Colorado omits "highway" in (a) and uses "restricted" instead of "designated" in (b).

Nebraska adopted (a) and (c) verbatim. Its law comparable to (b) provides:

(2) Except for emergency vehicles, no vehicle shall be operated, backed, pushed, or otherwise caused to move in a direction which is opposite to the direction designated by competent authority on any traffic lane, deceleration lane, acceleration lane, access ramp, shoulder, or other roadway.

Delaware duplicates (c), but does not have (a) and its law comparable to (b) reads:

(a) Upon a roadway where traffic control devices establish one way traffic, a vehicle shall be driven only in the direction designated. Such designation may be at all times or at such times as shall be indicated by traffic control devices.

Seventeen states have laws conforming with all three subsections of the 1962 Code section:

Alabama	Michigan	Ohio	Texas
Arizona	Montana	Oklahoma	Vermont
Indiana	New Hampshire	Rhode Island	West Virginia
Louisiana	New Mexico	Tennessee	Wyoming
Maryland			

The laws of six more states follow §§ 11-308(b) and (c) of the 1962 Code but do not contain express provisions comparable to subsection (a):

Arkansas	Maine	Mississippi
Iowa	Minnesota	Nevada *

* However, in subsection (b), Nevada substitutes "highway" for "roadway."

Laws in eight states and the District of Columbia contain the following provisions:

Connecticut—§ 14-239 provides that the state traffic commission may designate any state highway, and local authorities may designate streets and highways under their jurisdiction, for one-way traffic and signs erected must conform to state traffic commission standards. The law then provides that upon any highway "so designated" a vehicle shall be driven only in the direction designated. Though differing somewhat in wording, these provisions are probably in substantial conformity with §§ 11-308 (a) and (b) of the 1962 Code. The portion of the law dealing with "rotaries," however, provides that any vehicle passing around a rotary island shall be driven only to the right of such island, "unless otherwise directed by signs or unless the length of the vehicle makes such movement impracticable." The concluding phrases are not contained in UVC

§ 11-308(c). See also, Conn. Gen. Stat § 14-241(e), which provides that the state traffic commission or local authorities may cause rotary traffic islands, signs or other devices conforming to the Manual on Uniform Traffic Control Devices to be placed in intersections and no driver may turn a vehicle otherwise than as directed thereby.

Massachusetts—A regulation applicable to driving on state highways provides:

> § 1. One Way—Upon those highways designated by the Department for one-way traffic, and sign-posted for the same, no driver shall proceed except in the direction indicated by such signs.
>
> § 2. Rotary Traffic—Within areas specified and posted by the Department for rotary traffic, operators shall proceed only in a rotary counter-clockwise direction, except when otherwise directed by a police officer.

See also, Mass. Ann. Laws ch. 89, § 10, providing that a person who drives the wrong way on a one-way street shall not be deemed a trespasser for purposes of civil liability.

New Jersey—Law is substantially similar to 1962 UVC §§ 11-308(a) and (b) but does not contain a provision comparable to § 11-308 (c).

New York—§ 1127 does not have an express provision comparable to UVC § 11-308(a), but is in verbatim conformity with 1962 § 11-308(b) and identical to § 11-308(c) except that the New York subsection concludes, "unless otherwise indicated by traffic control devices."

North Carolina—§ 20-165.1 provides that wherever the State Highway Commission designates a highway or separate roadway for one-way traffic and erects appropriate signs giving notice thereof, it shall be unlawful for any person to willfully drive or operate any vehicle on said highway or roadway except in the direction thus indicated. This law appears to be very similar to 1962 UVC §§ 11-308(a) and (b) but does not contain an express provision similar to § 11-308(c).

Oregon—Law provides:

> One-way roadways and rotary traffic islands. (1) A driver who proceeds upon a roadway designated for one-way traffic in a direction other than that indicated by an official traffic control device commits a Class B traffic infraction.
>
> (2) A driver proceeding around a rotary traffic island shall drive only to the right of the island. A person who fails to drive only to the right of a rotary traffic island commits a Class B traffic infraction. A second law conforms with (a).

Virginia—Law contains provisions in verbatim conformity with 1962 UVC §§ 11-308(a) and (c). Its provision comparable to § 11-308(b), however, is contained in the same sentence as the one containing § 11-308(a) and provides ". . . and traffic thereon shall move only in the direction designated." See UVC § 1-177 for a definition of "traffic."

Wisconsin—§ 349.10 authorizes the State Highway Commission to designate "any highway or portion thereof to be a one-way highway" by erecting appropriate signs and to require that all vehicles be operated in one specific direction. The law does not have provisions comparable to UVC §§ 11-308(b) and (c).

District of Columbia—§ 31 contains language in verbatim conformity with 1962 UVC §§ 11-308(b) and (c) but provides that it shall not apply to "streetcars and apparatus engaged in snow plowing." The regulation does not have a subsection comparable to UVC § 11-308(a).

Three states do not have laws comparable to any of the subsections of UVC § 11-308:

Kentucky Missouri South Dakota

Citations

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R.I. Gen. Laws Ann. § 31-15-9 (1957).
S.C. Code Ann. § 56-5-1910 (Supp. 1977).
Tenn. Code Ann. § 59-822 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 59 (1960).
Utah Code Ann. § 41-6-60 (1970).
Vt. Stat. Ann. tit. 23, § 1037 (Supp. 1977).
Va. Code Ann. § 46.1-204 (1967).
Wash. Rev. Code Ann. § 46.61.135 (Supp. 1978).
W. Va. Code Ann. § 17C-7-8 (1966).
Wis. Stat. Ann. § 349.10 (1958).
Wyo. Stat. Ann. § 31-5-208 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. 1, § 31 (1966).
P.R. Laws Ann. tit. 9, § 898 (Supp. 1975).

§ 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.

Historical Note

The 1934 and 1938 editions of the Code contained the same introductory paragraph as quoted above, except that it referred to roadways divided into "three or more" marked lanes. The word "three" was changed to "two" in 1944, and no other changes have been made since. UVC Act V, § 62 (Rev. ed. 1934); UVC Act V, § 71 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 11-309 (Rev. eds. 1954, 1956, 1962, 1968).

The introductory paragraph to this section in the 1930 Code provided:

> Special Regulations Applicable on Streets and Highways Laned for Traffic. Whenever any street or highway has been divided into clearly marked lanes for traffic, drivers of vehicles shall obey the following regulations.

UVC Act IV, § 27 (Rev. ed. 1930). The 1926 Code did not have a section comparable to UVC § 11-309.

Subsection (a) of UVC § 11-309 has remained virtually the same since it was placed in the Code in 1930. However, the 1934, 1938, and 1944 editions of the Code required vehicles to be driven as nearly as "practical" entirely within a singe lane while the 1930 Code and all editions since 1948 use the word "practicable." UVC Act IV, § 27(b) (Rev. ed. 1930); UVC Act V, § 62(a) (Rev. ed. 1934); UVC Act V, § 71(a) (Rev. eds. 1938, 1944, 1948, 1952); UVC § 11-309(a) (Rev. eds. 1954, 1956, 1962, 1968).

Statutory Annotation

Thirty-six states and the District of Columbia have laws in verbatim conformity with the introductory paragraph and subsection (a) of UVC § 11-309, except as indicated:

Alabama [1]	Idaho	Nevada [3]	South Carolina
Alaska	Illinois	New Hampshire	South Dakota
Arizona	Kansas	New Mexico	Tennessee
Arkansas [1]	Louisiana	New York	Texas [1]
Colorado	Maine [1]	North Carolina [4]	Utah [1]
Delaware	Michigan	North Dakota	Vermont [6]
Florida [2]	Minnesota	Oklahoma [5]	Washington
Georgia	Montana	Pennsylvania	West Virginia
Hawaii	Nebraska	Rhode Island	Wyoming

1. Laws use the word "practical" instead of "practicable," as did the Code provision from 1934 to 1948.
2. Florida has a second law (§ 316.085(2)) providing that a vehicle shall not be "driven from a direct course in any lane . . . until the driver has determined that the vehicle is not being approached or passed" by a vehicle in the lane or on the side to which the driver desires to move and "that the move can be safely made without interfering with the safe operation of any vehicle approaching from the same direction." See also, UVC § 11-604(a).
3. Nevada law applies upon highways divided into two or more clearly marked lanes and requires a turn signal.
4. North Carolina copies (a) but uses "street" and not roadway in the introductory paragraph.
5. Oklahoma has an additional law requiring a driver changing lanes to determine that it is safe to do so and to give an appropriate signal by hand or mechanical device. See the text of this law in § 11-303(a), *supra*.
6. Vermont adds "only" after the first "shall" in subsection (a).

The Maryland law, although not identical to the Code, is clearly in conformity:

(a) *General rule*.—On any roadway that is divided into two or more clearly marked lanes for vehicular traffic, the following rules, in addition to any others consistent with them, apply.

(b) *Driving in single lane required*.—A vehicle shall be driven as nearly as practicable entirely within a single lane and may not be moved from that lane until the driver has determined that it is safe to do so.

Four states have laws which, like the 1934 and 1938 Code sections, apply to roadways divided into "three" or more clearly marked lanes, but are otherwise identical to the introductory paragraph and subsection (a):

Indiana	Iowa *	Mississippi	Missouri

* Law also uses the word "practical" instead of "practicable."

The laws of 10 jurisdictions compare with the introductory paragraph and subsection (a) of UVC § 11-309 as follows:

California—§ 21658 has an introductory paragraph that applies on any roadway that has been divided into two or more clearly marked lanes for traffic "in one direction" and does not contain the phrase "in addition to all others consistent herewith." The first subsection of the law is identical to UVC § 11-309(a) except that it contains the word "practical" instead of "practicable" and omits "the driver has first ascertained that."

Connecticut—§ 14-236 applies to any "highway" divided into two or more marked lanes and does not contain the phrase "the following rules in addition to all others consistent herewith shall apply." The law, however, has a provision in verbatim conformity with UVC § 11-309(a).

Kentucky—Law is in verbatim conformity with subsection (a) of the Code but the introductory paragraph makes it applicable on any roadway that has been "divided into three clearly marked lanes for travel."

Massachusetts—Ch. 89, § 4A, provides:

> Driving vehicles in single lane. When any way has been divided into lanes, the driver of a vehicle shall so drive that the vehicle shall be entirely within a single lane, and he shall not move from the lane in which he is driving until he has first ascertained if such movement can be made with safety.

Though broader in application, the law is in substantial conformity with the Code subsection.

New Jersey—The introductory paragraph of § 39:4-88 provides that when any roadway has been divided "into clearly marked lanes for traffic," drivers shall obey the rules contained in four subparagraphs, one of which is in verbatim conformity with UVC § 11-309(a). Though not containing the Code's express reference to "two or more" lanes or to "rules in addition to all others consistent herewith," the New Jersey law is in substantial conformity.

Ohio—§ 4511.33 applies to roadways divided into "two or more" lanes or, wherever traffic is "lawfully moving in two or more substantially continuous lines in the same direction." A subsection of the law requires a vehicle or trackless trolley to be driven, as nearly as is practicable, within a single "lane or line of traffic."

Oregon—Law, which appears to be in substantial conformity with the UVC, reads:

> Driving on roadways laned for traffic. (1) When a roadway is divided into two or more clearly marked lanes for traffic, the following rules apply:
>
> (a) A driver shall drive his vehicle as nearly as practicable entirely within a single lane and shall not move from that lane until he has first made certain that the movement can be made with safety.

Virginia—The introductory paragraph of § 46.1-206 applies to any "highway" divided into clearly marked lanes for traffic, and contains a subsection in verbatim conformity with UVC § 11-309(a). The introductory paragraph in the Code, of course, refers to "roadway," "two or more" clearly marked traffic lanes, and the "following rules in addition to all others consistent herewith."

Wisconsin—§ 346.13 provides:

> Driving on roadways laned for traffic. Whenever any roadway has been divided into 2 or more clearly *indicated* lanes, *including those roadways divided into lanes by clearly indicated longitudinal joints*, the following rules, in addition to all others consistent with this section, apply: (1) The operator of a vehicle shall drive as nearly as practicable within a single lane and shall not *deviate* from the traffic lane in which he is driving without first ascertaining that such movement can be made with safety *to other vehicles approaching from the rear*.

The italicized language in the above law indicates the principal differences between it and the Code.

Puerto Rico—Requires in subsection (a) that where a roadway is duly marked by traffic lanes, a vehicle must keep within one of such lanes, and may not cross into another lane without taking the necessary precautions to avoid collision with another vehicle or causing damages to persons or property.

§ 11-309—Driving on Roadways Laned for Traffic

(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. (REVISED, 1962 & 1975.)

Historical Note

The history of the introductory paragraph of UVC § 11-309 is discussed in § 11-309(a), *supra*. See also, UVC § 11-301(a)3.

From 1934 until amended as shown below in 1962, this subsection provided:

> (b) Upon a roadway which is divided into three lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

UVC Act V, § 62(b) (Rev. ed. 1934); UVC Act V, § 71(b) (Rev. eds. 1938, 1944, 1948, 1952); UVC § 11-309(b) (Rev. eds. 1954, 1956).

In the 1930 edition, this subsection referred to a "highway" divided into three lanes and did not contain the phrase "where the roadway is clearly visible and such center lane is clear of traffic within a safe distance." UVC Act IV, § 27(c) (Rev. ed. 1930). The word "highway" was changed to "roadway" and the quoted phrase added in 1934. The 1926 edition did not contain a comparable provision.

The 1962 revision amended this subsection as follows:

> (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* [where the roadway is clearly visible and] *when* such center lane is clear of traffic within a safe distance, or in preparation for *making* a left turn or where such center lane is at the time allocated exclusively to traffic moving in the *same* direction *that* the vehicle is proceeding *and such allocation is designated by official traffic-control devices* [and is signposted to give notice of such allocation].

In 1975, the subsection was amended to make it clear that a driver turning left onto a highway with three lanes may enter the middle lane to complete his turn:

> (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.

See also, UVC § 11-601(d) dealing with two-way left turn lanes.

Statutory Annotation

For a comparison of state laws with the introductory paragraph of this Code section, see § 11-309(a), *supra*.

One state, Utah, virtually duplicates the 1975 Code provision.

Twenty-one states have laws in verbatim or substantial conformity with the 1968 Code provision:

Alaska	Hawaii	Michigan	North Dakota
Colorado	Idaho	Nebraska	Pennsylvania
Delaware [1]	Illinois	New Hampshire	Texas
Florida	Kansas	New York	Washington
Georgia [2]	Maryland	North Carolina [3]	Vermont [4]

1. Delaware refers to center lanes allocated by traffic control devices to traffic moving in the direction the vehicle is proceeding.
2. Georgia adds:

> Upon a roadway which is divided into three lanes and provides for two way movement of traffic, with two lanes in one direction, a vehicle being driven in a continuous or center lane shall have the right of way when overtaking and passing another vehicle traveling in the same direction.

3. Substitutes "street" for "roadway."
4. Vermont substitutes "may" for "shall not" and "only" for "except."

The laws of 17 states are in verbatim or substantial conformity with the subsection as it appeared in the Code from 1934 until 1962:

Alabama	Maine	New Mexico	South Dakota
Arizona	Mississippi	Ohio	Tennessee
Indiana	Missouri	Oklahoma	West Virginia
Iowa	Montana	Rhode Island	Wyoming
Kentucky			

Two more states—New Jersey and Virginia—have laws similar to the pre-1962 Code provision, but refer to "highway" rather than "roadway," and do not contain the phrase "where the roadway is clearly visible and such center lane is clear of traffic within a safe distance." Compare with the 1930 Code provision discussed in the Historical Note, *supra*.

The laws of six jurisdictions differ in various ways from UVC § 11-309(b):

California—§ 21659, entitled "Three-laned Highways," provides:

> Upon a roadway which is divided into three lanes a vehicle shall not be driven *in the extreme left lane at any time, nor* in the center lane except when overtaking and passing another vehicle where the roadway ahead is clearly visible and the center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where the center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation. *This section does not apply upon a one-way roadway.*

Except for the italicized portions, the law is virtually identical to the 1956 Code subsection. The last sentence, however, apparently achieves the same purpose as the 1962 Code's limitation to three-lane roadways on which there is "two-way movement of traffic."

A second California law (§ 21460.5) provides for two-way left turn lanes which are set aside for the exclusive use of vehicles making left turns in both directions. Such lanes are near the center of the highway and are indicated by "parallel dashed double yellow lines on each side of the lane." The law provides that vehicles shall not be driven in such lanes except when preparing for or making a left turn from or onto the highway. A left turn can not be made from any other lane where such a lane has been designated.

Minnesota—§ 169.18(7) (b) is identical to the 1956 Code except that it applies only upon a roadway "which is not a one-way roadway" and provides, also, that "the left lane of a three-lane roadway which is not a one-way roadway shall not be used for overtaking and passing another vehicle."

Nevada—§ 484.305 provides:

> Upon a highway which has been divided into three clearly marked lanes a vehicle shall not be driven in the extreme left lane at any time. A vehicle on such a highway shall not be driven in the center lane except:
>
> (a) When overtaking and passing another vehicle where the highway is clearly visible and such center lane is clear of traffic for a safe distance;
>
> (b) In preparation for a left turn; or
>
> (c) Where such center lane is at the time allocated exclusively to traffic moving in the direction in which the vehicle is proceeding, and is posted to give notice of such allocation.

Oregon—Law provides:

> (b) When two-way movement of traffic is provided on a roadway divided into three lanes, a driver shall not drive in the center lane except:
>
> (A) When the center lane is allocated exclusively to traffic

moving in the same direction that the driver is proceeding by an official traffic control device directing the lane allocation; or

(B) When the driver is overtaking and passing a vehicle proceeding in the same direction and the center lane is clear of traffic within a safe distance; or

(C) When the driver is making a left turn.

Wisconsin—§ 346.13 is substantially similar to the 1956 Code provision. However, it refers to a "2-way roadway" divided into three lanes and to a center lane that is "marked or" posted to give notice that it is allocated for traffic moving in the same direction.

Puerto Rico—Allows traffic in the center lane of a 3 lane highway to overtake and pass another vehicle if there is visibility and reasonable space; to make a left turn; and when authorized by marking to that effect.

The laws of four states and the District of Columbia do not contain provisions comparable to UVC § 11-309(b):

Arkansas	Connecticut	Louisiana	Massachusetts

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(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 sign. (REVISED, 1962.)

Historical Note

The 1926 Code did not contain a provision comparable to UVC § 11-309(c). In 1930, the following provision was adopted:

> The State Highway Commission or local authorities, with respect to highways under their jurisdiction, may designate right hand lanes for slow moving traffic and inside lanes for traffic moving at the speed indicated for the district under this act, and when such lanes are signposted or marked to give notice of such designation a vehicle may be driven in any lane allocated to traffic moving in the direction such vehicle is proceeding, but when traveling within such inside lanes vehicles shall be driven at approximately the speed authorized in such lanes, and speed shall not unnecessarily be decreased so as to block, hinder or retard traffic.

UVC Act IV, § 27(d) (Rev. ed. 1930). This provision was amended in 1934 to provide:

> Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers shall obey the directions of every such sign.

UVC Act V, § 62(c) (Rev. ed. 1934); UVC Act V, § 71(c) (Rev. ed. 1938). In 1944, this subsection was again amended and, until 1962, provided:

> Official signs may be erected directing slow-moving 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 sign.

UVC Act V, § 71(c) (Rev. eds. 1944, 1948, 1952); UVC § 11-309(c) (Rev. eds. 1954, 1956).

In 1962, this subsection was revised as follows:

> (c) Official *traffic-control devices* [signs] may be erected directing *specified* [slow-moving] 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 sign.

UVC § 11-309(c) (Rev. eds. 1962, 1968). See UVC § 11-204.1 on lane direction control signals; UVC § 1-139 defining "official traffic-control devices"; UVC § 11-301(b) requiring slow moving vehicles to use right lane; and UVC § 11-301(c) on offcenter lanes.

Statutory Annotation

See § 11-309(a), *supra*, for a comparison of state laws with the introductory paragraph of UVC § 11-309.

The laws of 22 states are in verbatim or substantial conformity with subsection (c) as revised in 1962:

Alaska	Hawaii	Michigan [1]	North Dakota
Colorado [1]	Idaho	Nebraska	South Carolina [1]
Connecticut [2]	Illinois [5]	New Hampshire	Utah [1]
Delaware [3]	Kansas	New York [7]	Vermont
Florida	Maryland [6]	North Carolina [8]	Virginia [9]
Georgia [4]			Washington

1. Concluding word is "device," not "sign."
2. A Connecticut law refers to "signs, signals and markings" and not to "official traffic-control devices" and expressly provides for the designation of such lanes by local authorities. A second law bans commercial vehicles from the left lane of any divided, limited-access highway with more than two lanes in one direction if the state traffic commission designates such a restriction.
3. The Delaware law differs only by referring to "traffic control devices" and not "official" traffic control devices. It also requires driving "in the proper lane in the proper direction" on controlled access highways.
4. Georgia adds "including but not limited to buses or trucks" after "traffic."
5. Illinois adds authority to designate lanes for different types of motor vehicles on controlled-access roadways with at least three lanes.
6. A second law (§ 21-309(5)) requires drivers to obey instructions concerning lane use on any roadway with two or more lanes for traffic moving in one direction.
7. The New York law provides: "When traffic-control devices direct slow-moving traffic, trucks, buses or specified types of vehicles to use a designated lane or designate 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 such sign, signal or marking."
8. Uses "street" and not "roadway."
9. Virginia added its law as a proviso to a law comparable to UVC § 11-309(b) on three-lane roadways. As to car and vanpool lanes, § 33.1-46.2 provides:

> In order to facilitate the rapid and orderly movement of traffic to and from urban areas during peak traffic periods, the State Highway Commission may designate one or more lanes of any highway in the interstate, primary or secondary highway systems as commuter lanes. When such lanes have been so designated, and have been appropriately marked with such signs or other markers as the Commission may prescribe, they shall be reserved at such periods as the Commission may designate, for the exclusive use of buses, whether publicly or privately operated. Provided, however, that if the Commission shall deem it appropriate in order to further the objectives of this section, it may also designate that any such commuter lane may be used during such periods by any private passenger motor vehicle transporting multiple occupants as it may designate. Provided further, that any local governing body may designate such lanes with respect to roads and streets under its exclusive jurisdiction.
>
> In designating any lane or lanes of any highway as such commuter lanes, the Commission, or local governing body as the case may be, shall specify the hour or hours of each day of the week during which such lanes shall be so reserved, and such hour or hours shall be plainly posted at such intervals along such lanes as the Commission or local governing body shall deem appropriate. Any person operating a motor vehicle in a designated commuter lane in violation of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten nor more than fifty dollars.

Laws in 13 jurisdictions are in substantial or verbatim conformity with the 1956 Code subsection:

Alabama	New Mexico	South Dakota	West Virginia
Arizona	Oklahoma	Tennessee	Wyoming
Maine [1]	Rhode Island	Texas	District of Columbia [2]
Montana			

1. Refers to "official traffic-control devices" in conformity with the 1968 Code rather than to "official signs" as in 1956 Code.
2. A "bus only lane" regulation reads as follows:

> The traffic lane closest to the right hand curb on the following streets shall, during the time set forth below, except on Saturdays, Sundays, and Holidays, be reserved for

the use of buses, bicycles and taxicabs; provided, however, that other vehicles may enter or leave the bus-bicycle-taxicab priority lane for the purpose of taking on or discharging a passenger or to make a right turn unless such turn is otherwise prohibited by an official traffic control device.

Vehicles other than buses, bicycles and taxicabs entering the bus-bicycle-taxicab priority lane to make a right turn shall be permitted to enter only within the same block as the right turn.

Through vehicles except buses, bicycles, and taxicabs are prohibited from continuing straight through an intersection while in the bus priority lane.

The burden of proof shall be upon the driver of a vehicle other than a bus, bicycle and taxicab entering such lane to show that he entered for the purpose of taking on or discharging a passenger or of making a right turn.

Buses, bicycles and taxicabs, are not restricted solely to the bus-bicycle-taxicab priority lane; they are permitted to by-pass right-turning or loading vehicles. Taxicabs must be in service and contain two or more passengers to utilize these priority lanes. 17 D.C. Regs. Ch. IV, § 40.110.

The laws of seven other states are in verbatim conformity with the 1934 Code subsection, quoted *supra:*

Arkansas	Kentucky	Mississippi
Indiana *	Louisiana	Ohio
	Minnesota	

* Indiana is in verbatim conformity with the 1934 Code, but an additional section authorizes the state highway commission to restrict the operation of any truck to a certain lane or lanes of any state-maintained highway and to a certain lane or lanes of any street of a city or town, if such street is part of the state highway system and is maintained by the state.

The laws of eight jurisdictions compare as follows:

California—§ 21658(b) is in verbatim conformity with the 1934 Code provision, but another law provides:

> § 21655. Designated lanes. (a) Whenever the State Department of Public Works or local authorities with respect to highways under their respective jurisdictions determines upon the basis of an engineering and traffic investigation that the designation of a specific lane or lanes for the travel of vehicles required to travel at reduced speeds would facilitate the safe and orderly movement of traffic, the department or local authority may designate specific lane or lanes for the travel of vehicles which are subject to the provisions of § 22406 [establishing speed limits for trucks and tractors with three or more axles, combinations of vehicles, school buses, certain vehicles used to transport farm laborers and vehicles transporting explosives] and shall erect signs at reasonable intervals giving notice thereof.
>
> (b) Any vehicle subject to the provisions of Section 22406 shall be driven in the lane or lanes designated pursuant to subdivision (a) whenever signs have been erected giving notice of such designation. Except as otherwise provided in this subdivision, when specific lane or lanes have not been so designated, any such vehicle shall be driven in the right-hand lane for traffic or as close as practicable to the right edge or curb. If, however, specific lane or lanes have not been designated on a divided highway having four or more clearly marked lanes for traffic in one direction, any such vehicle may also be driven in the lane to the immediate left of such right-hand lane, unless otherwise prohibited under the provisions of this code. When overtaking and passing another vehicle proceeding in the same direction, such drivers shall use either the designated lane, the lane to the immediate left of the right-hand lane, or the right-hand lane for traffic as permitted under the provisions of this code.

Another California law provides for the designation of "bus only" lanes as follows:

> § 21655.5. Freeway Lanes for High Occupancy Vehicles. The Department of Public Works may, by regulation, or in cooperation with any other public agency, authorize or permit exclusive or preferential use of freeway lanes for high-occupancy vehicles.
>
> Such exclusive or preferential use of freeway lanes shall be based upon competent traffic engineering and surveys and estimates developed or supported by the continuing comprehensive transportation planning processes of the urbanized area involved. Such lanes shall be subject to such geometric design standards, scheduling, reservations, restrictions, and conditions as the department deems necessary or desirable to increase the effectiveness of the highway system for the safe and efficient movement of people and goods, to assure adequate protection for the safety of operation of all motor vehicle traffic, and to protect the adequacy of the facilities to meet traffic needs.
>
> To the extent they are available, the Department of Public Works may apply for and use federal-aid funds appropriated for the design, construction, and use of such exclusive or preferential freeway lanes.
>
> It is the intent of the Legislature of enacting this section to stimulate and encourage the development of ways and means of relieving traffic congestion on the California freeways during those periods of the day when the freeways are most heavily traveled and, at the same time, to encourage individual citizens to pool their vehicular resources and thereby to lessen emission of air pollutants. The Department of Public Works shall keep the Legislature informed of any progress in achieving such intent by submitting annual progress reports on or before December 31 of each year beginning in 1971, and by submitting a final report on or before December 31, 1975, outlining the projects which it has undertaken, its findings, and its recommendations.

See also, § 21207 authorizing cities to establish, by ordinance, bicycle lanes separated from vehicular lanes, other than on state and county highways, and to regulate their use by bicycles and vehicles.

Iowa—§ 321.306 contains a provision in verbatim conformity with the 1934 Code provision, but then provides:

> Vehicles moving in a lane designated for slow-moving traffic shall yield the right of way to vehicles moving in the same direction in a lane not so designated when such lanes merge to form a single lane. A portion of a highway with a lane for slow-moving vehicles does not become a roadway marked for three lanes of traffic.

Maryland—§ 21-309 does not specifically provide for the erection of lane control devices, but requires drivers to obey their directions, as follows:

> The driver of a vehicle shall obey the directions of each traffic control device that directs specified traffic to use a designated lane or that designates those lanes to be used by traffic moving in a particular direction, regardless of the center of the roadway.

Missouri—§ 304.015 contains a subsection identical to the 1934 Code provision, and another which provides:

> The authorities in charge of any highway or the state highway patrol may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the highway, and all members of the Missouri Highway Patrol and other peace officers may direct traffic in conformance with such signs. When authorized signs have been erected designating offcenter traffic lanes, no person shall disobey the instructions given by such signs.

New Jersey—§ 39:4-88(d) provides:

> The State Highway Commissioner may by regulation or local authorities may by resolution or ordinance with respect to highways under their jurisdiction designate right-hand lanes for slow moving traffic and inside lanes for traffic moving at the speed designated for the district as provided under this chapter, and when the lanes are signposted or marked to give notice of the designation a vehicle may be driven in any lane allocated to traffic moving in the direction in which it is proceeding, but when traveling within the inside lanes the vehicle shall be driven at approximately the speed authorized in such lanes and speed shall not be decreased unnecessarily so as to block, hinder or retard traffic.

Pennsylvania—Law provides:

(3) Lanes limited to specific use.—Official traffic-control devices may be erected to restrict the use of specified lanes to specified classes or types of traffic or vehicles, including multi-occupant vehicles or car pools, and drivers of vehicles shall obey the directions of every such device.

Wisconsin—§ 346.13(3), in part, provides:

. . . when lanes have been marked or posted for traffic moving in a particular direction or at designated speeds, the operator of a vehicle shall drive in the lane designated.

A law (§ 349.22) on bus lanes provides:

(1) The governing body of any city, town, village or county may by ordinance designate a portion of any highway under its jurisdiction as a mass transit way, designate the type and character of vehicles which may be operated thereon and specify those conditions under which any of said vehicles may be operated thereon.

(2) Whenever a city, town, village or county designates any highway or portion thereof under its jurisdiction as a mass transit way it may establish priority of right-of-way thereon and make such other regulation of the use of the mass transit way as it deems necessary; and it shall cause appropriate signs to be erected giving notice thereof.

(3) Such city, town, village or county may construct curbs, paint lines or establish other physical separations to exclude the use of the mass transit way by vehicles other than those specifically permitted to operate thereon.

Puerto Rico—Provides for the installation of official devices to regulate traffic, provided the traffic flowing in a determined direction uses a specific lane, or to designate those lanes which vehicles travelling in a specific direction must use, regardless of the roadways. Drivers must obey the indications of each device.

Laws in three states do not contain comparable provisions:

Massachusetts Nevada Oregon [1]

1. Oregon § 487.905(2) allows state and local officials to designate lanes for the exclusive use of buses or high occupancy vehicles to conserve energy and facilitate transportation.

§ 11-309—Driving on Roadways Laned for Traffic

(d) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device. (New, 1962).

Historical Note

This subsection was adopted in 1962. UVC § 11-309(d) (Rev. eds. 1962, 1968).

Statutory Annotation

Twenty-two jurisdictions are in verbatim conformity.

Alaska	Idaho	Nebraska	Pennsylvania
Colorado	Illinois	New Hampshire	South Carolina
Delaware	Kansas	North Carolina	Texas
Florida	Maine	North Dakota	Vermont
Georgia	Michigan	Ohio	Washington
Hawaii			Puerto Rico

Maryland provides:

The driver of a vehicle shall obey the directions of each traffic control device that prohibits changing lanes on sections of a roadway.

New York authorizes creating "no changing lane zones" and provides:

(d) When official markings are in place indicating those portions of any roadway where crossing such markings would be especially hazardous, no driver of a vehicle proceeding along such highway shall at any time drive across such markings.

The remaining jurisdictions do not have comparable laws.

Citations

Ala. Code tit. 32, § 32-5-67 (1975).
13 Alaska Adm. Code § 02.085 (1971).
Ariz. Rev. Stat. Ann. § 28-729 (1956).
Ark. Stat. Ann. § 75-613 (1957).
Cal. Vehicle Code §§ 21655 to 21659 (1972, Supp. 1978).
Colo. Rev. Stat. Ann. § 42-4-907 (Supp. 1977).
Conn. Gen. Stat. Ann. §§ 14-236, -230a (1970).
Del. Code Ann. tit. 21, §§ 4122, 4126 (Supp. 1978).
Fla. Stat. § 316.089 (1971).
Ga. Code Ann. § 68A-309 (1975).
Hawaii Rev. Stat. § 291C-49 (Supp. 1971).
Idaho Code Ann. § 49-629, amended by H.B. 197, CCH ASLR 509 (1977).
Ill. Ann. Stat. ch. 95½, § 11-709 (Supp. 1971).
Ind. Ann. Stat. § 9-4-1-72 (1973).
Iowa Code Ann. § 321.306 (Supp. 1972).
Kans. Stat. Ann. § 8-1522 (1975).
Ky. Rev. Stat. Ann. § 189.340(5) (1977).
La. Rev. Stat. Ann. § 32:79 (1963).
Me. Rev. Stat. Ann. tit. 29, § 991 (1965, Supp. 1970).
Md. Transp. Code § 21-310 (1977).
Mass. Ann. Laws ch. 89, §§ 4A, 4B (1957, Supp. 1966).
Mich. Stat. Ann. § 9.2342 (Supp. 1978).
Minn. Stat. Ann. § 169.18(7) (1960).
Miss. Code Ann. § 63-3-603, amended by H.B. 141, CCH ASLR 21 (1977).
Mo. Ann. Stat. §§ 304.015(5) and (4) (1963).
Mont. Rev. Codes Ann. § 32-2159 (1961).
Neb. Rev. Stat. § 39-628 (1974).
Nev. Rev. Stat. § 484.305 (1975).
N.H. Rev. Stat. Ann. 262-A:23 (1966).
N.J. Rev. Stat. § 39:4-88 (1961).
N.M. Stat. Ann. § 64-18-16 (1960).
N.Y. Vehicle and Traffic Law § 1128 (1960, Supp. 1972); Gen. Laws 1971, ch. 206, as amended, see CCH ASLR 249.
N.C. Gen. Stat. § 20-146 (1975).
N.D. Cent. Code § 39-10-17 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.33 (Supp. 1977).
Okla. Stat. Ann. tit. 47, § 11-309 (1962).
Ore. Rev. Stat. § 487.220 (1977).
Pa. Stat. Ann. tit. 75, § 3309 (1977).
R.I. Gen. Laws Ann. § 31-15-11 (1957).
S.C. Code Ann. § 56-5-1900 (Supp. 1977).
S.D. Comp. Laws §§ 32-26-5 to -8 (1967).
Tenn. Code Ann. § 59-823 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 60 (1969, Supp. 1971).
Utah Code Ann. § 41-6-61 (Supp. 1979).
Va. Code Ann. § 46.1-206 (1975, Supp. 1978).
Vt. Stat. Ann. tit. 23, § 1038 (Supp. 1977).
Wash. Rev. Code Ann. § 46.61.140 (Supp. 1966).
W.Va. Code Ann. § 17C-7-9 (1966).
Wis. Stat. Ann. § 346.13 (1958).
Wyo. Stat. Ann. § 31-5-209 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 32 (1966).
P.R. Laws Ann. tit. 9, § 895 (Supp. 1975).

§ 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. (REVISED, 1975.)

Historical Note

This subsection has been in the Code since 1926. In 1934, the phrase "having due regard *to* the speed of such vehicles" was changed to "having due regard *for* the speed of such vehicles." UVC Act IV, § 16(a) (1926); UVC Act IV, § 31(a) (Rev. ed. 1930); UVC Act V, § 63(a) (Rev. ed. 1934); UVC Act V, § 72(a) (Rev. eds. 1938, 1944, 1948, 1952); UVC 11-310(a) (Rev. eds. 1954, 1956, 1962, 1968).

This subsection was amended in 1975 to apply this rule of the road to all drivers and not just to motorists. Bicyclists, for instance, would be expected to comply with this rule as a result of the change:

(a) The driver of a [motor] vehicle shall not follow another vehicle more closely than is reasonable and prudent, having regard for the speed of such vehicles and the traffic upon and the condition of the highway.

Statutory Annotation

Like the revised rule, laws in seven states (Idaho, Massachusetts, Missouri, Nevada, Oregon, Utah and Vermont) apply to drivers of vehicles

and not just to motorists. Utah duplicates the Code, and three states have laws which are patterned very closely after the 1975 section: Idaho, Oregon and Vermont.

The following 33 states and the District of Columbia are in verbatim conformity with the 1968 Code provision:

Alabama [1]	Illinois	Montana	Pennsylvania
Arizona	Iowa	Nebraska	South Carolina
Arkansas	Kansas	New Hampshire	South Dakota
Colorado	Louisiana	New Mexico	Tennessee
Delaware	Maine	New York	Washington
Florida	Michigan	North Carolina	West Virginia
Georgia [2]	Minnesota	North Dakota	Wisconsin
Hawaii	Mississippi	Oklahoma	Wyoming

1. Although listed as being in verbatim conformity, the pertinent law of Alabama contains the word "to" for which the National Committee substituted the word "for" in 1934.
2. Georgia adds: Vehicles which approach from the rear, other vehicle or vehicles stopped or slowed to make a lawful turn, shall be deemed to be following for purposes of this section.

Sixteen more jurisdictions have variations as shown, (non-Code language in italics and Code language in brackets);

Alaska—Substitutes "roadway" for highway.

California—§ 21703 provides:

> The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such *vehicle* [vehicles] and the traffic upon, and the condition of, the *roadway* [highway].

Connecticut—§ 14-240 provides:

> *No* [The] driver of a motor vehicle shall [not] follow another vehicle more closely than is reasonable and prudent having [due] regard *to* [for] the speed of such vehicles, the traffic upon and the condition of the highway *and weather conditions*.

Indiana—Law provides:

> The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles, *the time interval between vehicles*, and the condition of the highway.

Kentucky— § 189.340(6)(a) provides:

> The *operator* [driver] of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having [due] regard for the speed of *the* [such] *vehicle* [vehicles] and the traffic upon and condition of the highway.

Maryland—§ 21-310 provides:

> The driver of a motor vehicle *may* [shall] not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of *the other* [such] vehicle and *of* the traffic *on* [upon] and the condition of the highway.

Massachusetts—§ 7 provides:

> The driver of a [motor] vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard *to* [for] the speed of such *vehicle* [vehicles] and the traffic upon and condition of the highway.

Missouri—§ 304.017 provides:

> Distance at which vehicle must follow. The driver of a [motor] vehicle *other than those designated in section 304.044* shall not follow another vehicle more closely than is *reasonably safe* [reasonable] and prudent; having due regard for the speed of such *vehicle* [vehicles] and the traffic upon and the condition of the *roadway* [highway]. . . . *This section shall in no manner affect section 304.044 relating to distance between trucks traveling on the highway.*

Nevada—The rule applies to drivers of [motor] vehicles.

New Jersey—§ 39:4-89 provides:

> The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, *with regard for the safety of others* [having] *and* due regard *to* [for] the speed of such vehicles and the traffic upon and condition of the highway.

Ohio—§ 4511.34 provides:

> The *operator* [driver] of a motor vehicle, *streetcar, or trackless trolley* shall not follow another vehicle, *streetcar or trackless trolley* more closley than is reasonable and prudent, having due regard for the speed of such *vehicle* [vehicles], *streetcars, or trackless trolley*, and the traffic upon and the condition of the highway.

Rhode Island—§ 35-15-12 provides:

> The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and condition of the highway, *and shall, whenever traveling upon a business or residential district, and whenever traffic permits leave sufficient space so that an overtaking vehicle can enter and occupy such space without danger. This provision shall not apply to a caravan under police escort or a funeral procession.*

Texas—Replaced a law duplicating the Code, with the following:

> The driver of a motor vehicle shall, when following another vehicle, maintain an assured clear distance between the two vehicles, exercising due regard for the speed of such vehicles, traffic upon and conditions of the street or highway, so that such motor vehicle can be safely brought to a stop without colliding with the preceding vehicle, or veering into other vehicles, objects or persons on or near the street or highway.

For other states with the "assured clear distance ahead" rule, see § 11-801, *infra*.

Virginia—§ 46.1-213 provides:

> The driver of a motor vehicle shall not follow another *motor* vehicle, *trailer or semitrailer* more closely than is reasonable and prudent, having due regard *to* [for] the speed of *both* [such] vehicles and the traffic upon, and *conditions* [condition] of, the highway.

Puerto Rico—Drivers must keep a prudent distance from the moving vehicle immediately ahead, with due regard to speed, highway condition and other circumstances affecting safety.

§ 11-310—Following Too Closely

(b) 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, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a truck or motor vehicle drawing another vehicle from overtaking and passing any vehicle or combination of vehicles. (REVISED, 1971).

Historical Note

The 1926 and 1930 editions of the Code provided that the driver of a motor truck should remain 100 feet behind another motor truck on highways outside business and residence districts. UVC Act IV, § 16(b)(1926); UVC Act IV, § 31(b) (Rev. ed. 1930).

In 1934, this subsection was amended to apply also to a "motor truck drawing another vehicle," to increase the distance requirement to 150 feet,

and to except trucks operated in "any lane specially designated for use by motor trucks." UVC Act V, § 63(b) (Rev. ed. 1934); UVC Act V, § 72(b) (Rev. ed. 1938).

The present subsection was adopted in 1944. UVC Act V, § 72(b) (Rev. eds. 1944, 1948, 1952); UVC § 11-301(b) (Rev. eds. 1954, 1956, 1962). All editions of the Code have stated that this provision shall not prevent overtaking and passing.

However, in the 1968 edition, the initial reference to a truck was mistakenly omitted. UVC § 11-310(b) (Rev. ed. 1968). It was reinserted, and the subsection was revised, as follows, in 1971:

> 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 [motor] truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a [motor] truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or [other vehicle] *combination of vehicles*.

Statutory Annotation

Eighteen states have provisions clearly in substantial conformity with UVC § 11-310(b):

Arizona	Kansas	New York	South Dakota
Colorado	Maryland	North Dakota	Texas
Hawaii	Montana *	Pennsylvania	Utah
Idaho	New Hampshire	South Carolina	Washington
Illinois			Wyoming

* The Montana law applies to the driver of any truck, truck tractor or motor vehicle drawing another vehicle.

The District of Columbia does not have a provision comparable to this Code subsection.

The remaining 33 states have laws that may be substantially different from the Code. Because of the many variations, these laws, along with the 18 already mentioned, are compared on each of six significant points involved.

Vehicles included. The Code provision applies to a "truck or motor vehicle drawing another vehicle" and 25 states agree substantially on this point, except as noted:

Arizona	Illinois	New Hampshire	South Dakota
Arkansas	Iowa	New Mexico	Texas
Colorado	Kansas	New York	Utah
Connecticut	Maine [2]	North Dakota	Washington
Florida [1]	Maryland	Pennsylvania	Wyoming
Hawaii	Montana	Rhode Island [3]	
Idaho			

1. The Florida law applies to the driver of any motor truck, motor truck drawing another vehicle or vehicle towing another vehicle or trailer following another motor truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer.
2. Maine has two laws, one applying to motor trucks and the other to any other vehicle drawing another vehicle.
3. The Rhode Island law applies to *all* motor vehicles following other vehicles.

The laws of three states apply only to the driver of a motor truck following another motor truck, as did the 1926 and 1930 editions of the Code:

Alabama Louisiana New Jersey

In two more states—Indiana and Mississippi—the laws apply to the driver of any motor truck or motor truck drawing another vehicle, as did the 1934 and 1938 editions of the Code. Indiana adds tractor-trailer combinations.

In the remaining 21 states, the laws apply to the vehicles described:

Alaska—Any motor vehicle towing another vehicle.

California—Motor trucks or truck tractors with three or more axles, any motor truck or truck tractor drawing any other vehicle, passenger vehicles or buses drawing another vehicle, school buses transporting any pupil, farm labor buses or trucks when transporting passengers, and any vehicle transporting explosives.

Delaware—Truck or any vehicle drawing another vehicle.

Georgia—Omits UVC references to "truck or."

Kentucky—Any motor truck, semitrailer truck, bus or heavy construction equipment unit when following any such vehicle or equipment unit.

Massachusetts—Any "slow-moving commercial vehicle" when following another "slow-moving commercial vehicle." (The Massachusetts regulations do not further define such vehicles.)

Michigan—Has three separate provisions. The first applies to drivers of motor vehicles having a gross weight over 5,000 pounds when following any other motor vehicle having a gross weight over 5,000 pounds. The second applies to any two or more vehicles being delivered from one place to another. The third applies to any truck or truck tractor following any other truck or truck tractor.

Minnesota—Any motor truck or motor vehicle drawing another vehicle following any other vehicle.

Missouri—Any truck or bus when following "another such vehicle." The law defines "bus" as any vehicle or motor car designed or used to carry more than seven persons and "truck" as any "vehicle, machine, tractor, trailer or semitrailer or any combination thereof" that is designed or used to transport property.

Nebraska—Law applies to any motor vehicle drawing another vehicle.

Nevada—Trucks and combinations of vehicles 80 inches or more in overall width.

North Carolina—Law applies to drivers of all motor vehicles.

Ohio—Law has two subsections. One applies to the driver of any truck or motor vehicle drawing another vehicle when following any other vehicle, and the other to the driver of any truck or motor vehicle drawing another vehicle when following another such vehicle "while ascending to the crest of a grade beyond which the driver's view of the roadway is obstructed."

Oklahoma—Law has two subsections. The first is identical to UVC § 11-310(b). The second applies to the driver of any "vehicle which has more than six tires in contact with the road" following another vehicle having more than six tires in contact with the road.

Oregon—Law applies to buses, trucks and combinations of vehicles.

Tennessee—Has two relevant subsections in its law. The first is in verbatim conformity with UVC § 11-310(b). The second, however, applies to motor trucks of more than 1½ ton rated capacity following "any other motor truck of like or greater capacity."

Vermont—Law applies to drivers of all vehicles.

Virginia—Any motor truck or bus following another motor truck or bus.

West Virginia—Any motor truck registered for a gross weight of more than 8,000 pounds, any bus, special mobile equipment or any motor vehicle drawing another vehicle.

Wisconsin—Any motor vehicle drawing another vehicle when the combined gross weight is over 10,000 pounds and any motor truck having a gross weight over 10,000 pounds while following "any vehicle immediately preceding it."

Puerto Rico—Law applies to all drivers.

Geographic application. The Code provision applies only outside of business and residence districts and 42 states are in conformity on this point:

Alabama	Illinois	Mississippi	Oregon
Alaska	Indiana *	Missouri	Pennsylvania
Arizona	Iowa	Montana	South Carolina
Arkansas	Kansas	Nebraska	South Dakota
California	Kentucky	New Hampshire	Texas
Colorado	Louisiana	New Jersey	Utah
Delaware	Maine	New Mexico	Vermont
Florida	Maryland	New York	Washington
Georgia	Massachusetts	North Carolina	West Virginia
Hawaii	Minnesota	North Dakota	Wisconsin
Idaho			Wyoming

* The Indiana law also applies on the interstate system within business and residence districts.

The other nine states have these provisions:

Connecticut—Law apparently applies on all highways.

Michigan—Law applicable to motor vehicles with a gross weight over 5,000 pounds applies outside of "the corporate limits of any city or village," the law applicable to trucks and truck tractors applies outside business and residence districts, and the provision applicable to two or more vehicles being delivered apparently applies on all highways.

Ohio—The portion of the law applicable to trucks and motor vehicles drawing other vehicles applies outside business and residence districts but the portion applicable to trucks and combinations ascending to the crest of a grade applies "outside a municipal corporation."

Oklahoma—The portion of the law in verbatim conformity with the Code applies outside business and residence districts, but the portion dealing with vehicles having more than six tires in contact with the ground apparently applies on all highways.

Nevada—Law apparently applies on all highways.

Rhode Island—Law applies only to vehicles operated *inside* business and residence districts.

Tennessee—Law contains one subsection in verbatim conformity with the Code, but a second subsection applicable to trucks with a rated capacity of more than 1½ tons applies "without the corporate limits of any municipality."

Virginia—Law applies to highways outside of cities and towns.

Puerto Rico—Law applies where speed limit is over 25 mph.

Distance requirements. Twenty-seven jurisdictions, like the Code, require drivers of motor trucks and combinations of vehicles to "leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger":

Alaska	Illinois	North Carolina	Texas
Arizona	Kansas	North Dakota	Utah
Colorado	Maryland	Oregon	Vermont
Connecticut [1]	Montana	Pennsylvania	Washington
Georgia	Nebraska	Rhode Island [2]	Wyoming
Hawaii	New Hampshire	South Carolina	Puerto Rico
Idaho	New York	South Dakota	

1. The Connecticut law provides that no person shall drive so close to another vehicle as to obstruct or impede traffic.
2. The Rhode Island law applies to *all* vehicles, not just trucks and combinations.

One state combines the Code standard of "sufficient space" with a specific minimum distance requirement: Delaware—sufficient space but not less than 200 feet.

Eighteen states establish specific distances:

100 feet—New Jersey

200 feet—Arkansas, Massachusetts, Virginia, West Virginia

250 feet—Kentucky

300 feet—Alabama, California, Florida, Indiana, Iowa, Mississippi, Missouri, New Mexico

400 feet—Louisiana

500 feet—Minnesota, Nevada, Wisconsin

Five states have more than one applicable provision:

Maine—One law provides that the driver of a motor truck "shall not follow another motor truck within 150 feet." A second, applying to the driver of any motor vehicle drawing another vehicle following another such combination of vehicles requires him, whenever conditions permit, to "leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger" in substantial conformity with UVC § 11-310(b).

Michigan—One law provides that the driver of a motor vehicle having a gross weight over 5,000 pounds shall not follow within 500 feet of any like vehicle and requires that no less than 500 feet be maintained between vehicles being delivered from one place to another. A second law, however, provides that the driver of a truck or a truck tractor shall, "whenever conditions permit, leave sufficient space between his vehicle and any other truck or truck tractor so that any overtaking vehicle may enter and occupy such space without danger."

Ohio—One provision requires the driver of a truck or a motor vehicle drawing another vehicle to "maintain a sufficient space whenever conditions permit, between such vehicle and another vehicle ahead so an overtaking motor vehicle may enter and occupy such space without danger." Another provides that such a driver shall not follow within 300 feet of another such vehicle while ascending to the crest of a grade beyond which the driver's view is obstructed.

Oklahoma—One provision is in verbatim conformity with UVC § 11-310(b), requiring that a "sufficient space" be maintained. Another provides that no vehicle having "more than six tires in contact with the road shall approach from the rear of another vehicle which has more than six tires . . . closer than 300 feet."

Tennessee—One part is in verbatim conformity but another provides that motor trucks of more than 1½ ton rated capacity shall not approach any other motor truck of like or greater capacity "at a distance nearer than 300 feet."

When conditions permit. The Code states that sufficient space should be left for overtaking vehicles "whenever conditions permit." The following 32 states have comparable provisions:

Alaska	Kansas	New York	South Carolina
Arizona	Maine	North Carolina	South Dakota
Colorado	Maryland	North Dakota	Tennessee
Delaware	Michigan	Ohio	Texas
Georgia	Montana	Oklahoma	Utah
Hawaii	Nevada	Oregon	Washington
Idaho	Nebraska	Pennsylvania	Wyoming
Illinois	New Hampshire	Rhode Island	Vermont

The laws of the remaining states do not have comparable provisions.

Privilege of passing not affected. The Code provision requiring drivers of certain vehicles to maintain a sufficient intervening space for use by overtaking vehicles expressly provides that it in no way restricts the privilege of overtaking and passing. The laws of 45 states are in verbatim or substantial conformity with this provision.

Of the remaining states, Connecticut, Rhode Island, Virginia and Puerto Rico do not have comparable provisions and Michigan and Ohio have provisions that differ somewhat but may be in substantial conformity. As previously noted, these two states each have more than one provision comparable to UVC § 11-310(b). The portion of a Michigan law relating to vehicles being delivered from one place to another does not expressly except passing movements but the provision dealing with vehicles over 5,000 pounds gross weight and the provision on trucks do except such vehicles that are overtaking and passing other vehicles. The portion of the Ohio law dealing with drivers of trucks and combinations of vehicles

ascending grades also does not expressly except overtaking and passing movements but the portion of the Ohio law dealing with the drivers of such vehicles at other locations does.

Miscellaneous exceptions. The 1934 and 1938 Code provisions requiring the driver of a motor truck to remain 150 feet behind another such vehicle did not apply when the trucks were being operated in a lane specially designated for use by motor trucks. This exception still appears in the laws of 12 states although it was deleted from the Code in 1944:

Arkansas	Indiana	Louisiana	Ohio
California	Iowa	Minnesota	West Virginia
Florida	Kentucky	Mississippi	Wisconsin

The California and Nevada laws do not apply on roadways having two or more lanes for vehicles traveling in the same direction. This may also be the net effect of the Massachusetts provision which applies only on "roadways less than 27 feet wide and upon which vehicular traffic is permitted to operate in both directions."

Massachusetts, Rhode Island and West Virginia except funeral processions. Massachusetts also excepts other lawful processions and Rhode Island also excepts "a caravan under police escort." Pennsylvania and West Virginia except military convoys.

The West Virginia law does not apply in "no-passing zones" and the portion of the Tennessee law applying to trucks with a rated capacity of more than 1½ tons does not apply when "one or both of said trucks shall have come to a stop or except in rendering assistance to a disabled or partly disabled truck."

Finally, the California law does not apply to "a passenger vehicle drawing a camping semi-trailer or small trailer or other passenger motor vehicle."

§ 11-310—Following Too Closely

(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.

Historical Note

This subsection was added to the Code in 1944 and has never been amended. UVC Act V, § 72(c) (Rev. eds. 1944, 1948, 1952); UVC § 11-310(c) (Rev. eds. 1954, 1956, 1962, 1968).

Statutory Annotation

The following 29 jurisdictions have provisions in verbatim conformity with this Code subsection:

Alaska	Illinois	New Hampshire	Tennessee
Arizona	Indiana	New York	Texas
Colorado	Kansas	North Dakota	Utah
Delaware [1]	Louisiana	Oregon [5]	Vermont
Florida	Maryland [4]	Pennsylvania	Washington
Georgia [2]	Montana	South Carolina	Wyoming
Hawaii	Nebraska	South Dakota	Puerto Rico
Idaho [3]			

1. Omits "motor" before "vehicles."
2. Georgia excepts parades and other groups of vehicles under the supervision of a law enforcement agency.
3. See also, Idaho Code Ann. §§ 49-1801 to 49-1808 pertaining to vehicles intended to be sold that are caravaned. Section 49-1802 requires such vehicles at all times to be operated at least 150 feet apart.
4. Maryland requires space between each two vehicles or combinations.
5. Oregon law applies on urban freeways.

The laws of 10 states are distinguishable for various reasons:

California—The law requires vehicles in a caravan or motorcade outside of a business or residence district to be operated so as to allow sufficient space, which in no event shall be less than 100 feet, between each vehicle, for a vehicle to overtake or pass. The law differs from UVC § 11-310(c) by requiring a specific minimum distance in feet, by not excepting funeral processions, and by not expressly requiring sufficient space for any vehicle to enter and occupy safely.

Connecticut—The law provides that vehicles in a caravan shall be so operated as to allow sufficient space between such vehicles so that any other vehicle may enter and occupy such space without danger. The law does not apply to funeral processions or to motor vehicles under official escort or traveling under a special permit. The Code provision, of course, applies only to caravans outside of a business or residence district while the Connecticut law apparently applies throughout the State.

Iowa—The law provides that every person "pulling or towing by motor vehicle another motor vehicle in convoy or caravan shall maintain a distance of at least 500 feet between the units of said convoy or caravan." This law is substantially different from UVC § 11-310(c) because it applies inside business and residence districts, does not include motor vehicles in a caravan that are not towing other vehicles, and establishes a specific minimum distance of 500 feet.

Maine—The law contains a subsection in verbatim conformity with UVC § 11-310(c) but another subsection provides that the law does not apply to a motor truck, which may not follow within 150 feet of another motor truck. Thus, a vehicle in a caravan may remain a "sufficient distance" behind another vehicle but a motor truck following another motor truck in a caravan must remain 150 feet behind.

Missouri—Provisions in the Missouri caravan law are very similar to UVC § 11-310(c). The law differs from the Code, however, by requiring drivers to allow sufficient space to enable any other vehicle "to overtake or pass such vehicles in safety" while the Code requires a sufficient space to enable "any other vehicle to enter and occupy such space." It excepts "duly-authorized parades" in addition to funeral processions and also provides that it "shall in no manner" affect the application of another law requiring trucks and buses to remain 300 feet apart. Thus, trucks and buses operated in a motorcade or caravan outside a business or residence district may not be operated within 300 feet of each other while the Code would require such trucks and buses, as well as all other types of vehicles in a caravan, to be driven a sufficient distance apart to allow any other vehicle to enter and occupy the space without danger.

Nevada—The law is very similar to UVC § 11-310(c) but applies outside "urban districts" and substitutes "highway" for "roadway," and does not except funeral processions. Another law requires persons, vehicles and animals in funeral processions to be as close together as practicable and safe.

New Mexico—The law provides that vehicles in a caravan or motorcade outside a business or residence district shall not follow the preceding vehicle closer than 300 feet and does not apply to funeral processions nor escort vehicles.

Ohio—The law, which is in substantial conformity with UVC § 11-310(c), requires drivers of vehicles in a caravan or motorcade to "maintain a sufficient space between such vehicles so an overtaking vehicle may enter and occupy such space without danger."

Oklahoma—The law is identical to UVC § 11-310(c) but contains an additional sentence requiring that a minimum distance of 200 feet be maintained between vehicles in a caravan or motorcade under all conditions.

West Virginia—The law is in verbatim conformity with UVC § 11-310(c) but excepts military convoys in addition to funeral processions.

The laws of 12 states and the District of Columbia do not have comparable provisions:

Alabama	Massachusetts	Mississippi	Rhode Island
Arkansas	Michigan	New Jersey	Virginia
Kentucky	Minnesota	North Carolina	Wisconsin

Citations

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13 Alaska Adm. Code § 02.090 (1971).
Ariz. Rev. Stat. Ann. § 28-730 (1956).
Ark. Stat. Ann. § 75-614 (1957).
Cal. Vehicle Code §§ 21703, 21705 (Supp. 1971).
Colo. Rev. Stat. Ann. § 42-4-908 (1973).
Conn. Gen. Stat. Ann. § 14-240 (1960).
Del. Code Ann. tit. 21, § 4123 (Supp. 1978).
Fla. Stat. § 316.092 (1971).
Ga. Code Ann. § 68A-310 (1975).
Hawaii Rev. Stat. § 291C-50 (Supp. 1971).
Idaho Code Ann. § 49-630, amended by H.B. 197, CCH ASLR 510 (1977).
Ill. Ann. Stat. ch. 95½, § 11-710 (Supp. 1978).
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La. Rev. Stat. Ann. § 32:81 (1963).
Me. Rev. Stat. Ann. tit. 29, §§ 1031, 1032 (1965).
Md. Transp. Code § 21-309 (1977).
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Miss. Code Ann. § 63-3-617 (1972).
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N.C. Gen. Stat. § 20-152 (1975).
N.D. Cent. Code § 39-10-18 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.34 (1965).
Okla. Stat. Ann. tit. 47, § 11-310 (1962).
Ore. Rev. Stat. § 487.225 (1977).
Pa. Stat. Ann. tit. 75, § 3310 (1977).
R.I. Gen. Laws Ann. § 31-15-12 (1957).
S.C. Code Ann. § 56-5-1930 (Supp. 1977).
S.D. Comp. Laws §§ 32-26-40 to -42 (Supp. 1971).
Tenn. Code Ann. § 59-824 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 61 (1969, Supp. 1971).
Utah Code Ann. § 41-6-62 (Supp. 1979).
Va. Code Ann. § 46.1-213 (1967).
Vt. Stat. Ann. tit. 23, § 1039 (Supp. 1977).
Wash. Rev. Code Ann. § 46.61.145 (Supp. 1966).
W. Va. Code Ann. § 17C-7-10 (1966).
Wis. Stat. Ann. § 346.14 (1958).
Wyo. Stat. Ann. § 31-5-210 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 33 (1957).
P.R. Laws Ann. tit. 9, § 1139 (Supp. 1975).

§ 11-311—Driving on Divided Highways *

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

* The National Committee interprets this section as allowing a left turn across a painted median. (New footnote, 1971.)

Historical Note

This section was adopted in 1944 and revised in 1962 as follows:

> Whenever any highway has been divided into two *or more* roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway *unless directed or permitted to use another roadway by official traffic-control devices or police officers*. [and no] *No* vehicle shall be driven over, across or within any such dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space or at a cross-over or intersection *as* established, *unless specifically prohibited* by public authority.

UVC Act V, § 73 (Rev. eds. 1944, 1948, 1952); UVC § 11-311 (Rev. eds. 1954, 1956, 1962, 1968).

An interpretative footnote was added in 1971 to indicate that this section does not apply to a median indicated only by paint.

Statutory Annotation

Ten states have laws that are in verbatim conformity with UVC § 11-311 except as noted:

Alaska [1]	Idaho	New Hampshire	North Dakota [3]
Georgia [2]	Kansas	New York	Oklahoma
Hawaii			South Carolina [4]

1. Permits use of a different roadway when permitted or directed by firemen or authorized flagmen.
2. Georgia has the UVC definition of "divided highway." Drivers on such highways must use the right-hand roadway in verbatim conformity with the UVC. The second sentence concludes "unless specifically prohibited by an official sign, signal or control device."
3. North Dakota adds "and such prohibition is indicated by appropriate traffic-control devices."
4. South Carolina adds the following: "For clarification, a left turn across a painted median is authorized unless prohibited by an official traffic-control device."

Laws in the following 14 states and the District of Columbia are in verbatim conformity with § 11-311 as it appeared before revision in 1962:

Alabama	Indiana [2]	New Jersey	Tennessee
Arizona	Maine	New Mexico	West Virginia
Illinois [1]	Michigan [3]	Rhode Island	Wyoming
	Montana	South Dakota	

1. Illinois is substantially like the first sentence as revised in 1962.
2. Indiana adds that crossovers on freeways and interstate highways intended for use by emergency or maintenance vehicles shall be posted with "no U-turn" signs and shall not be used by drivers of other vehicles.
3. Michigan prohibits parking in a median and adds a prohibition against the use of crossovers on limited-access highways except by authorized emergency vehicles and "road service vehicles."

Laws in 24 jurisdictions are in varying degrees of conformity with UVC § 11-311:

California—§ 21651 provides:

> It is unlawful to drive any vehicle upon any highway which has been divided into two or more roadways by means of intermittent barriers or by means of a dividing section of not less than 2 feet in width either unpaved or delineated by curbs, lines or other markings on the roadway except to the right of the barrier or dividing section, or to drive any vehicle over, upon, or across the dividing section, or to make any left turn or semi-circular or U-turn on any such divided highway, except through an opening in the barrier designated and intended by public authorities for the use of vehicles or through a plainly marked opening in the dividing section.

See also, California Vehicle Code § 22102 banning U-turns in business districts except at intersections and, in accordance with § 21651, through openings in barriers on divided highways.

Colorado—Law provides:

> Whenever any highway has been divided into separate roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, unless directed or permitted to use another roadway by official traffic control devices. No vehicle shall be driven over, across or within any such dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection as established, unless specifically prohibited by official signs and markings or by the provisions of section 42-4-802.

The differences between the above Colorado law and the Code section are: (1) the law refers to a highway "divided into separate roadways" and the Code to a highway "divided into two or more roadways," (2) the law does not have the Code's words "or police officers" at the end of the first sentence, and (3) the Code does not have the concluding words "or by the provisions of section 42-4-802." That section is comparable to UVC § 11-602 prohibiting U-turns at places of limited visibility.

The law continues:

> However, this subsection (1) does not prohibit a left turn across a median island formed by standard pavement markings or other mountable or traversable devices as prescribed in the state traffic control manual when such movement can be made in safety and without interfering with, impeding, or endangering other traffic lawfully using the highway.

Connecticut—§ 14-237 is virtually identical to the 1956 Code section except that it does not contain the phrase "so constructed as to impede vehicular traffic" or the express prohibition against driving "within" such dividing space as well as "across" or "over" it.

Delaware—One law differs from the UVC only by referring to "roads" and "road" instead of "roadways" and "roadway." A second law (§ 4126) bans driving in any dividing section or making left turns (except at openings) on controlled-access highways.

Florida—Duplicates the Code but substitutes "authorized" for "prohibited" toward the end of the second sentence. Thus, Florida requires authorization for use of a crossover in a divided highway while the UVC allows its use unless specifically prohibited.

Kentucky—§ 177.300 provides:

> It is unlawful for any person (1) to drive a vehicle over, upon, or across any curb, central dividing section or other separation or dividing line on limited access facilities; (2) to make a left turn or a semi-circular or U-turn except through an opening provided for that purpose in the dividing curb section, separation or line; (3) to drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line . . . .

Louisiana—§ 32:82A is virtually identical to the original Code section but refers to roadways divided by a "median" rather than by an "intervening space" and authorizes crossing only at an "improved" opening or at a cross-over or intersection established according to law.

Maryland—§ 21-311 provides:

> On any divided highway:
>
> (1) A vehicle may be driven only on the right-hand roadway, unless directed or permitted to use another roadway by a traffic control device or a police officer;
>
> (2) A vehicle may not be driven over, across, or within the dividing space, barrier, or section except, unless specifically prohibited by public authority, through an opening in the space, barrier, or section or at a crossover or intersection; and
>
> (3) A vehicle may not be driven on the median strip, unless permitted to do so by public authority.

Massachusetts—Laws do not contain a section or provision comparable to UVC § 11-311. A regulation (§ 13) applicable to state highways, however, does provide:

> Keep to the Right of Roadway Division. Upon such roadways as are divided by a parkway, grass plot, reservation, viaduct, subway or by any structure or area, drivers shall keep to the right of such a division, and shall cross such parkway, grass plot or reservation only at a cross-over. In the case of a State Highway which has no cross-overs, access to the adjoining roadway shall be gained only by the proper use of under or overpasses and ramps. The foregoing provisions shall not apply when drivers are otherwise directed by an officer, or official signs, signals or markings.

Minnesota—§ 169.18(9) is in verbatim conformity with UVC § 11-311 except that it does not contain the phrase "unless specifically prohibited" which was added to the Code section in 1962. A second Minnesota law (§ 169.305(1)(b)), applicable to controlled-access roadways, provides:

> When special cross-overs between the main roadways of a controlled-access highway are provided for emergency vehicles or maintenance equipment and such cross-overs are signed to prohibit 'U' turns, it shall be unlawful for any vehicle, except an emergency vehicle or maintenance equipment, to use such cross-over.

Mississippi—§ 8039-10 duplicates the Kentucky law quoted, *supra*.

Missouri—§ 304.015(3) provides:

> It is unlawful to drive any vehicle upon any highway or road which has been divided into two or more roadways by means of a physical barrier or by means of a dividing section or delineated by curbs, lines or other markings on the roadway, except to the right of such barrier or dividing section, or to make any left turn or semi-circular or U-turn on any such divided highway, except in a cross-over or intersection.

Nebraska—Requires drivers to use the right-hand roadway of any highway divided into two or more roadways by a "median" unless directed or allowed to use another roadway by traffic-control devices or competent authority. "Median" is defined by § 39-602(47) as a part of a divided highway constructed to impede vehicular traffic across or within a barrier, section or space or to divide a highway into two roadways for use by traffic in opposite directions. The definition mentions physical barriers and clearly indicates dividing sections as examples of medians. A second subsection in the law prohibits driving over, across or within any median except at openings, crossovers or intersections; however, medians or freeways may not be entered or crossed unless specifically allowed. A third subsection prohibits use of crossovers on freeways intended only for use by emergency vehicles but drivers of such vehicles must not create a hazard.

Nevada—Law provides:

> Every vehicle driven upon a divided highway shall be driven only upon the right-hand roadway and shall not be driven over, across or within any dividing space, barrier or section nor make any left turn, semi-circular turn or U-turn, except through an opening in the barrier or dividing section or space or at a crossover or intersection established by a public authority.

A "divided highway" is defined as a "highway divided into two or more roadways by means of a physical barrier or dividing section, constructed to impede the conflict of vehicular traffic traveling in opposite directions."

North Carolina—Law provides:

> On those sections of highways which are or become a part of the National System of Interstate and Defense Highways and other controlled-access facilities, it shall be unlawful for any person:
>
> (1) To drive a vehicle over, upon or across any curb, central dividing section or other separation or dividing line on said highways.
>
> (2) To make a left turn or other semi-circular or U-turn except through an opening provided for that purpose in the dividing curb section, separation or line on said highways.
>
> (3) To drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section or line on said highways.

Ohio—§ 4511.35 is in verbatim conformity with the pre-1962 Code but a second sentence provides:

> This section does not prohibit the occupancy of such dividing space, barrier, or section for the purpose of an emergency stop or in compliance with an order of a police officer.

Oregon—Law provides:

> Driving on divided highways. (1) When driving upon a highway divided into two or more roadways by means of an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, a driver shall drive only upon the right-hand roadway unless directed or permitted to use another roadway by an official traffic control device or police officer.
>
> (2) When driving upon a divided highway as described in subsection (1) of this section, a driver shall not drive over, across or within a dividing space, barrier or section except:
>
> (a) At an authorized crossover or intersection; or
>
> (b) When specifically directed otherwise by state or local authority.
>
> (3) A person violating this section commits a Class B traffic infraction.

Pennsylvania—Law is very similar to the UVC, but omits the final prohibition phrase. It refers to police officers and "appropriately attired persons authorized to direct, control or regulate traffic."

Texas—Duplicates the first sentence in the Code but the second concludes with "as established by public authority." This law clearly is in substantial conformity with the Code.

Utah—§ 41-6-63.10 provides:

> Highway divided into two separate roadways by dividing section—Unlawful actions of drivers—Dividing section defined and described. Whenever a highway has been divided into two separate roadways by a dividing section, it shall be unlawful to drive any vehicle upon any such highway except to the right of such dividing section, or to drive any vehicle over, upon, or across any such dividing section or to make any left turn or semicircular or U-turn on any such divided highway, except through a plainly marked opening in such dividing section designed and designated for such left turn, semicircular or U-turn, unless a sign or signs authorized and displayed by the state road commission or other governmental agency shall otherwise indicate.
>
> A dividing section shall divide a highway into two separate roadways and shall consist of:
>
> (1) An unpaved dividing area; or,
>
> (2) A physical barrier, curbs, or other clearly indicated area so constructed as to impede vehicular traffic across the same; or,
>
> (3) A dividing area of over two feet in width defined by either:
>
> (a) A standard double line marking on each side of the dividing section, each double line marking consisting of two 4-inch wide lines four inches apart, or
>
> (b) Other markings, on each side of the dividing section of a type designated by the state road commission to indicate no driving along a highway to the left thereof.

A second law (§ 41-6-64) provides:

> Limited-access roadway—Driving upon—Turning. No person shall (1) drive a vehicle over, upon, or across any curb, central dividing section or other separation or dividing line on limited-access highways; (2) make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation or line; (3) drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation, section, or line . . . .

Vermont—Law is very similar to the UVC. "May" replaces "shall" in the first sentence. The second sentence is divided into two sentences by adding a period after "section." "Except" is replaced with "A vehicle may be driven." Another law provides that a person may not:

> (1) drive a vehicle over, upon or across any curb, central dividing section, or other separation or dividing line on limited-access facilities;
>
> (2) make a left turn or a semicircular or U-turn except through an opening provided for the purpose in the dividing curb section, separation or line;
>
> (3) drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation or line;
>
> (4) drive any vehicle into the limited-access facility from a local service road except through an opening provided for that purpose in the dividing curb, or dividing section or dividing line which separates the service road from the limited-access facility proper.

Washington—Law is essentially like the UVC but it refers to a highway divided by an intervening space, physical barrier, dividing section "or by a median island not less than 18 inches wide formed by solid yellow pavement markings or by a yellow cross hatching between two solid yellow lines."

Wisconsin—§ 346.15 provides:

> Driving on divided highway. Whenever any highway has been divided into two roadways by an intervening *unpaved* or *otherwise* clearly indicated dividing space or by a physical barrier so constructed as to substantially impede *crossing by* vehicular traffic, the operator of a vehicle shall drive only to the right of such space or barrier and no operator of a vehicle shall drive over, across or within any such space or barrier except through an opening or at a cross-over or intersection established by the authority in charge of the maintenance of the highway, *except that the operator of a vehicle when making a left turn to or from a private driveway, alley or highway may drive across a paved dividing space or a physical barrier not so constructed as to impede crossing by vehicular traffic, unless such crossing is prohibited by signs erected by the authority in charge of the maintenance of the highway.*

Italicized language indicates the major differences between this law and the original Code section.

Puerto Rico—Law provides:

> Whenever any highway whose roadway is divided into two or more lanes for traffic in opposite directions by leaving an intervening space or an islet, every vehicle shall be driven only upon the lanes to the right of such space or islet, except as otherwise authorized by markings to that effect; and no vehicle shall be driven through or upon said intervening space or islet, or cross same, except in those places where there is an opening in the intervening space or islet or at the crossing of an intersection.

Three states—Arkansas, Iowa and Virginia—do not have express provisions comparable to UVC § 11-311.

Citations

Ala. Code tit. 32, § 32-5-68 (1975).
13 Alaska Adm. Code § 02.095 (1971).
Ariz. Rev. Stat. Ann. § 28-731 (1956).
Cal. Vehicle Code § 21651 (1960).
Colo. Rev. Stat. Ann. § 42-4-910 (Supp. 1976).
Conn. Gen. Stat. Ann. § 14-237 (1960).
Del. Code Ann. tit. 21, § 4124 (Supp. 1970).
Fla. Stat. § 316.090 (1971).
Ga. Code Ann. § 68A-311 (1975).
Idaho Code Ann. § 49-631, amended by H.B. 197, CCH ASLR 510 (1977).
Ill. Ann. Stat. ch 95½, § 11-708 (1971).
Ind. Ann. Stat. § 9-4-1-74 (1973).
Kans. Stat. Ann. § 8-1524 (1975).
Ky. Rev. Stat. Ann. § 177.300 (1977).
La. Rev. Stat. Ann. § 32:82 (1963).
Me. Rev. Stat. Ann. tit. 29, § 992 (1965).

Md. Trans. Code § 21-311 (1977).
Mass. Rules & Regs. for Driving on State Highways art. IV, § 13 (Jan. 1972).
Mich. Stat. Ann. § 9.2344 (1973).
Minn. Stat. Ann. §§ 169.18(9), .305(1)(b) (1960).
Miss. Code Ann. § 65-5-19 (1972).
Mo. Ann. Stat. § 304.015(3) (1963).
Mont. Rev. Codes Ann. § 32-2161 (1961).
Neb. Rev. Stat. § 39-630 (1974).
Nev. Rev. Stat. § 484.309 (1975).
N.H. Rev. Stat. Ann. § 262-A:25 (1966).
N.J. Rev. Stat. § 39:4-82.1 (1961).
N.M. Stat. Ann. § 64-18-18 (1960).
N.Y. Vehicle and Traffic Law § 1130 (Supp. 1972).
N.C. Gen. Stat. § 20-140.3 (1975).
N.D. Cent. Code § 39-10-19 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.35 (1965).
Okla. Stat. Ann. tit. 47, § 11-311 (1962).
Ore. Rev. Stat. § 487.230 (1977).
Pa. Stat. Ann. tit. 75, § 3311 (1977).
R.I. Gen. Laws Ann. § 31-15-13 (1957).
S.C. Code Ann. § 56-5-1920 (Supp. 1977).
S.D. Comp. Laws § 32-36-9 (1967).
Tenn. Code Ann. § 59-825 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 62 (Supp. 1971).
Utah Code Ann. §§ 41-6-63.10, -64 (1960).
Vt. Stat. Ann. tit. 23, § 1040 (Supp. 1977).
Wash. Rev. Code Ann. § 46.61.150 (Supp. 1978).
W. Va. Code Ann. § 17C-7-11 (1966).
Wis. Stat. Ann. § 346.15 (Supp. 1967).
Wyo. Stat. Ann. § 31-5-211 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 34 (1966).
P.R. Laws Ann. tit. 9, § 895 (Supp. 1975).

§ 11-312—Restricted Access

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

Historical Note

This section was adopted in 1944. UVC Act V, § 74 (Rev. eds. 1944, 1948, 1952); UVC § 11-312 (Rev. eds. 1954, 1956, 1962, 1968).

Statutory Annotation

The traffic laws of 35 jurisdictions are in verbatim or substantial conformity with UVC § 11-312:

Alabama [1]	Illinois [2]	New Jersey [1]	Texas [4]
Arizona	Indiana [1]	New Mexico	Utah [2]
Colorado	Maine [1]	North Dakota	Vermont [5]
Connecticut [2]	Maryland [2]	Oklahoma	Washington [1]
Delaware [3]	Michigan [1]	Pennsylvania	West Virginia
Florida [1]	Minnesota [2]	Rhode Island [1]	Wyoming
Georgia	Montana	South Carolina	District of
Hawaii	Nebraska	South Dakota	Columbia
Idaho	New Hampshire	Tennessee	Puerto Rico

1. Laws refer to "limited-access" roadway.
2. Laws refer to controlled-access "highway."
3. Delaware has a second law (§ 4736) for controlled-access highways which also duplicates the UVC.
4. The Texas law refers to "limited-access or controlled-access" roadway.
5. Vermont has a second law (tit. 19, § 1862a) which bans passing to, from or across limited access facilities except at such designated points as may be specified.

The laws of 10 more states have these comparable provisions:

Alaska—A regulation otherwise duplicating the Code applies on any controlled-access "highway or freeway."

California—§ 21664 provides:

> It is unlawful for the driver of any vehicle to make an exit from or leave any freeway which has full control of access and no crossing at grade upon any on-ramp providing entrance to such highway.

Iowa—Bans driving over or across any curb, separation or dividing line on controlled access highways and driving onto the facility from a local service road except through an opening.

Kansas—Has a law for all controlled access highways that provides, in part: "It shall be unlawful for any person: . . . (4) to drive any vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by law."

Louisiana—§ 32:262 authorizes the Department of Highways to establish controlled-access highways and prohibit the entrance to, or exit from, such highways except at designated points. The law then provides:

> When signs are erected giving notice thereof, no person shall drive a vehicle onto or from any controlled access highway except at such entrances and exits as have been designated by the department.

Nevada—Law provides:

> When official traffic-control devices are erected giving notice thereof, a person shall not drive a vehicle onto or from any controlled-access highway except at those entrances and exits which are indicated by such devices.

New York—Bans driving any motor vehicle or motorcycle from or onto a controlled-access highway except at established entrances and exits unless permitted by devices or police officers.

North Carolina—Prohibits driving to or from a controlled-access or interstate highway except at such entrances and exits as are established by public authority.

Ohio—§ 3767.201 provides:

> No person, firm or corporation shall cause a vehicle of any character to enter or leave a limited-access highway at any point other than intersections designated by the director of highways for such purpose. . . .

Wisconsin—§ 364.16(1) provides:

> No person shall drive a vehicle onto or from a controlled-access highway, expressway or freeway except through an opening provided for that purpose.

Another law (§ 83.027), authorizing county boards to establish controlled-access highways, contains a subsection providing that it is unlawful for any person to drive a vehicle "into or from" such a highway "except through an opening provided for that purpose." Both laws are probably in substantial conformity with the Code.

The remaining seven states do not have express provisions comparable to UVC § 11-312 in their traffic laws:

Arkansas	Massachusetts	Missouri	Virginia
Kentucky	Mississippi	Oregon	

Citations

Ala. Code tit. 32, § 32-5-69 (1975).
13 Alaska Adm. Code § 02.100 (1971).
Ariz. Rev. Stat. Ann. § 28-732 (1956).
Cal. Vehicle Code § 21664 (Supp. 1966).
Colo. Rev. Stat. Ann. § 42-4-910 (1973).
Conn. Gen. Stat. Ann. § 14-238 (1960).
Del. Code Ann. tit. 21, § 4125 (Supp. 1966).
Fla. Stat. § 316.091 (1971).
Ga. Code Ann. § 68A-312 (1975).
Hawaii Rev. Stat. § 291C-52 (Supp. 1971).
Idaho Code Ann. § 49-632, amended by H.B. 197, CCH ASLR 510 (1977).
Ill. Ann. Stat. ch. 95½, § 11-711 (1971).
Ind. Ann. Stat. § 9-4-1-74 (1973).
Iowa Code Ann. § 321.366 (1966).
Kans. Stat. Ann. § 68-1906.
La. Rev. Stat. Ann. § 32:262 (1963).
Me. Rev. Stat. Ann. tit. 29, § 992 (1965).
Md. Trans. Code § 21-312 (1977).
Mich. Stat. Ann. § 9.2345 (1973).
Minn. Stat. Ann. § 169.305(1)(a) (Supp. 1972).
Mont. Rev. Codes Ann. § 32-2162 (1961).
Neb. Rev. Stat. § 39-632 (1974).
Nev. Rev. Stat. § 484.311 (1965).
N.H. Rev. Stat. Ann. § 262-A:26 (1966).
N.J. Rev. Stat. § 39:4-90.1 (1961).
N.M. Stat. Ann. § 64-18-19 (1960).
N.Y. Vehicle and Traffic Law § 1130 (Supp. 1971).
N.C. Gen. Stat. § 20-140.3(4) (1975).
N.D. Cent. Code § 39-10-20 (1960).
Ohio Rev. Code Ann. § 3767.201 (1965).
Okla. Stat. Ann. tit. 47, § 11-312 (1962).
Pa. Stat. Ann. tit. 75, § 3312 (1977).
R.I. Gen. Laws Ann. § 31-15-14 (1957).
S.C. Code Ann. § 56-5-1970 (Supp. 1977).
S.D. Comp. Laws § 32-26-10 (1967).
Tenn. Code Ann. § 59-826 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 63 (1960).
Utah Code § 41-6-64 (Supp. 1979).
Vt. Stat. Ann. tit. 23, § 1041 (Supp. 1977).
Wash. Rev. Code Ann. § 46.61.155 (Supp. 1966).
W. Va. Code Ann. § 17C-7-12 (1966).
Wis. Stat. Ann. §§ 346.16(1), 83.027(12) (1958).
Wyo. Stat. Ann. § 31-5-212 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 35 (1966).
P.R. Laws Ann. tit. 9, § 899 (Supp. 1975).

§ 11-313—Restrictions on Use of Controlled-access Roadway

(a) The (State highway commission) by resolution or order entered in its minutes, and local authorities by ordinance, may regulate or prohibit the use of any controlled-access roadway (or highway) within their respective jurisdictions by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

(b) The (State highway commission) or the local authority adopting any such prohibition shall erect and maintain official traffic-control devices on the controlled-access highway on which such prohibitions are applicable and when in place no person shall disobey the restrictions stated on such devices. (Section revised, 1968.)

Historical Note

This section was revised in 1968 as follows:

> *(a)* The (State highway commission) [may] by resolution or order entered in its minutes, and local authorities [may] 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* [with respect to any controlled-access roadway under their respective jurisdictions prohibit the use of any such roadway by parades, funeral processions, pedestrians, bicycles or other non-motorized traffic, or by any person operating a motordriven cycle].
>
> *(b)* The (State highway commission) or the local authority adopting any such prohibition [prohibitory regulation] shall erect and maintain official *traffic-control devices* [signs] on the controlled-access *highway* [roadway] on which such *prohibitions* [regulations] are applicable and when *in place* [so erected] no person shall disobey the restrictions stated on such *devices* [signs].

The 1968 revisions shown above were made in light of evidence indicating that other types or classes of slow-moving motor vehicles create hazardous conditions on controlled-access highways. Rather than expand the previous list of types of traffic or vehicles which might be excluded, the National Committee accepted a more general approach, authorizing states and localities to exclude "any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic." In addition, the 1962 Code section applied exclusively to controlled-access roadways, with the implication that excluded traffic could use the shoulders or some other part of the highway. The 1968 section continues to authorize restrictions on use of the roadway but the additional phrase "or highway" appears in parentheses in the event a state desires to authorize the exclusion of specified traffic from the entire highway. Subsection (b) was amended to refer to restrictions indicated by appropriate official traffic-control devices rather than by signs only.

This section was added to the Code in 1944. It was amended in 1948 to include motor-driven cycles and in 1962 to include parades and funeral processions. UVC Act V, § 75 (Rev. eds. 1944, 1948, and 1952); UVC § 11-313 (Rev. eds. 1954, 1956, 1962).

Statutory Annotation

The laws of 11 jurisdictions are in verbatim or substantial conformity with the UVC:

Colorado	Idaho	Pennsylvania	Vermont
Georgia	Kansas	South Carolina	Puerto Rico
Hawaii	New Mexico	Utah	

North Dakota omits the reference to regulation.

Because they authorize the exclusion of all kinds of traffic that would be incompatible with normal and safe movement of traffic, five other states are in substantial conformity:

Alaska—Regulation is virtually identical to the Code. It omits "which is found to be incompatible with the normal and safe movement of traffic" in subsection (a).

Massachusetts—Authorizes the establishment of regulations to "exclude, govern and restrict the use of" limited-access and express state highways by "horsedrawn vehicles, bicycles, pedestrians, and vehicles determined by the department, because of their type or because of materials or products being transported, as unsafe for limited access and express state highways . . . ." The statute requires no notice of such restriction or prohibition. However, the Massachusetts Department of Public Works has adopted a regulation which prohibits horse-drawn vehicles, bicycles and pedestrians from using limited-access and express state highways "where official signs have been erected at the approaches of said highway prohibiting such traffic." Another law (ch. 85, § 2E) authorizes excluding any persons or vehicles from state highways for purposes of public safety or convenience.

Minnesota—Pedestrians, bicycles, motorized bicycles, nonmotorized traffic or any class or kind of traffic found to be incompatible with the normal and safe flow of traffic may be excluded from any controlled-access highway.

Mississippi—State and local authorities may regulate, restrict or prohibit the use of controlled-access facilities by the various classes of vehicles or traffic. No notice of such regulations is required.

Oregon—State and local officials may exclude any class or kind of vehicles. A second law authorizes excluding parades, bicycles, motor bicycles and nonmotorized traffic from any throughway. The first law does not reqire signing.

Like the 1962 Code, Washington authorizes the exclusion of pedestrians, bicycles, nonmotorized traffic, motor-driven cycles, parades and funeral processions. Illinois is similar but excepts pedestrians in authorized areas, omits parades and adds implements of husbandry, vehicles unable to maintain the posted minimum speed limit, school buses receiving or discharging children on the roadway and mail vehicles picking up or delivering mail on the roadway.

Except as noted, the following 16 states authorize the exclusion of pedestrians, bicycles, nonmotorized traffic and motor-driven cycles (as did the Code before 1962):

Alabama	Maine	Oklahoma [5]	Texas
Arizona	Montana	Rhode Island [6]	Virginia [7]
California [1]	Nevada [3]	South Dakota	West Virginia
Indiana [2]	New Jersey [4]	Tennessee	Wyoming

1. If bicycles or motor-driven cycles are excluded, so are motorized bicycles. California has a second law (Streets & Highway Code § 27178) authorizing the Department of Public Works to restrict the use of state highways to a particular mode of transportation during such hours as it, upon the basis of a survey, determines such restrictions would expedite the flow of traffic.
2. Law applies on freeways and interstate highways.
3. Nevada does not require posting of the restrictions.
4. New Jersey requires a hearing unless the restriction is required for the health, safety and welfare of the public. Section 39:4-34 bans pedestrian crossings of divided highways unless special provision is made for such crossings.
5. Oklahoma has a second law (§ 11-1401(g)) authorizing a ban on any vehicle which would injure a turnpike or be a traffic hazard. Bicycles are prohibited.
6. Rhode Island has a second law prohibiting pedestrians from crossing any freeway except in an emergency or to render aid in the case of an accident or other unforeseen cause. R.I. Gen. Stat. § 31-18-17.
7. Virginia omits nonmotorized traffic and motor-driven cycles. It includes horse-drawn vehicles, animals, and self-propelled machinery or equipment.

Unlike the UVC, laws in 10 states prohibit specified traffic from controlled-access highways:

Delaware—Prohibits the following traffic on any state highway designated as controlled access: bicycles, nonmotorized vehicles, parades, processions, pedestrians (except to get aid in event of an accident, breakdown or emergency), and vehicles prohibited by traffic control devices. Delaware also authorizes banning motor vehicles and other vehicles on controlled-access highways either all the time or when necessary for safety (Del. Code tit. 17, § 179).

Florida—It is unlawful, on limited-access facilities, for any person:

To go on foot upon the expressway or ramps connecting an expressway to any other street or highway; provided that this paragraph shall not apply to maintenance personnel of the state road department or any governmental subdivisions.

To operate upon an expressway any vehicle which by its design or condition is incompatible with the safe and expedient movement of traffic, including but not limited to bicycles, motor-driven cycles or animal-drawn vehicles. It is unlawful for any person to ride any horse, mule or other animal upon the expressway or its shoulders.

Iowa—Minimum speed law bans any kind of vehicle, implement or conveyance incapable of attaining and maintaining a speed of 40 miles per hour from the interstate system. A second law (§ 306A.3) empowers officials to regulate, restrict or prohibit the use of controlled-access facilities by the various classes of vehicles or traffic consistent with § 306A.2. This reference may limit the law to trucks, buses and commercial vehicles.

Louisiana—Prohibits pedestrians, bicycles, nonmotorized vehicles, livestock, farm tractors or other vehicles normally operated at a speed under 20 miles per hour from interstate highways.

Maryland—Law provides:

(a) *State Highway Administration and local authorities may prohibit certain uses.*—The State Highway Administration, by order, or any local authority, by ordinance, may prohibit the use of any controlled access highway in its jurisdiction by parades, funeral processions, bicycles, or other nonmotorized traffic or by any person operating a motorcycle.

(b) *Sign required.*—The State Highway Administration or the local authority adopting any prohibition under subsection (a) of this section shall place and maintain signs on the controlled access highway to which the prohibition is applicable. If signs are so placed, a person may not disobey the restrictions stated on them.

A second law (§ 21-1205(a)) prohibits bicycles on controlled-access highways except bicycle paths.

Michigan—Prohibits the following traffic on limited-access highways: motorcycle with less than a 125 cc engine, moped, farm tractor, pedestrian, bicycles and non-motorized traffic. Bicycles are allowed on separate bicycle paths.

Nebraska—§ 39-1379 prohibits the following types of traffic from using its freeways, unless a permit is obtained from the Nebraska Department of Roads, which permit may be issued only in case of "extreme emergency":

(a) Pedestrians as such, except in areas specifically designated for that purpose;

(b) Hitchhikers or walkers;

(c) Vehicles not self-propelled;

(d) Bicycles and motor scooters not having motors of more than ten horsepower;

(e) Animals led, driven on the hoof, ridden or drawing a vehicle;

(f) Funeral processions;

(g) Parades or demonstrations;

(h) Vehicles, except emergency vehicles, unable to maintain minimum speed as provided in section 39-723.02;

(i) Construction equipment;

(j) Farm implements and farm machinery, whether self-propelled or towed;

(k) Vehicles with improperly secured attachments or loads;

(l) Any vehicle in tow, if such vehicle is towed in such a manner that it may weave or swerve, or is offset from the towing vehicle, or does not have a second or emergency connection between the two vehicles of sufficient strength to sustain the tow, or the towed vehicle is not equipped with all lights required by law for vehicles unless such lights on the towing vehicle are still clearly visible from the rear despite the tow, and vehicles not qualifying under such safety requirements must be removed from the freeway at the nearest interchange;

(m) Vehicles with deflated pneumatic, metal or solid tires, or vehicles with caterpillar treads, except maintenance vehicles; or

(n) Any persons standing on or near the roadway for the purpose of soliciting or selling to the occupant of any vehicle.

(o) Overdimensional vehicles.

New York—Prohibits pedestrians and persons with animal-drawn vehicles, herded animals, pushcarts and bicycles on state express and interstate route highways. However, pedestrians are allowed in rest areas, parking areas and scenic overlooks, or may be in the area as a result of an emergency caused by a motor vehicle accident or breakdown. The prohibitions do not apply to persons involved in the performance of public works or official duties or who are on paths or parts of the highway provided for such uses. Section 1621 authorizes the State Traffic Commission to "regulate the operation of vehicles on any controlled-access highway or the use of any controlled-access highway by any pedestrian, horse back rider or vehicle or device moved by human or animal power." Authorization is also given to the New York State Thruway Authority, any bridge or tunnel authority, any regional or county park commission and the Saratoga Springs Commission to prohibit, restrict or regulate traffic or pedestrian use of any highway under its jurisdiction by ordinance, order, rule or regulation (§ 1630). All towns are also authorized to prohibit, restrict or regulate the use of controlled-access highways by any motor vehicle, vehicle or device moved by human power or by pedestrians (§ 1660(a)(12)).

Ohio—§ 4511.051 provides:

No person, unless otherwise directed by a police officer, shall:

(a) As a pedestrian, occupy any space within the limits of the right of way of a freeway, except: in a rest area; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle, or to obtain assistance;

(b) Occupy any space within the limits of the right of way of a freeway, with: an animal drawn vehicle; a ridden or led animal; herded animals; a pushcart; a bicycle; a bicycle with motor attached; a motor driven cycle with a motor which produces not to exceed five brake horsepower; an agricultural tractor; farm machinery; except in the performance of public works or official duties.

Wisconsin—Prohibits pedestrians, bicycles, nonmotorized traffic, power-driven cycles, and motor bicycles. These prohibitions must be posted.

The following six states and the District of Columbia do not have comparable laws in their vehicle codes:

Arkansas	Kentucky	New Hampshire
Connecticut	Missouri	North Carolina

Citations

Ala. Code tit. 32, § 32-5-70 (1975).
.3 Alaska Adm. Code § 02.105 (1971).
Ariz. Rev. Stat. Ann. § 28-733 (1956).
Ark. Stat. Ann. § 76-2203 (1957).
Cal. Vehicle Code § 21960 (Supp. 1977).
Colo. Rev. Stat. Ann. § 42-4-910 (Supp. 1976).
Del. Code Ann. tit. 21, § 4126 (Supp. 1977).
Fla. Stat. §§ 339.30(e), (f) (1971).
Ga. Code Ann. § 68A-313 (1975).
Hawaii Rev. Stat. § 291C-53 (Supp. 1971).
Idaho Code Ann. § 49-633, as amended by H.B. 197, CCH ASLR 511 (1977).
Ill. Ann. Stat. ch. 95½, § 11-711 (1971).
Ind. Ann. Stat. § 9-4-1-74 (1973).
Iowa Code Ann. § 321.285(8) (1966).
Kans. Stat. Ann. § 8-1525 (1975).
La. Rev. Stat. Ann. § 32:263 (Supp. 1966).
Me. Rev. Stat. Ann. tit. 29, § 992 (1965).
Md. Trans. Code § 21-313 (1977).
Mass. Ann. Laws ch. 85, § 2B (1957); Mass. Rules & Regs. for Driving on State Highways art. VI, §§ 1,2 (Supp. 1966).
Mich. Stat. Ann. 9.2379(1) (Supp. 1978).
Minn. Stat. Ann. §§ 169.305(1)(c), (d) (Supp. 1978).
Miss. Code Ann. § 8039-03 (1957).
Mont. Rev. Codes Ann. § 32-2163 (1961).
Neb. Rev. Stat. §§ 39-633, -634 (1974).
Nev. Rev. Stat. § 484.313 (1975).
N.J. Rev. Stat. § 39:4-94.1 (1961).
N.M. Stat. Ann. § 64-18-20 (1972).
N.Y. Vehicle and Traffic Law §§ 1621, 1630, 1660(a)(12) (1970, Supp. 1971).
N.D. Cent. Code § 39-10-21 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.051 (Supp. 1966).
Okla. Stat. Ann. tit. 47, § 11-313 (1962).
Ore. Rev. Stat. §§ 487.870, .905 (1977).
Pa. Stat. Ann. tit. 75, § 3313 (1977).
R.I. Gen. Laws Ann. § 31-15-15 (1969).
S.C. Code Ann. § 56-5-1980 (Supp. 1977).
S.D. Comp. Laws § 32-26-11 (1967).
Tenn. Code Ann. § 59-827 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 64 (Supp. 1971).
Utah Code Ann. § 41-6-65 (Supp. 1977).
Vt. Stat. Ann. tit. 23, § 1009 (Supp. 1977).
Va. Code Ann. § 46.1-171.1 (1967).
Wash. Rev. Code Ann. § 46.61.160 (Supp. 1966).
W.Va. Code Ann. § 17C-7-13 (1966).
Wis. Stat. Ann. § 346.16(2) (1958).
Wyo. Stat. Ann. § 31-5-213 (1977).
P.R. Laws Ann. tit. 9, § 900 (Supp. 1975).

ARTICLE IV—RIGHT OF WAY

Prefatory Note

In 1962, the National Committee amended the definition of "right of way " as follows:

> Sec. 1-156—Right of way.—[The privilege of the immediate use of the roadway.] *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.*

For a comparison of state laws defining "right of way," see § 1-156, *supra*. See also, UVC § 11-801 requiring drivers to proceed at a safe and appropriate speed when approaching an intersection.

§ 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.

Historical Note

The rule requiring the driver on the left to yield the right of way to the vehicle on his right at "open" intersections has been in the Code since its inception in 1926. An "open" intersection is one at which traffic is not regulated by a police officer, stop signs, yield signs or traffic-control signals.

The 1926 edition of the Code provided:

> When two vehicles approach or enter an intersection 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 except as otherwise provided in Section 20. The driver of any vehicle traveling at an unlawful speed shall forfeit any right of way which he might otherwise have hereunder.

UVC Act IV, § 19(a) (1926). The § 20 referred to provided that drivers entering a highway from a private road or drive must yield the right of way and that drivers must yield to police and fire department vehicles on official business and giving appropriate audible signals.

The forfeiture sentence and the words "approach or" and "approximately" were deleted from the Code in 1930; the phrase "from different highways" was added in 1938; and the word "approximately" was reinserted in 1944. In 1968, the words "approach or" were reinserted to include drivers of vehicles approaching an intersection from different highways at approximately the same time. UVC Act IV, § 35(a) (Rev. ed. 1930); UVC Act V, § 70(b) (Rev. ed. 1934); UVC Act V, § 79(b) (Rev. ed. 1938). UVC Act V, § 82 (Rev. eds. 1944, 1948, 1952); UVC § 11-401 (Rev. eds. 1954, 1956, 1962, 1968).

From 1930 until 1968, this section contained a second rule for drivers approaching an open intersection from different highways. Often referred to as the "first in intersection" rule, it provided:

> (a)The driver of a vehicle approaching the intersection shall yield the right of way to a vehicle which has entered the intersection from a different highway.

This rule was deleted from the Code in 1968 to provide just one clear and simple rule to indicate which of two drivers must yield.

Statutory Annotation

By having only one rule at open intersections requiring the driver on the left to yield to the one on his right, 34 jurisdictions are in general conformity with the Code:

Alabama [1]	Iowa	Nebraska [10]	South Dakota
Alaska [2]	Kansas	North Carolina [11]	Texas [4]
Arizona [3]	Kentucky [6]	North Dakota	Utah
Colorado	Louisiana	Ohio	Vermont
Connecticut	Maine	Oklahoma [12]	Virginia
Georgia [4]	Maryland [7]	Oregon	Washington
Hawaii	Massachusetts [8]	Pennsylvania	Wisconsin
Idaho	Minnesota [9]	South Carolina	Puerto Rico
Illinois [5]	Montana		

1. Alabama has a second law that requires drivers approaching any interstate or limited-access highway to yield the right of way to all vehicles traveling on such highways and authorizes the state highway director to erect signs notifying approaching drivers to yield the right of way.

2. Alaska's regulation applies only at intersections that are not controlled by an official traffic-control device. It applies to vehicles approaching or entering an intersection from different roadways at or approximately at the same time. A second regulation provides:

> A driver having stopped and yielded may proceed when a safe interval occurs and when other traffic in or near the intersection does not constitute an immediate hazard and while exercising due caution, irrespective of the "vehicle on the right" rule stated in (a) of this section. When so proceeding, other vehicles approaching or at the intersection shall yield.

3. Additional provisions in the Arizona law apply at T intersections and on freeways. At T intersections, the driver on the terminating highway must yield. Drivers entering a freeway from an acceleration lane, ramp or other approach road must yield to a vehicle on the main roadway entering the merging area at the same time. Drivers must yield to a funeral procession led by a vehicle with at least one red light.

4. Georgia and Texas have special rules for T intersections.

5. Illinois refers to vehicles on different "roadways." Law (§ 11-905) on merging traffic provides:

> At an intersection where traffic lanes are provided for merging traffic the driver of each vehicle on the converging roadways is required to adjust his vehicular speed and lateral position so as to avoid a collision with another vehicle.

Illinois has special rules (§ 11-1420) for funeral processions, giving them the right of way at intersections.

6. Kentucky refers to vehicles on different "roadways."

7. Maryland requires drivers on unpaved highways to yield to drivers on paved ones. Drivers in crossovers must yield to approaching vehicles.

8. Massachusetts refers to an intersection of any ways, and defines "way."

9. Minnesota law applies at "uncontrolled intersections."

10. Nebraska additionally requires driver on an unpaved roadway to yield to vehicles on a paved roadway and a driver on an acceleration lane, ramp or other approach to yield to any "vehicle on the main roadway entering such merging area at the same time."

11. North Carolina also requires any person entering a controlled-access or interstate highway to yield to any vehicle already traveling on the highway.

12. Oklahoma also requires drivers on county roads to stop and yield to vehicles on state or federal highways and the uncontrolled intersection rule does not apply at such intersections.

Of these 34 jurisdictions, 25 apply to a driver approaching or entering an intersection in substantial conformity with the Code: Alabama, Alaska, Arizona, Colorado, Georgia, Hawaii, Idaho, Illinois, Kansas, Kentucky, Louisiana, Massachusetts, Montana, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Utah, Vermont, Virginia, Washington, Wisconsin, and Puerto Rico. Unlike the Code, 14 states do not refer to "different highways": Alabama, Alaska, Illinois and Nebraska (different "roadways"), Connecticut, Maine, Maryland, Massachusetts, Michigan, Oregon, Pennsylvania, South Dakota, Texas and Wisconsin. Some of the laws in these 34 jurisdictions are worded quite differently from the Code:

Connecticut—"Each driver of a vehicle approaching an intersection shall grant the right of way at such intersection to any vehicle approaching from his right when such vehicles are arriving at such intersection at approximately the same time, unless otherwise directed by a traffic officer." A special rule for "T" intersections is provided.

Maine—"All vehicles shall have the right of way over other vehicles approaching at intersecting public ways, except traffic circles or rotary intersections, from the left and shall give the right of way to those approaching from the right, except that traffic officers stationed at such intersections may otherwise regulate traffic thereat."

Maryland—A vehicle at an intersection "has the right-of-way over any other vehicle approaching from the left; and shall yield the right-of-way to any other vehicle approaching from the right." Section 21-404.1 requires yielding by drivers in crossovers and § 21-1118(a)(2) seems to require stops by drivers of school buses before entering any roadway.

Oregon—Drivers, when approaching uncontrolled highway intersections, "shall look out for and give the right of way to any driver on the right, simultaneously approaching a given point, regardless of which driver first reaches and enters the intersection."

Texas—Right-of-way rules for uncontrolled intersections provide that: (1) A driver approaching an intersection must "stop, yield and grant the privilege of immediate use of such intersection" to drivers that have entered the intersection from the right or who are approaching from the right so closely as to constitute a hazard and, after stopping, he may proceed only with safety and without interfering or colliding with traffic using the intersecting highway or roadway; (2) a driver on "a single lane street or roadway," or one consisting of only two traffic lanes, who is approaching a divided highway or a highway with three or more marked lanes, must similarly stop and yield to all vehicles on such intersecting highway regardless of the direction from which they are coming; (3) a driver on an unpaved roadway approaching the intersection of a paved roadway must stop and yield to all vehicles on the paved roadway regardless of the direction from which they are coming and regardless of the number of lanes; (4) drivers who are obligated to stop as required and who are involved in a collision "or interference with other traffic" at the intersection are presumed not to have yielded the right-of-way.

Laws in the following 18 jurisdictions generally conform with the 1962 Code. That is, these states have the "first in intersection" rule and the rule requiring drivers entering the intersection on the left to yield to vehicles on the right.

Arkansas [1]	Michigan	New Hampshire	Rhode Island
California [1]	Mississippi [1]	New Jersey [1,6]	Tennessee
Delaware [2]	Missouri [5]	New Mexico	West Virginia
Florida [1,3]	Nevada	New York [7]	Wyoming
Indiana [4]			District of Columbia [7]

1. These states do not include the word "approximately."

2. Delaware (§ 4135) requires yielding by drivers in crossovers on divided highways.

3. Florida has special rules for drivers on unpaved highways and those entering state highways; they are required to yield to all vehicles approaching on the intersecting way. Section 316.162(2) requires pedestrians and drivers to yield to each vehicle in a funeral procession and when the first vehicle in the procession lawfully enters an intersection, others may continue through despite rules and devices so long as due care to avoid collisions is exercised.

4. Indiana has special rules for funeral processions (§§ 47-2030b to g) granting such processions the right of way at intersections.

5. The Missouri law applies where there is no form of traffic control and does not apply when two vehicles approach each other from opposite directions and one attempts to make or makes a left turn.

6. New Jersey does not refer to drivers on different highways.

7. New York and the District of Columbia prohibit drivers from entering an intersection when there is insufficient space on the opposite side to accomodate a vehicle without obstructing other traffic, regardless of any traffic control indication to proceed. The New York law applies to a vehicle that is "stopped" at the entrance to an intersection and provides an exception for vehicles intending to make a turn. See UVC § 11-1112.

Unlawful speed forfeits right of way. Six states have forfeiture provisions similar to the one that was deleted from the Code in 1930, providing that "the driver of any vehicle traveling at an unlawful speed shall forfeit any right of way which he might otherwise have hereunder":

Michigan	Oregon	Virginia
Minnesota	South Dakota	Wisconsin

See the Historical Note, *supra*.

Traffic circles. Six states and the District of Columbia have special right-of-way rules at traffic circles: Me. Rev. Stat. Ann. tit. 29, § 945; Mass. Ann. Laws, ch. 89, § 8; N.Y. Vehicle & Traffic Law § 1145; N.C. Gen. Stat. § 20-155(d); *R.I.* Gen. Laws. Ann. § 31-17-8 (Supp. 1977); Va. Code Ann. § 46.1-221; D.C. Traffic & Motor Vehicle Regs. Pt. I, § 46(e).

§ 11-401—Vehicle Approaching or Entering Intersection

(b) The right-of-way rule declared in paragraph (a) is modified at through highways and otherwise as stated in this chapter. (Revised and renumbered, 1962).

Historical Note

The Code contained no general exception to right-of-way rules directly comparable to § 11-401(b) until 1934, when § 70 provided that: "The foregoing rules are modified at through highways and otherwise as hereinafter stated in this article."

As a result of several revisions, the present general exception to right-of-way rules is broader in scope than its 1934 predecessor. The section was rewritten in 1944 to read: "The right-of-way rules declared in subdivisions (a) and (b) are modified at through highways and otherwise as hereinafter stated in this article." The word "subdivisions" was changed to "paragraphs" in 1948. A substantial change was made in 1954 by replacing the word "article" with "chapter." As a result of this change, the general exception encompassed all modifications to the right-of-way rule contained in sections appearing in or following Article IX on Right of Way, and not merely those modifications contained in sections on right of way appearing in article IX (now article IV). Another substantial change was made in 1962 by deleting the word "hereinafter," thus giving effect to any modifying provision contained in the entire Rules of the Road chapter. UVC Act V, § 70(c) (Rev. eds. 1934, 1938); UVC Act V, § 82(c) (Rev. eds. 1944, 1948, 1952); UVC § 11-401(c) (Rev. eds. 1954, 1956, 1962).

In 1968, the subsection was relettered and amended to refer to only one right-of-way rule.

As noted in the Historical Note to § 11-401(a), *supra*, the 1926 Code rule requiring a driver to yield to a vehicle on his right did not apply to a driver entering a highway from a private road nor did it apply to the driver of a police or fire department vehicle on official business and giving an appropriate audible signal. UVC Act IV, § 19(a) (1926). Though the

1930 Code did not contain a similar express modification, the arrangement of the sections probably had the same general, though unexpressed, effect:

Section 35. Right of Way Between Vehicles

Section 36. Exceptions to Right of Way

Section 37. Operation of Vehicles on Approach of Authorized Emergency Vehicles

Statutory Annotation

Seventeen jurisdictions conform substantially with this Code subsection:

Alaska [1]	Kansas	New York [2]	Utah
Delaware	Illinois	Ohio	Vermont [3]
Georgia	Michigan	Pennsylvania	Washington [4]
Hawaii	Nebraska	South Carolina	Puerto Rico
Idaho			

1. Alaska regulation does not apply "if the approach or entrance of a vehicle . . . is otherwise controlled by traffic regulations."
2. Refers to "title" which is equivalent to the Code's chapter on Rules of the Road.
3. Vermont rule also does not apply when a police officer regulates traffic.
4. The Washington subsection provides for modification of its general rule "at arterial highways."

Seven states have provisions that differ from the Code only by referring to modifications "as *hereinafter* stated":

Florida [1]	Maryland [2]	Oklahoma
Iowa	New Hampshire	Tennessee
	North Dakota	

1. The Florida law, in addition to provisions comparable to the three Code subsections, has two more that require yielding by drivers on "a paved or unpaved road . . . not subject to control by an official traffic control device" approaching a state-maintained highway and by drivers on "an unpaved road or highway . . . not subject to control by an official traffic control device" approaching a paved county road or highway.
2. Provides for modification at through highways and as hereinafter provided.

Fifteen jurisdictions have provisions comparable to § 11-401(b) but they limit their expressed modifications of the general rules to through highways and to those found only in sections dealing with right of way (such as UVC §§ 11-402 to 11-405):

Arizona	Louisiana	New Mexico	Wisconsin [2]
Arkansas	Minnesota [1]	Rhode Island	Wyoming
Colorado	Mississippi	Texas	District of
Indiana	Montana	West Virginia	Columbia [3]

1. However, the Minnesota rule requiring the driver on the left to yield to a vehicle on his right applies only at "uncontrolled intersections."
2. The Wisconsin law refers to such modifications as may appear in right-of-way sections dealing with through highways, drivers in alleys, drivers moving from a parked or standing position, authorized emergency vehicles, funeral processions, and military convoys.
3. The District of Columbia regulation has an additional subsection requiring the "driver of a vehicle entering a freeway by way of an access ramp" to "yield the right of way to vehicles on the freeway."

The laws in the remaining 12 states make these *express* modifications to a general right-of-way rule comparable to UVC § 11-401(a):

Alabama—Right of way rule (§ 18) requires yielding to the vehicle on the right "except as otherwise provided in section 16." That section is comparable to UVC § 11-601 defining the proper position and course for right and left turns. Section 19, however, contains these "exceptions to the right of way rule": driver entering from private road must yield; yield to authorized emergency vehicles; yield at through highways; and stop and yield at a stop sign.

California—§ 21800(c) provides that right-of-way rules do not apply at any intersection controlled by "an official traffic control signal, stop sign, or yield right-of-way sign, or to vehicles approaching each other from opposite directions when the driver of one of the vehicles is intending to or is making a left turn."

Connecticut—§ 14-245 requires yielding to the driver on the right "unless otherwise directed by a traffic officer."

Kentucky—The right of way rule is modified "at highways and through intersections and as otherwise stated in this chapter."

Maine—§ 944, giving the right of way to the driver on the right does not apply at "traffic circles or rotary intersections" or when "traffic officers stationed at such intersections may otherwise regulate traffic thereat." Section 945, applicable at traffic circles, however, applies "unless otherwise regulated by a police officer or by traffic control devices."

Massachusetts—Rules do not "apply when an operator is otherwise directed by a police officer, or by a lawful traffic regulating sign, device or signal maintained by or with the written approval of the department of public works and while said approval is in effect or otherwise lawfully maintained."

Missouri—"First-in-intersection" rule does not apply when there is any "form of traffic control at such intersection." Section 304.021(2), comparable to UVC § 11-401(a), does not have a comparable exception but does not apply to vehicles "approaching each other from opposite directions when the driver of one of such vehicles is attempting to or is making a left turn."

Nevada—The general right-of-way rules do not apply at "intersections controlled by official traffic-control devices, or to vehicles approaching each other from opposite directions, when the driver of one of such vehicles is intending to or is making a left turn."

New Jersey—Law containing right-of-way rules comparable to those in UVC §§ 11-401(a) and (b) contains no express modification.

Oregon—Uncontrolled intersection rule does not apply at stop signs, yield signs, merging lanes, nor on freeways.

South Dakota—Rule requires yielding by the driver on the left "except as otherwise provided in sections 32-26-14 to 32-26-16." Those sections require yielding by drivers on a private road or driveway, yielding for police and fire department vehicles giving appropriate audible signals, and grants "highway maintainers . . . the preference of right of way."

Virginia—"Except as provided in §§ 46.1-223 and 46.1-245," the driver on the left shall yield to the vehicle on the right "unless a Yield Right of Way sign is posted." The first section referred to applies to drivers entering a highway from a "private road, driveway, alley or building" and the second is comparable to UVC § 11-703 requiring the drivers of certain vehicles to stop at railroad grade crossings.

One state—North Carolina—does not have a comparable law.

Citations

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13 Alaska Adm. Code § 02.120 (1971).
Ariz. Rev. Stat. Ann. § 28-771 (Supp. 1970), as amended by Gen. Laws 1971, ch. 133.
Ark. Stat. Ann. § 75-621 (1957).
Cal. Vehicle Code § 21800 (1960).
Colo. Rev. Stat. Ann. § 42-4-601 (Supp. 1976).
Conn. Gen. Stat. Ann. § 14-245 (Supp. 1972).
Del. Code Ann. tit. 21, § 4131 (Supp. 1966).
Fla. Stat. § 316.121 (1971).
Ga. Code Ann. § 68A-401 (1975).
Hawaii Rev. Stat. § 291C-61 (Supp. 1971).
Idaho Code Ann. § 49-641, amended by H.B. 197, CCH ASLR 511 (1977).
Ill. Ann. Stat. ch 95 ½, § 11-901 (1971).
Ind. Ann. Stat. § 9-4-1-81 (1973).
Iowa Code Ann. § 321.319 (Supp. 1972).
Kans. Stat. Ann. § 8-1526 (1975).
Ky. Rev. Stat. Ann. §§ 189.330(1), (2), H.B. 24, CCH ASLR 1656 (1978).
La. Rev. Stat. Ann. § 32:121 (Supp. 1978).
Me. Rev. Stat. Ann. tit. 29, § 944 (1965).
Md. Trans. Code § 21-401 (1977).
Mass. Ann. Laws ch. 89, § 8, amended by H.B. 4164, CCH ASLR 665 (1977).
Mich. Stat. Ann. § 9.2349 (1973).
Minn. Stat. Ann. § 169.20(1) (1960).
Miss. Code Ann. § 63-3-801 (1972).
Mo. Ann. Stat. § 304.021 (1953).
Mont. Rev. Codes Ann. § 32-2170 (Supp. 1965).
Neb. Rev. Stat. § 39-635 (1974).
Nev. Rev. Stat. § 484.315 (1975).
N.H. Rev. Stat. Ann. § 262-A:27 (1966).
N.J. Rev. Stat. § 39:4-90 (1961).
N.M. Stat. Ann. § 64-7-328, H.B. 112, CCH ASLR 161, 519-20 (1978).
N.Y. Vehicle and Traffic Law § 1140 (1970).
N.C. Gen. Stat. § 20-155 (1975).
N.D. Cent. Code § 39-10-22 (Supp. 1971).
Ohio Rev. Code Ann. § 4511.41 (Supp. 1977).
Okla. Stat. Ann. tit. 47, § 11-401 (1962).
Ore. Rev. Stat. § 487.245 (1977).
Pa. Stat. Ann. tit. 75, § 3321 (1977).
R.I. Gen. Laws Ann. § 31-17-1 (1957).
S.C. Code Ann. § 56-5-2310 (Supp. 1977).
S.D. Comp. Laws § 32-26-13 (1967).
Tenn. Code Ann. § 59-828 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 71 (1977).
Utah Code Ann. § 41-6-72 (Supp. 1977).
Vt. Stat. Ann. tit. 23, § 1046 (Supp. 1978).

Va. Code Ann. § 46.1-221 (1967).
Wash. Rev. Code Ann. § 46.61.180 (Supp. 1977).
W. Va. Code Ann. § 17C-9-1 (Supp. 1966).
Wis. Stat. Ann. § 346.18(1) (1958).
Wyo. Stat. Ann. § 31-5-220 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 46 (1957).
P.R. Laws Ann. tit. 9, § 921 (Supp. 1975).

§ 11-402—Vehicle Turning Left

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

Historical Note

A provision regulating vehicles turning left within an intersection has been in the Code since 1926:

> The driver of a vehicle approaching but not having entered an intersection shall yield the right of way to a vehicle within such intersection and turning therein to the left across the line of travel of such first mentioned vehicle, provided the driver of the vehicle turning left has given a plainly visible signal of intention to turn as required in Section 18.

UVC Act IV, § 19(b) (1926). The section was changed significantly in 1930 to place the burden of yielding on the turning vehicle rather than on the approaching vehicle. UVC Act IV, § 35(c) (Rev. ed. 1930) provided:

> The driver of a vehicle within an intersection intending to turn to the left shall yield to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but said driver having so yielded and having given a signal when and as required by law may make such left turn, and other vehicles approaching the intersection from said opposite direction shall yield to the driver making the left turn.

Only technical changes were made in this section between 1934 and 1962. The phrase "required by law" was changed to "required by this act" in 1934 and, in 1954, the word "act" was changed to "chapter." UVC Act V, § 71 (Rev. ed. 1934); UVC Act V, § 80 (Rev. ed. 1938); UVC Act V, § 83 (Rev. eds. 1944, 1948, 1952); UVC § 11-402 (Rev. eds. 1954, 1956).

In 1962, the provision requiring an approaching driver to yield after the turning driver has yielded (the so-called "shifting right-of-way" rule) was deleted and the duty to yield was imposed on a driver not only when turning at an intersection but also when turning into an alley, private road or driveway, as follows:

> The driver of a vehicle [within an intersection] intending to turn to the left *within an intersection or into an alley, private road, or driveway* shall yield *the right of way* to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard [, but said driver having so yielded and having given a signal when and as required by this chapter may make such left turn, and other vehicles approaching the intersection from said opposite direction shall yield to the driver making the left turn].

For Code requirements on turn signals and determination that it will be reasonably safe to make any turn, see § 11-604(a), *infra*.

Statutory Annotation

The laws of 29 jurisdictions are in verbatim or substantial conformity with the Code:

Alabama	Illinois [3]	Nebraska	Pennsylvania
Alaska [1]	Iowa	New Hampshire	South Carolina
Colorado	Kansas	New York	Texas
Connecticut [2]	Kentucky	North Carolina	Utah
Delaware	Maryland [4]	North Dakota	Vermont
Florida	Massachusetts	Ohio	Washington
Georgia	Minnesota	Oregon [5]	Puerto Rico
Idaho			

1. Adds "from a highway" after "driveway."
2. Connecticut duplicates the Code rule but adds language describing the area formed by junctions between highways and alleys or private roads.
3. The Illinois law contains the additional phrase "but said driver, having so yielded may proceed at such time as a safe interval occurs." It omits "within the intersection."
4. Maryland adds a subsection requiring drivers making U-turns to yield to approaching vehicles that are so close as to constitute a hazard. See UVC § 11-602.
5. Oregon includes drivers turning left from any place on a highway.

Four more states are in substantial conformity with UVC § 11-402, but they omit the phrase "or into an alley, private road, or driveway":

Arizona	Arkansas [1]	Louisiana	Missouri [2]

1. Arkansas concludes: After yielding and signaling, the driver may turn after all vehicles constituting an immediate hazard have cleared the intersection.
2. Missouri has a separate provision (§ 304.021(6)) regulating left turns into an alley, private road or driveway that provides: "The driver of a vehicle intending to make a left turn into an alley, private road or driveway shall yield the right of way to any vehicle approaching from the opposite direction when the making of such left turn would create a traffic hazard."

Two states have laws similar to UVC § 11-402 but they do not expressly require that the approaching vehicle be "so close thereto as to constitute an immediate hazard" as the Code does:

Virginia—The law provides:

> The driver of a vehicle, intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close as to constitute a hazard, provided, however, that where there is an automatic signal device governing the flow of traffic at any intersection and allowing turns to the left while all other vehicular traffic is required to stop, any vehicle making such turn shall have the right-of-way over all other vehicles approaching the intersection.

Wisconsin—§ 346.18(2) provides:

> The operator of a vehicle within an intersection intending to turn to the left across the path of any vehicle approaching from the opposite direction shall yield the right of way to such vehicle.

A second Wisconsin law (§ 346.18(7)) provides:

> The operator of any vehicle intending to turn to the left into an alley or private driveway across the path of any vehicle approaching from the opposite direction shall yield the right of way to such vehicle.

Hawaii has a law applicable to "vehicles turning," not just to vehicles turning left, which provides:

> The driver of a vehicle intending to turn within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle, bicycle, or person approaching from the opposite direction or proceeding in the same direction when such vehicle, bicycle, or person is within the intersection or so close thereto as to constitute an immediate hazard.

The laws of 15 jurisdictions contain the "shifting right-of-way" rule that appeared in the Code until 1962 (see Historical Note, *supra*):

California [1]	Montana [2]	Oklahoma	West Virginia
Indiana	Nevada	Rhode Island	Wyoming

Michigan [2]	New Jersey	South Dakota	District of
Mississippi	New Mexico	Tennessee	Columbia [3]

1. The California law (§ 21801) provides: "(a) The driver of a vehicle intending to turn to the left at an intersection or into public or private property or into an alley shall yield the right of way to all vehicles which have approached or are approaching the intersection from the opposite direction and which are so close as to constitute a hazard at any time during the turning movement and shall continue to yield the right of way to such approaching vehicles until such time as the left turn can be made with reasonable safety. (b) A driver having so yielded and having given a signal when and as required by this code may turn left and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way."

2. Michigan and Montana have provisions in their laws relating to signs or signals. The Michigan law contains this additional provision: "Provided, that at an intersection at which a traffic signal is located, a driver intending to make a left turn shall permit vehicles bound straight through in the opposite direction which are waiting a go signal to pass through the intersection before making the turn." The Montana law adds: "The provisions of this section shall not be applicable where it is otherwise directed by appropriate signs or signals."

3. The District of Columbia regulation applies the "shifting right-of-way" rule to drivers turning within an intersection in subsection (a) and to drivers "intending to leave a public highway by turning left between intersections" in subsection (b).

One state—Maine—does not have a provision comparable to UVC § 11-402. The law compared in § 11-401, *supra*, and court decisions should be consulted to determine who must yield the right of way when a driver intends to make a left turn.

Citations

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13 Alaska Adm. Code § 02.125 (1971).
Ariz. Rev. Stat. Ann. § 28-772 (Supp. 1966).
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Cal. Vehicle Code § 21801 (Supp. 1971).
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Del. Code Ann. tit. 21, § 4132 (Supp. 1966).
Fla. Stat. § 316.122 (1971).
Ga. Code Ann. § 68A-402 (1975).
Hawaii Rev. Stat. § 291C-62 (Supp. 1971), amended by H.B. 999, CCH ASLR 939 (1977).
Idaho Code Ann. § 49-642, amended by H.B. 197, CCH ASLR 511 (1977).
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Ind. Stat. Ann. § 9-4-1-82 (1973).
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Ky. Rev. Stat. Ann. § 189.330(9), H.B. 24, CCH ASLR 1658 (1978).
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N.H. Rev. Stat. Ann. § 262-A:28 (1966).
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N.M. Stat. Ann. § 64-7-329, H.B. 112, CCH ASLR 161, 520 (1978).
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Ohio Rev. Code Ann. § 4511.42 (Supp. 1977).
Okla. Stat. Ann. tit. 47, § 11-402 (1962).
Ore. Rev. Stat. § 487.250 (1977).
Pa. Stat. Ann. tit. 75, § 3322 (1977).
R.I. Gen. Laws Ann. § 31-17-2 (1957).
S.C. Code Ann. § 56-5-2320 (Supp. 1977).
S.D. Comp. Laws § 32-26-19 (1967).
Tenn. Code Ann. § 59-829 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 72 (Supp. 1972).
Utah Code Ann. § 41-6-73 (Supp. 1977).
Vt. Stat. Ann. tit. 23, § 1074 (Supp. 1978).
Va. Code Ann. § 46.1-222 (1974).
Wash. Rev. Code Ann. § 46.61.185 (Supp. 1966).
W. Va. Code Ann. § 17C-9-2 (1966).
Wis. Stat. Ann. § 346.18 (1958, Supp. 1967).
Wyo. Stat. Ann. § 31-5-221 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 47 (1963).
P.R. Laws Ann. tit. 9, § 921 (Supp. 1975).

§ 11-403—Stop Signs and Yield Signs

(a) Preferential right of way at an intersection may be indicated by stop signs or yield signs as authorized in § 15-109 of this act. (REVISED, 1968.)

Historical Note

Subsection (a) of § 11-403 was added to the Code in 1956. An identical provision was added in 1956 to UVC § 11-705(a) but this second, duplicatory provision was deleted as unnecessary in 1968 as part of the consolidation of material in UVC § 11-403 and former § 11-705. Also in 1968, the reference to § 15-108 was changed to § 15-109 because the latter section was renumbered.

Statutory Annotation

Twenty-four states have provisions in verbatim or substantial conformity with subsection (a):

Alaska [1]	Illinois	New Hampshire [1]	South Dakota
Arkansas [1]	Kansas [2]	New Mexico [1]	Texas [1]
Florida	Louisiana	North Dakota [1]	Utah [2]
Georgia	Maryland	Oklahoma [1]	Vermont
Hawaii	Missouri	Pennsylvania	Washington [2]
Idaho [2]	Nebraska	Rhode Island	Wyoming

1. Like the Code before 1968, these states each have two comparable laws.
2. These states omit "at an intersection."

South Carolina provides, "Preferential right-of-way may be indicated by stop signs or yield signs as authorized by the department or local authorities."

Kentucky has a law (§ 189.330(3)) which provides that "preferential right of way may be indicated by stop signs or yield signs." The section continues with language comparable to UVC § 15-109, authorizing the installation of stop and yield signs.

Indiana has a law (§ 47-1904a) that is in substantial conformity and provides: "Whenever traffic at an intersection is controlled by signs, preferential right-of-way may be indicated by stop signs or yield signs as authorized elsewhere in this act." This law is not among right-of-way sections, however.

A Mississippi law (§ 8213) provides that preferential right of way may be indicated by yield signs.

The remaining states do not have provisions that are directly comparable to UVC § 11-403(a); however, many have provisions comparable to those in the Code expressly authorizing the installation of stop and yield signs. See UVC § 15-109. See also, UVC § 11-401(b) providing for the modification of right-of-way rules by, *inter alia*, the use of stop and yield signs.

§ 11-403—Stop Signs and Yield Signs

(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. (REVISED, 1968 and 1971.)

Prefatory Note

The Historical Note and Statutory Annotation for this subsection are each divided into two parts. The first deals with a driver's duty to yield the right of way at stop signs and the second covers the duty to stop and where to stop. Prior to 1968, these provisions were in two separate sections. Since 1968, the Code has described the duty to stop for a stop sign, the places where the stop must be made and the duty to yield the right of way after stopping in a single subsection rather than in two separate ones.

Historical Note

Part I. Yielding the Right of Way

Subsection (b) originated from § 22, UVC Act IV (1926), which provided:

> The [State Highway Commission] with reference to state highways and local authorities with reference to highways under their jurisdictions are hereby authorized to designate main traveled or through highways by erecting at the entrances thereto from intersecting highways signs notifying drivers of vehicles to come to a full stop before entering or crossing such designated highway, and whenever any such signs have been so erected it shall be unlawful for the driver of any vehicle to fail to stop in obedience thereto. All such signs shall be illuminated at night or so placed as to be illuminated by the headlights of an approaching vehicle or by street lights.

A provision corresponding to the portion of § 22 granting state officials the right to designate through highways and stop intersections now appears in § 15-109 of the Code.

In 1930, two provisions were added to the Code. The first was added to the section containing rules now in UVC §§ 11-401 and 11-402 and provided that a driver, after stopping at the entrance to a through highway, must yield, but having yielded, he could then proceed and other drivers approaching the intersection would then be obliged to yield to him. UVC Act IV, § 35(b) (Rev. ed. 1930). The second provision, which is discussed further in *part II, infra*, required drivers to stop at any through highway or any other intersection at which a stop sign had been erected. UVC Act IV, § 48 (Rev. ed. 1930). In 1934, the first provision was amended as shown below and placed in a separate section, and a subsection was added to require yielding by a driver stopped at a stop sign erected at an intersection that was not part of a through highway:

> Sec. *72* [35] Vehicle entering [a] through highway *or stop intersection*
>
> *(a)* [b] The driver of *a* [any] vehicle *shall stop* [who has stopped] as required by *this act* [law] at the entrance to a through highway *and* shall yield *the right of way* to other vehicles [within the] *which have entered the* intersection *from said through highway* or *which are* approaching so closely on *said* [the] through highway as to constitute an immediate hazard, but said driver having so yielded may proceed and the drivers of *all* other vehicles approaching the intersection on *said* [the] through highway shall yield *the right of way* to the vehicle so proceeding into or across the through highway.
>
> *(b) The driver of a vehicle shall likewise stop in obedience to a stop sign as required herein at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through highway and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed.*

UVC Act, § 72 (Rev. ed. 1934). Also, in 1934, a definition of "through highway" was added to the Code. UVC § 1-175 defines this phrase as follows:

> 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 right of way to vehicles on such through highway in obedience to either a stop sign, yield sign or other official traffic-control device, when such signs or devices are erected as provided in this act.

In 1956, the two provisions on stopping at a through highway and stopping at a stop sign were deleted as duplicatory since the definition of a "through highway" required that it be indicated by a stop sign. The subsection adopted in their place provided:

> (b) Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle and every motorman of a streetcar approaching a stop intersection indicated by a stop sign shall stop as required by section 11-705(d) and after having stopped shall yield the right of way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard, but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right of way to the vehicle so proceeding.

UVC § 11-403(b) (Rev. ed. 1956). That provision was revised in 1962 to eliminate the "shifting right of way" rule and the reference to "motorman of a streetcar," and to re-define the duty of a driver facing a stop sign to stop when a driver approaching from another highway is close enough to constitute a hazard during the time the first driver is moving across or within the intersection, as follows:

> (b) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle [and every motorman of a streetcar] approaching a stop intersection indicated by a stop sign shall stop as required by section [11-705(d)] *11-705(b)* and after having stopped shall yield the right of way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard *during the time when such driver is moving across or within the intersection* [, but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right of way to the vehicle so proceeding].

In 1968, the material in § 11-705(b) describing the duty to stop and where to stop for a stop sign was incorporated into this section as follows:

> (b) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop [as required by § 11-705(b)] *at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After* [and after] having stopped, *the driver* shall yield the right of way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

In 1971, the subsection was revised to require yielding to a vehicle on a different *roadway* [highway] to cover situations where stop signs are used at the junction of roadways located on the same highway. Also, the introductory reference to signals was deleted because the use of a signal and a stop sign at the same intersection is not generally recommended and because where both are occasionally used at an intersection, both should be obeyed. The 1971 revisions were as follows:

> (b) Except when directed to proceed by a police officer [or traffic-control signal], every driver of a vehicle approaching a [stop intersection indicated by a] stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering *it* [the intersection]. After having stopped, the driver shall yield the right of way to any vehicle *in* [which has entered] the intersection [from another highway] or [which is] approaching *on another roadway* so closely [on said highway] as to constitute an immediate hazard during the time when such driver is moving across or within the intersection *or junction of roadways*.

Part II. Duty to Stop and Where to Stop

The 1926 Code section (quoted *supra*) required drivers to "come to a full stop before entering or crossing" a main-traveled or through highway at which signs had been erected. UVC Act IV, § 22 (1926). In 1930, two provisions were added to the Code. The first required drivers to yield after stopping "as required by law at the entrance to a through highway," and is discussed *supra*. The second provided that it would be unlawful for the driver of any vehicle "to fail to stop in obedience thereto, except where directed to proceed by an officer or traffic-control signal" and that the stop must be made at the stop sign placed as nearly as practicable where the cross street meets the prolongation of the nearest property line of such through highway. UVC Act IV, § 48 (Rev. ed. 1930).

In 1934, the 1930 Code provision was divided into three subsections, permitting separate treatment of (1) authority to erect stop signs, (2) details concerning the design and placement of the sign, and (3) the duty of a driver to stop and where that stop is to be made. Thus, as revised in 1934, the comparable provision read:

> Every driver of a vehicle and every motorman of a streetcar shall stop at such sign or at a clearly marked stop line before entering an intersection except when directed to proceed by a police officer or traffic-control signal.

In 1948, this provision was revised to require stops to be made (1) before entering the crosswalk or, if none, (2) at a clearly marked stop line or, if none, (3) at the point nearest the intersecting roadway where the driver has a view of approaching traffic. UVC Act V, § 106(c) (Rev. ed. 1938); UVC Act V, § 108(c) (Rev. ed. 1944); UVC Act V, § 108(d) (Rev. ed. 1948). In 1968, the two stopping points designed to encourage stops by drivers prior to entering areas used by pedestrians were revised to give priority to stopping at a stop line. See also, 1968 UVC §§ 11-202(c)1, 11-204(a) and 11-403(c).

Also in 1968, the provisions on stopping and where to stop were consolidated with the section requiring drivers to yield after stopping at stop signs. UVC Act V, § 108(d) (Rev. ed. 1952); UVC § 11-705(c) (Rev. ed. 1954); UVC § 11-705(d) (Rev. ed. 1956); UVC § 11-705(b) (Rev. ed. 1962); UVC § 11-403(b) (Rev. ed. 1968).

Sign specifications. Prior to 1962, this section of the Code contained provisions relating to the design and placement of stop signs and, in the 1956 edition only, yield signs. These provisions were deleted from the Code by the National Committee in 1962 on the theory that such details could more adequately and properly be specified in an administrative, statewide manual on uniform traffic-control devices adopted pursuant to UVC § 15-104. The two subsections deleted from the Code in 1962 provided:

> *(b)* Every stop sign and every yield sign shall be erected as near as practicable to the nearest line of the cross walk on the near side of the intersection or, if there is no cross walk, then as near as practicable to the nearest line of the intersecting roadway.
>
> *(c)* Every stop sign shall bear the word "Stop" in letters not less than 8 inches in height. Every yield sign shall bear the word "Yield" in letters not less than 7 inches in height. Every stop sign and every yield sign shall at nighttime be rendered luminous by internal illumination, or by a flood light projected on the face of the sign, or by efficient reflecting elements in the face of the sign.

UVC §§ 11-705(b) and (c) (Rev. ed. 1956).

Prior to 1956, every edition of the Code contained provisions relating to the design and placement of stop signs. For instance, the 1926 Code provided that signs designating a through highway were to be illuminated at night or placed so as to be illuminated by the headlights of an approaching vehicle, or by street lights. In the 1930 Code, the signs were to bear the word "Stop" in letters of a size to be clearly legible from at least 100 feet. The 1934 Code called for the word "Stop" to be in letters not less than six inches in height and the sign was to be self-illuminated at night, or if not, it was to have reflector buttons. In 1944, the sign was required to be rendered luminous at nighttime "by steady of flashing internal illumination, or by a fixed floodlight projected on the face of the sign, or by efficient reflecting elements on the face of the sign." The size of the letters in the word "Stop" was increased to eight inches in 1952.

As to placement of signs, the 1926 Code provided that they should be located at the entrance of a designated main-traveled or through highway. In 1930, such signs were to be "placed as near as practicable . . . at the place where such cross street meets the prolongation of the nearest property line of such through highway." The 1934 Code revision located the sign "as near as practical at the property line of the highway at the entrance to which the stop must be made, or at the nearest line of the crosswalk thereat, or, if none, at the nearest line of the roadway." But in the 1944 Code, the stop sign was to be located as close as possible to the crosswalk or at the nearest line of the roadway.

Statutory Annotation

Part I. Yielding the Right of Way

The Code has always required the presence of a sign as an indication to a driver approaching a stop intersection or a through highway of his duty to stop. However, laws in many states require a stop at some intersections even though a sign has not been erected. Although several of these states are specifically noted, the primary purpose of this Annotation is to show the status of laws comparable to UVC § 11-403(b) defining the duty of a driver to yield after stopping at a stop sign indicating any type of stop intersection.

Fifteen jurisdictions are in verbatim conformity or have laws patterned after the current Code subsection:

Colorado	Kansas	Ohio	Utah
Georgia	Kentucky [2]	Oregon	Washington
Idaho	Massachusetts [3]	Pennsylvania	Puerto Rico
Iowa [1]	North Dakota	South Carolina	

1. The Iowa law does not contain the beginning phrase, "except when directed to proceed by a police officer."
2. Kentucky virtually duplicates the Code provision. It differs by substituting "operator" for the Code's "driver."
3. Law differs by adding "or a flashing red signal indication," after stop sign.

Seventeen states have laws that are in substantial conformity because they are patterned closely after the 1962-1968 editions of the Code:

Alaska [1]	Michigan [4]	New Mexico	Texas
Florida	Missouri	New York [5]	Vermont
Hawaii	Nebraska	Rhode Island [6]	Wyoming
Illinois [2]	New Hampshire	South Dakota [7]	District of
Louisiana [3]			Columbia

1. Alaska requires yielding to a vehicle which has entered "the intersection from another roadway or which is approaching so closely on the highway as to constitute an immediate hazard." Alaska does not have the concluding phrase "during the time . . ." and excepts traffic directed to proceed by a signal, officer, fireman or flagman.
2. The Illinois law is closely patterned after the 1968 Code. It requires yielding to any vehicle "which has entered the intersection from another roadway or which is approaching so closely on the roadway as to constitute an immediate hazard during the time when the driver is moving across or within the intersection, but said driver having so yielded may proceed at such time as a safe interval occurs."
3. Louisiana omits the concluding phrase "during the time when such driver is moving across or within the intersection."
4. The Michigan law is closely patterned after the 1968 Code. However, it omits the words "or traffic control signal."
5. Like the UVC, the New York law does not include the words "or traffic control signal," and "a stop intersection indicated by."
6. A second Rhode Island law (§ 31-17-3) requires stopping and yielding at through highways to "vehicles which have entered the intersection . . . or which are approaching so closely as to constitute an immediate hazard." Then, the right of way shifts.
7. South Dakota differs from the 1968 Code by requiring a driver to yield to "any vehicle which has entered or is approaching the intersection from another highway and shall not proceed into the intersection until certain that such intersecting roadway is free from oncoming traffic which may affect safe passage."

The laws of four states do not employ the "shifting right-of-way" rule and are probably in substantial conformity with UVC § 11-403(b):

Delaware—Requires yielding to any vehicle or pedestrian in the intersection or to any vehicle approaching on another roadway so closely as to constitute an immediate hazard. Drivers may not enter or cross until it is safe to do so.

Maryland—The Maryland law has one subsection dealing with stops at through highways and another subsection dealing with stops at signed intersections. Both require a driver to come to a full stop and yield the right of way to all approaching vehicles. Unlike the Code, neither refers to an approaching vehicle so close as to constitute an immediate hazard during the time the driver of the stopped vehicle is moving across or within the intersection.

Virginia—Requires stopping immediately before entering the intersection and yielding to drivers approaching on the other highway from either direction.

West Virginia—The West Virginia law has two subsections, one regulating vehicles approaching a through highway and the other regulating vehicles approaching a stop intersection. The subsection regulating through highways requires the driver to stop and yield the right of way to vehicles "which have entered the intersection from said through highway or which are approaching so closely on said through highway as to constitute an immediate hazard." The driver may proceed after having so yielded. The second subsection requires a driver to "proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed." Neither subsection contains the concluding phrase that was added to the Code in 1962.

The laws of three states employ the "shifting right-of-way" rule at all stop intersections indicated by stop signs, as did the 1956 Code:

Arkansas	California [1]	Oklahoma [2]

1. The California law provides: "(a) The driver of any vehicle approaching a stop sign at the entrance to, or within, an intersection shall stop as required by Section 22450 and shall then yield the right-of-way to other vehicles which have approached or are approaching so closely from another roadway as to constitute an immediate hazard and shall continue to yield the right-of-way to such approaching vehicles until such time as he can proceed with reasonable safety. (b) A driver having so yielded may proceed and the drivers of all other approaching vehicles shall yield the right-of-way to the vehicle entering or crossing the intersection. (c) This section shall have no application where stop signs are erected upon all approaches to an intersection."

2. The Oklahoma law is in verbatim conformity with the 1956 Code except that it does not include the reference to "motorman of a streetcar." However, the Oklahoma law has this additional subsection: "(d) Where two or more vehicles face stop, warning or caution signs or signals on two or more intersecting cross streets, and are approaching so as to enter the intersection at the same time, where each vehicle is required to stop, the vehicle coming from the right shall have the right-of-way. Where each vehicle is required to slow the vehicle coming from the right shall have the right-of-way. Where each vehicle is required to take caution, the vehicle coming from the right shall have the right-of-way. Where one vehicle is required to stop and the other to slow or take caution, the one slowing or taking caution shall have the right-of-way. Where one vehicle is required to slow and the other to take caution, the one required to take caution shall have the right-of-way. In any event, a vehicle which has already entered the intersection shall have the right-of-way over one which has not so entered the intersection." See also, Oklahoma § 11-401(a) requiring a driver on a county road to stop and yield to a vehicle which has entered the intersection on a state or federal highway or which is so close thereto as to constitute an immediate hazard. This law does not employ the "shifting right of way" rule, nor does it require that a stop sign be erected at any such intersection.

The laws of nine states have separate provisions for through highways and stop intersections. Except in Maine and Nevada, these states employ the "shifting right-of-way" rule for stop signs at through highways, but not for stop signs at intersections that are not part of a through highway. These states are thus generally similar to the 1934 Code provision. See the Historical Note, *supra*. These states are:

Alabama	Maine [2]	Montana
Arizona [1]	Minnesota	Nevada [3]
Indiana	Mississippi	Tennessee

1. The Arizona law appears to require a driver to stop at a "through highway" even though no stop sign is erected. The appropriate state officials are *authorized* to erect signs at entrances to through highways. Nevertheless, the erection of stop signs does not appear to be a condition of the driver's duty to stop since Arizona does not define "through highway" to require that stop signs must be erected at the entrance thereto. See UVC § 1-175.

2. The Maine law provides: "Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a through way or a stop intersection indicated by a stop sign shall stop, and after having stopped shall yield the right of way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard, but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right of way to the vehicle so proceeding." A second paragraph indicates where the stop is to be made and a third paragraph provides: "Every vehicle approaching on a through way to point of its intersection with a way other than a through way so as to arrive at such point at approximately the same instant as a vehicle approaching on such other way shall, as against such other vehicle, have the right of way."

3. Nevada combines provisions relating to stop and yield signs but does use the current UVC description of a driver's duty to yield.

The following four states have these provisions:

Connecticut—Law provides:

> (c) The driver of a vehicle shall stop in obedience to a stop sign at such clearly marked stop line or lines as may be established by the traffic authority having jurisdiction or, in the absence of such line or lines, shall stop in obedience to a stop sign at the entrance to a through highway and shall yield the right of way to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard. (d) Nothing herein contained shall prevent said commission or such traffic authority from erecting such stop signs on all corners of any intersection within its jurisdiction, and thereafter the provisions of subsection (c) of this section, relating to the stopping of motor vehicles and the right of way within such intersection, shall apply to the operation of motor vehicles on each of the intersecting streets.

New Jersey—One law (§ 39:4-144) provides that a driver of a vehicle or streetcar approaching a stop sign must stop and yield to "all traffic on the intersecting street which is so close as to constitute an immediate hazard." But a second law (§ 39:4-145), quoted in full in Part II, *infra*, provides that one or more vehicles stopping behind the first vehicle in line may proceed without again stopping and that:

> No driver of a vehicle or streetcar approaching . . . on the intersecting street shall fail to yield to the vehicle so proceeding into or across the intersecting street.

The above provision may "shift" the right of way to the line of vehicles following the first vehicle into the intersection.

North Carolina—Law provides that whenever stop signs have been erected, a driver must "stop . . . and yield the right of way to vehicles operating on the designated main traveled or through highway." North Carolina does not define "through highways" so as to require the presence of a stop sign as an indication of a driver's duty to stop and yield.

Wisconsin—Law requires driver approaching a through highway to yield, after stopping, "to other vehicles which have entered or are approaching the intersection upon the through highway." By definition, a "through highway" must be indicated by traffic-control signals or stop signs. Wisconsin does not have a provision describing the duty to yield after stopping for a stop sign erected at an intersection that is not part of a through highway.

Part II. When and Where to Stop

As in the 1968 Code, 30 jurisdictions require drivers approaching a stop sign to stop at a stop line. If there is no stop line, then the stop must be made before entering the crosswalk on the near side of the intersection. If there is no stop line or crosswalk, then the stop must be made at the point nearest the intersecting roadway where the driver has a view of approaching traffic. The 30 jurisdictions are:

California [1]	Illinois [4]	Nebraska	South Carolina
Colorado	Kansas	Nevada	South Dakota
Delaware	Kentucky	New York	Utah

Florida	Maryland	North Carolina	Vermont
Georgia	Massachusetts	Ohio	Washington
Hawaii	Michigan [5]	Oregon	Wisconsin [7]
Idaho [2]	Missouri	Pennsylvania	Puerto Rico
Iowa [3]		Rhode Island [6]	

1. The California law provides:

> The driver of any vehicle approaching a stop sign at the entrance to, or within, an intersection, or railroad grade crossing shall stop at a limit line, if marked, otherwise before entering the crosswalk on the near side of the intersection.
>
> If there is no limit line or crosswalk, the driver shall stop at the entrance to the intersecting roadway or railroad grade crossing.

Unlike the Code, this law expressly applies to stop signs located within an intersection and it does not require stopping at the point nearest the intersecting roadway where the driver has a view of approaching traffic. As to stops at railroad grade crossings, see UVC § 11-702.

2. Idaho provides the stop must be made "at a clearly marked stop line, or before entering the crosswalk on the near side of the intersection, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it."

3. Iowa provides a driver must stop "at the first opportunity" at either of the stopping points enumerated in the Code.

4. Illinois has a second law (§ 11-903) pertaining to stop crosswalks. For flashing red signals at an intersection or crosswalk, a driver must stop before entering the nearest crosswalk. Another law (§ 11-1204) specifies the same stopping points as in the 1962 Code.

5. The Michigan law contains the same stopping points as the UVC, but lists crosswalk before stop line.

6. A second Rhode Island law (§ 31-20-9) has the stopping points specified in the 1962 Code.

7. The Wisconsin law concludes:

> If there is neither a clearly marked stop line nor a marked or unmarked crosswalk at the intersection or if the operator cannot efficiently observe traffic on the intersecting roadway from the stop made at the stop line or crosswalk, he shall, before entering the intersection, stop his vehicle at such points as will enable him to efficiently observe the traffic on the intersecting highway.

An additional subsection requires a stop for "mid-block" or temporary school zone stop signs to be made not less than 10 nor more than 30 feet from such sign.

The laws of 13 states specify the same stopping points as the 1962 Code:

Alaska	Montana	North Dakota	Texas
Arizona	New Hampshire	Oklahoma	West Virginia
Arkansas	New Mexico	Tennessee	Wyoming
Maine			

One state—Minnesota—has a provision requiring a driver to stop at the stop sign or at a clearly marked stop line.

Of the three state laws discussed or quoted below, the New Jersey law differs substantially from the Code by expressly providing that drivers who have stopped behind the first vehicle need not stop again prior to proceeding across the intersection. These three states provide as follows:

Connecticut—law provides:

> The driver of a vehicle shall stop in obedience to a stop sign at such clearly marked stop line or lines as may be established by the traffic authority having jurisdiction or, in the absence of such line or lines, shall stop in obedience to a stop sign at the entrance to a through highway and shall yield the right of way to vehicles . . . .

Louisiana—The law requires a driver to stop "before entering the crosswalk on the near side at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic. . . ."

New Jersey—§ 39:4-144 requires each driver of a vehicle or streetcar to make a complete stop "at a point within 5 feet of the nearest crosswalk or stop line marked upon the pavement" and yield to all traffic that constitutes an immediate hazard. But § 39:4-145 provides:

> Line of vehicles entering stop or yield intersection after stopping. One or more vehicles or street cars following directly in line with another vehicle or street car and coming to a complete stop, caused by the first vehicle or street car nearest the intersection complying with section 39:4-144 of this Title, may proceed into or across the intersecting street without again coming to a complete stop. No driver of a vehicle or street car approaching the intersection on the intersecting street shall fail to yield to the vehicle so proceeding into or across the intersecting street.

The remaining five jurisdictions do not describe where to stop for a stop sign. They require stopping for a stop sign and provide, quite generally, that the stop must be made before entering or crossing the intersection or at the entrance to a through highway:

Alabama	Mississippi	District of
Indiana [1]	Virginia	Columbia [2]

1. Indiana requires stopping or yielding in obedience to appropriate signs before entering the intersection.

2. The District of Columbia allows turning right without stopping when an official sign under the stop sign so indicates.

§ 11-403—Stop Signs and Yield Signs

(c) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway 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. Provided, however, that if such a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield the right of way. (Section revised, 1968 and 1971.)

Prefatory Note

The Historical Note and Statutory Annotation for this subsection are each divided into two parts. The first deals with a driver's duty to yield the right of way and the second covers when and where to stop for a yield sign. These provisions were in two separate subsections prior to 1968.

Historical Note

Part I. Yielding the Right of Way

A requirement to yield at yield signs was added to the Code in 1956:

> The driver of a vehicle or the motorman of a streetcar approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions, or shall stop if necessary as provided in section 11-705(e), and shall yield the right of way to any pedestrian legally crossing the roadway on which he is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. Said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding, provided, however, that if such driver is involved in a collision with a pedestrian in a crosswalk or a vehicle in the intersection after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield the right of way.

UVC § 11-403(c) (Rev. ed. 1956). In 1962, the section was revised as follows:

> The driver of a vehicle [or the motorman of a streetcar] ap-

proaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions [, or shall stop if necessary as provided in section 11-705(e),] and shall yield the right of way to any [pedestrian legally crossing the roadway on which he is driving, and to any] vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard *during the time such driver is moving across or within the intersection*. [Said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding, provided,] *Provided*, however, that if such *a* driver is involved in a collision with a [pedestrian in a cross walk or a] vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield the right of way.

UVC § 11-403(c) (Rev. ed. 1962). Material describing when and where to stop was added from former § 11-705(c) and the section was amended as follows in 1968:

The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, *if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver* shall yield the right of way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection. Provided, however, that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right of way.

UVC § 11-403(c) (Rev. ed. 1968). In 1971, the provision was amended to require drivers approaching yield signs to yield to vehicles on a different roadway on the same or another highway as follows:

(c) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway *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* [highway] so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection *or junction of roadways*. Provided, however, that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right of way.

UVC § 11-403(c) (Supp. I 1972).

Part II. When and Where to Stop

As added to the Code in 1956, UVC § 11-705(e) required any stop to be made "before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line. . . ." These points were revised in 1968 to give priority to stopping at a stop line. See also, UVC §§ 11-202(c)1, 11-204(a) and 11-403(b).

The 1956 subsection was re-lettered as subsection (c) in 1962 when (b) and (c), relating to the design and placement of stop and yield signs, were deleted from the Code.

As noted, *supra*, provisions in §§ 11-403(c) and 11-705(c) were consolidated in 1968 so that the Code now describes in one place the duties to slow, yield and stop if necessary, and where any such stop is to be made.

Statutory Annotation

Part I. Yielding the Right of Way

Eleven states are in verbatim conformity with the UVC, except as noted:

Colorado	Kansas	North Dakota	Utah [2]
Georgia	Kentucky [1]	Ohio	Washington
Idaho	Massachusetts	South Carolina	

1. Kentucky substitutes "operator" for "driver," and the second sentence begins "after slowing and stopping," instead of the Code's "after slowing or stopping."
2. Utah duplicates the first two sentences. Another law (§ 41-6-74.10) provides a prima facie evidence rule for drivers who pass stop or yield signs without stopping.

Another three states also require yielding to vehicles on a different roadway but differ from the Code as noted:

Alaska [1]	Delaware [2]	Illinois [3]

1. Alaska does not have the prima facie evidence rule nor the concluding phrase "during the time . . ." at the end of the second sentence.
2. Delaware does not have the prima facie evidence rule.
3. The Illinois prima facie evidence rule is stated somewhat differently than in the Code: Interference with the movement of other vehicles after driving past a yield sign as well as involvement in a collision is prima facie evidence of failure to yield the right of way. Another law (§ 1-219) defines "yield right of way" as the act of granting use of the roadway to traffic within the intersection and vehicles approaching from the right or left, but when the roadway is clear, a driver facing the sign may proceed.

In addition to these three states, the laws of California, Delaware, Maryland, Ohio and Pennsylvania may also conform with the UVC requirement to yield to vehicles on a different roadway. The laws of these five states are discussed below in one or another of the various categories.

The laws of 14 jurisdictions are closely patterned after the 1962 or 1968 Codes and thus are clearly in substantial conformity with the UVC, differing only by requiring drivers to yield to vehicles approaching on a different highway:

Arizona	Michigan [3]	New Mexico	Texas
Connecticut [1]	Missouri [3]	New York [4]	Vermont
Florida [2]	New Hampshire	Rhode Island [3]	Wyoming [2]
Hawaii			Puerto Rico

1. Connecticut is in verbatim conformity except that their laws are prefaced by a sentence granting the appropriate officials the right to designate yield intersections by erecting yield signs. The prima facie evidence rule in the Georgia law is phrased slightly differently: "Provided, however, that a driver approaching a 'Yield' sign and driving past same without stopping and becoming involved in a collision with a vehicle moving within and across such intersection shall be deemed prima facie to have failed to yield the right of way."
2. The Florida and Wyoming prima facie evidence rules apply to collisions with pedestrians.
3. Michigan, Missouri and Rhode Island omit the prima face evidence rule.
4. New York additionally requires yielding to pedestrians crossing the roadway. See UVC § 11-502(a).

The Pennsylvania law omits the words "immediate" and "of roadways" in the second sentence. The last sentence omits "without stopping."

Eight states have laws comparable to subsection (c) that define a driver's duty when approaching a "yield" sign differently from the Code and do not contain the prima facie evidence rule. The difference in each of these states is noted below:

Iowa—The driver is required to slow down to a speed reasonable for existing conditions and stop if required for safety and yield the right of way to any vehicle on the intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.

Louisiana—The driver is required to slow down to a speed reasonable for the existing conditions or stop if necessary. After having slowed or stopped, the driver must yield the right of way to any pedestrian legally crossing the roadway and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard.

Maine—Law provides that any person who "operates a vehicle past a yield . . . sign, and collides with a vehicle or pedestrian proceeding on the intersecting street" is guilty, upon conviction, of a misdemeanor. It also provides for the installation of yield signs by appropriate state and local officials at "intersections . . . where it is expedient to allow traffic to move through or into the intersection at a reasonable speed for existing conditions of traffic and visibility, yielding the right of way to all vehicles or pedestrians approaching from either direction on the intersecting street which are so close as to constitute an immediate hazard."

Minnesota—The driver is required to slow to a speed that is reasonable for conditions of traffic and visibility and stop if necessary, and yield the right of way to any pedestrian legally crossing the roadway and to all vehicles on the intersecting street or highway which are so close as to constitute an immediate hazard.

Nebraska—Though patterned after the 1968 Code, the second sentence in the law concludes "hazard if such driver moved across or into such intersection."

Nevada—Has two laws. One applies at through highways and the second law applies to stop signs used at other locations. Both laws cover a driver's duties at stop signs and yield signs. At through highways, drivers must yield "to other vehicles which have entered the intersection . . . or which are approaching so closely . . . as to constitute an immediate hazard during the time such driver is moving across or within the intersection." At other stop signs, a driver must "proceed cautiously yielding to vehicles not obliged to stop or yield and which are within the intersection or approaching so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection."

Oregon—Requires yielding to any vehicle in the intersection or approaching so closely as to constitute an immediate hazard.

Wisconsin—The driver must yield the right of way to vehicles which have "entered the intersection from an intersecting highway or which are approaching so closely on the intersecting highway as to constitute a hazard of collision, and if necessary to reduce speed or stop."

Two states have laws comparable to UVC § 11-403(c) that require drivers approaching a yield sign to slow to a specific speed. These states contain the prima facie evidence rule. The description of the driver's duty to yield is stated somewhat differently than in the Code.

Mississippi—Drivers must reduce speed to not more than 20 miles per hour and yield the right of way to vehicles which have entered the intersection from the right or left, or which are approaching so closely as to constitute an immediate hazard. After yielding, the driver may proceed when a safe interval occurs. The prima facie evidence rule states that interference with the movement of other vehicles after driving past a yield sign as well as involvement in a collision is prima facie evidence of failure to yield the right of way.

Montana—Drivers are required to slow to a speed of not more than 15 miles per hour and yield to vehicles approaching from the right or left on intersecting roads or streets, which are so close as to constitute an immediate hazard. The prima facie evidence rule states that interference with the movement of other vehicles after driving past a yield sign as well as involvement in a collision is prima facie evidence of failure to yield the right of way.

Five states have laws that may differ substantially in their descriptions of a driver's duty when approaching a yield sign:

Maryland—The law requires a driver approaching an intersection with a yield sign to do so with caution and yield to vehicles approaching on the other highway, stopping if necessary.

New Jersey—One law provides that no driver of a vehicle shall enter upon or cross an intersection marked with a yield sign without first slowing down to a speed reasonable for existing conditions and visibility, and yielding to all traffic constituting an immediate hazard when entering the intersection. A second law seems to provide that other vehicles directly in line behind a vehicle that is required to stop may proceed across the intersection without stopping.

North Carolina—The law makes it unlawful for a driver approaching a yield sign to enter an intersection unless he first slows down and yields the right of way to any vehicle in movement on the main-traveled or through highway or which is approaching so as to arrive at the intersection at approximately the same time as the vehicle entering the through highway. Failure to yield the right of way may be considered in a civil action, but is not to be considered as negligence or contributory negligence *per se*.

Tennessee—Law provides:

> The driver of a vehicle who is faced with a yield sign at the entrance to a through highway or other public roadway is not necessarily required to stop, but is required to exercise caution in entering the highway or other roadway and to yield the right-of-way to other vehicles which have entered the intersection from the highway or other roadway, or which are approaching so closely on the highway or other roadway as to constitute an immediate hazard, and the driver having so yielded may proceed when the way is clear.
>
> Where there is provided more than one (1) lane for vehicular traffic entering a through highway or other public roadway, if one or more lanes at such entrance is designated a yield lane by an appropriate marker, this subsection shall control the movement of traffic in any lane so marked with a yield sign, even though traffic in other lanes may be controlled by an electrical signal device or other signs, signals, markings or controls.

Virginia—Has several provisions governing the driver's duty upon approaching a yield sign. Section 46.1-221 applies generally to all intersections at which yield signs are erected. Section 46.1-190(j) is found among reckless driving laws and applies specifically to yield signs at intersections of side roads with highways. Section 46.1-247 applies to all yield signs. Section 46.1-186 applies specifically to yield signs erected by the governing board of a county at intersections within the county. Finally, §§ 46.1-180 and 46.1-180.1 apply specifically to yield signs erected at intersections by the governing board of a city, town, or county that operates its own system of roads. The duty of the driver approaching a yield sign erected pursuant to any of the above provisions is the same. The driver is required to yield the right of way to any vehicle approaching or entering the intersection from either direction. The Virginia law that applies to all intersections (§ 46.1-221) provides that a driver traveling at an unlawful speed forfeits his right of way and § 46.1-247 requires slowing to a reasonable speed.

Five states and the District of Columbia have laws similar to subsection (c) but they retain the "shifting right of way" rule that was deleted from the Code in 1962 (see Historical Note, *supra*). Except as indicated below, the laws of these states are in verbatim or substantial conformity with the 1956 Code.

Arkansas	Indiana	Oklahoma [2]
California [1]		South Dakota

1. The California law differs from the 1956 and 1962 Code by not expressly requiring the driver to slow down to a speed reasonable for existing conditions. The driver is instead required to yield the right of way to and "continue to yield the right of way to approaching vehicles until such time as he can proceed with reasonable safety." California also does not have the Code's prima facie evidence rule.

2. See also, the Oklahoma law quoted in § 11-403(b), *supra*, applicable when two or more roadways have been signed.

Two states—Alabama and West Virginia—do not have comparable provisions. Alabama, however, does have a law for limited-access highways which provides: "Any person driving any motor vehicle, or in physical control of any vehicle, who approaches any Interstate Highway or any limited access highway designated as such by the State Highway Director, shall yield the right of way to all vehicles traveling upon such highway, and the State Highway Director is authorized to erect at the point of intersection of any access road with such Interstate Highway or limited access highway, signs notifying drivers of vehicles approaching such Interstate Highway or limited access highway, to yield the right of way to all vehicles traveling upon such Interstate Highway or limited access highway."

Part II. When and Where to Stop

Twenty-four jurisdictions have laws in verbatim conformity with Code provisions requiring a driver approaching a yield sign to stop if required for safety and describing where that stop is to be made:

Colorado	Iowa [4]	Missouri	Rhode Island
Delaware	Kansas	Nebraska	South Carolina
Georgia	Kentucky	Nevada	Utah
Hawaii [1]	Maryland	New York	Vermont
Idaho [2]	Massachusetts	North Dakota	Washington
Illinois [3]	Michigan [5]	Ohio	Puerto Rico

1. Hawaii omits the last part of the first sentence, "where the driver has a view of approaching traffic . . . ," but is otherwise identical.
2. Stop is to be made "at a clearly marked stop line, or before entering the crosswalk on the near side of the intersection, or at the point nearest the intersecting roadway . . . ."
3. A second law (§ 11-1204) duplicates the 1962 Code.
4. Driver shall stop "at the first opportunity" at one of the stopping points enumerated in the Code.
5. Michigan enumerates the same stopping points as the Code, but places crosswalk before stop line.

The laws of 10 states are substantially like the 1962 Code. Thus, these states differ from the current code by requiring the stop to be made prior to a crosswalk in preference to any stop line preceding it on the roadway:

Alaska	Louisiana *	Oklahoma
Arkansas	Maryland	Texas
Florida	New Hampshire	Wyoming
	New Mexico	

* Louisiana requires a stop "if necessary" and not "if required for safety" as in the Code.

Four states, in laws comparable to UVC § 11-403(c), and a District of Columbia regulation, require a driver approaching a yield sign to stop if necessary (but not "if required for safety" as in the Code) but do not specify the points at which the stop is to be made:

Minnesota	New Jersey [1]	Wisconsin [2]
	South Dakota	

1. Another New Jersey law (§ 39:4-145) may permit one or more vehicles stopped behind the first vehicle to proceed across the intersection without again coming to a complete stop. Also, vehicles on the preferred street must then yield to "the vehicle" proceeding into or across the intersection after it has stopped for a yield sign.
2. Wisconsin requires drivers to "reduce speed or stop" in order to yield.

Oregon requires stopping at a line as specified in its law on drivers' duties at stop signs. Pennsylvania omits the reference to stop lines.

Virginia requires stop at a line or, if none, before entering the crosswalk where the driver has a view of approaching traffic.

The remaining 11 states do not have provisions *expressly* requiring a driver facing a yield sign to stop if required for safety. However, all but two (Alabama and West Virginia) have laws requiring such drivers to yield the right of way to approaching traffic, which probably implies the requirement to stop. See *Part I, supra*. None of these states describes the places at which a driver should stop when he is obliged to do so. The 11 states are:

Alabama	Indiana *	North Carolina
Arizona	Maine	Tennessee
California	Mississippi	West Virginia
Connecticut	Montana	

* Requires stopping or yielding in obedience to any stop or yield sign, as the case may be, before entering the intersection.

Citations

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13 Alaska Adm. Code § 02.130 (1971).
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Ark. Stat. Ann §§ 75-623, -645 (Supp. 1965).
Cal. Vehicle Code §§ 22450, 21802, 21803 (Supp. 1971).
Colo. Rev. Stat. Ann. § 42-4-603 (Supp. 1976).
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Del Code Ann. tit. 21, § 4164 (Supp. 1977).
Fla. Stat. § 316.123 (1971).
Ga. Code Ann. § 68A-403 (1975).
Hawaii Rev. Stat. § 291C-63 (Supp. 1971).
Idaho Code Ann. § 49-643, amended by H.B. 197, CCH ASLR 512 (1977).
Ill. Ann. Stat. ch. 95½, §§ 11-904, -1204 (1971).
Ind. Stat. Ann. §§ 9-4-1-83, -110 (1973).
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La. Rev. Stat. Ann. § 32:123 (1963).
Me. Rev. Stat. Ann. tit. 29, §§ 948, 949 (1965, Supp. 1970).
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N.J. Rev. Stat. §§ 39:4-144, -145 (1961).
N.M. Stat. Ann. § 64-7-330, amended by H.B. 112, CCH ASLR 161, 521 (1978); § 64-7-345, renumbered by H.B. 112, CCH ASLR 161, 531 (1978).
N.Y. Vehicle and Traffic Law § 1172 (1960); § 1142 (Supp. 1966).
N.C. Gen. Stat. §§ 20-158, -158.1 (Supp. 1975).
N.D. Cent. Code §§ 39-10-24, -44 (1972, Supp. 1977).
Ohio Rev. Code Ann. § 4511.43 (1975).
Okla. Stat. Ann. tit. 47, §§ 11-403, -703 (1962).
Ore. Rev. Stat. § 487.255 (1977).
Pa. Stat. Ann. tit. 75, § 3323 (1977).
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Wyo. Stat. Ann. §§ 31-5-222, -503 (1977).
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§ 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 the roadway to be entered or crossed. (Revised, 1971.)

Historical Note

The 1926 Code provided that drivers entering a public highway from a private road or drive must yield the right of way to vehicles approaching on the highway. UVC Act IV, § 20(a)(1926).

From 1934 until 1968, this section read as follows:

> The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right of way to all vehicles approaching on said highway.

UVC Act V, § 73 (Rev. ed. 1934); UVC Act V, § 82 (Rev. ed. 1938); UVC Act V, § 85 (Rev. eds. 1944, 1948, 1952); UVC § 11-404 (Rev. eds. 1954, 1956, 1962).

In 1968, this section was amended as follows:

> The driver of a vehicle about to enter or cross a highway from *an* [a private road,] *alley, building,* [or] *private road or* driveway shall yield the right of way to all vehicles approaching on *the* [said] highway *to be entered.*

UVC § 11-404 (Rev. ed. 1968). At the same time, a partially duplicatory requirement to yield was deleted from UVC § 11-705. From 1948 to 1968, that section required drivers emerging from alleys, driveways and buildings in business and residence districts to stop and yield the right of way. See the Historical Note to § 11-705, *infra*. This requirement to yield was deleted from § 11-705 and placed in § 11-404 because provisions in Article IV of UVC Chapter 11 describe a drivers' duty to yield while provisions in Article VII describe when a driver must stop.

In 1971, because of the increasing numbers and types of vehicles (such as snowmobiles, minibikes, all-terrain vehicles and dune buggies) that enter highways from locations that are not private roads or driveways, this section was amended as follows:

> The driver of a vehicle about to enter or cross a *roadway* [highway] from *any place other than another roadway* [an alley, building, private road or driveway] shall yield the right of way to all vehicles approaching on the *roadway* [highway] to be entered *or crossed.*

UVC § 11-404 (Supp. I 1972).

Statutory Annotation

Twelve states have laws that are in verbatim conformity with the current Code section:

Colorado	Idaho	Minnesota	Pennsylvania
Delaware [1]	Kansas	North Dakota	South Carolina
Georgia	Kentucky	Ohio [2]	Utah [3]

1. Has a second law requiring drivers in alleys, driveways, buildings and private roads to yield.
2. Requires yielding to all "traffic," not "vehicles."
3. Substitutes "highway" for "roadway" in the first instance.

The Oregon law reads as follows:

> Vehicle entering roadway from private road, alley or place. (1) Except where the movement of traffic is otherwise directed by an official traffic control device, a driver who is about to enter or cross a roadway from any private road or driveway, alley or place other than another roadway shall yield the right of way to any vehicle approaching on the roadway to be entered or crossed so closely as to constitute an immediate hazard.

Three states have laws that conform substantially with the Code:

California [1]	Hawaii [2]	Wisconsin [3]

1. Requires yielding to all traffic by driver about to enter or cross a *highway* from any public or private property or from an alley.
2. The Hawaii provision also applies to bicycle lanes or paths, and requires yielding by drivers entering or crossing from an alley, building, private road or driveway, or from any adjacent public or private property other than another highway.
3. Requires a driver entering the highway from an alley or from "a point of access other than another highway" to yield the right of way to all vehicles approaching on the highway he is entering. Wisconsin has a second law (§ 346.47) applicable to yielding to vehicles after stopping prior to crossing a sidewalk.

Nine states have laws which duplicate the 1968 Code section:

Florida [1]	Nebraska	North Carolina	Texas
Illinois [2]	New York [3]	South Dakota	Vermont [4]
Missouri			

1. Florida adds: "which are so close thereto as to constitute an immediate hazard." A second provision requires stopping and yielding in business and residence districts.
2. A second law in Illinois (§ 11-1205) requires yielding after stopping.
3. New York adds: "so closely as to constitute an immediate hazard."
4. Has a second law which also requires yielding.

Thus, the laws in these states require yielding by drivers emerging from alleys, buildings and private roads but they do not also apply to drivers entering a highway from some other nonhighway location.

In 18 states, laws are patterned after the Code prior to its revision in 1968. Thus, laws in these states apply to drivers emerging from private roads and driveways and require yielding the right of way to all vehicles approaching on the highway to be entered or crossed. In states with an asterisk, a second law requires drivers emerging from an alley or building to yield to vehicles after stopping at a sidewalk.

*Alabama [1]	Maine [2]	New Jersey	*Tennessee
*Arizona	Mississippi	*New Mexico	*Washington
Arkansas	*Montana [3]	*Oklahoma	*West Virginia
Connecticut	Nevada [4]	*Rhode Island	*Wyoming
Indiana	*New Hampshire		

1. Alabama applies its law only to vehicles entering a highway and not specifically to those crossing the highway.
2. The Maine law requires the driver of a vehicle entering a public way from a private road, alley, driveway or building "to yield the right of way to all vehicles approaching on the public way." It additionally requires a driver to proceed "cautiously . . . into said public way" and defines "private road" to include a "private road, a private way of any description, an alleyway or a driveway."
3. Montana includes vehicles about to enter or cross a highway from a "public approach ramp."
4. Nevada refers to a driver entering or crossing from a private way.

Laws in eight jurisdictions, though worded differently, are probably in substantial conformity with the 1968 Code because they require yielding by drivers emerging from driveways, alleys or buildings:

Alaska—In business and residence districts, drivers emerging from an alley, driveway or building must yield the right of way to a vehicle approaching on the roadway that is in such close proximity as to constitute a hazard. Outside these districts, drivers about to enter or cross a highway from a private road, alley, building or driveway must yield to a vehicle approaching so close on the highway as to constitute an immediate hazard even though a stop or yield sign has not been erected.

Iowa—A driver emerging from a private roadway, alley, driveway or building must yield to any vehicular traffic on the street into which his vehicle is entering. A second provision in the same law requires drivers about to enter or cross a highway from a private road or driveway to yield to all vehicles approaching on said highway.

Louisiana—Drivers about to enter or cross a highway from a private road, driveway, alley or building must yield to all approaching vehicles that are so close as to constitute a hazard. This law is substantially similar to the 1968 Code though it does not expressly limit the duty to yield to vehicles approaching on the highway.

Maryland—§ 21-404 requires drivers about to enter or cross a highway from a private road or driveway to stop and yield to all vehicles approaching on the highway. Section § 21-705 requires drivers emerging from an alley, driveway or building to yield to all vehicles approaching on the roadway being entered. Section 21-404.1 requires drivers entering or crossing "any other part of a highway" from a crossover to yield to all approaching vehicles.

Massachusetts—A driver emerging from a private road, driveway or garage must yield to vehicles on the roadway being entered.

Michigan—Law requires a driver about to enter or cross a highway from an alley, private road or driveway to come to a full stop before entering the highway and to yield to all vehicles approaching on the highway.

Virginia—Law requires a driver entering a *public* highway from a private road, driveway, alley or building to yield to all vehicles approaching on such public highway or any sidewalk.

District of Columbia—A driver emerging from an alley, driveway or building must yield to all vehicles approaching on the roadway being entered.

Puerto Rico does not have a law comparable to UVC § 11-404.

Citations

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13 Alaska Adm. Code § 02.135 (1971).
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Mont. Rev. Codes Ann. §§ 32-2173, -2196 (1961, Supp. 1965).
Neb. Rev. Stat. § 39-638 (1974).
Nev. Rev. Stat. § 484.321 (1975).
N.H. Rev. Stat. Ann. §§ 262-A:30, :51 (1966).
N.J. Rev. Stat. § 39:4-66.1 (1961).
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Okla. Stat. Ann. tit. 47, §§ 11-404, -704 (1962).
Ore. Rev. Stat. § 487.265 (1977).
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S.C. Code Ann. § 56-5-2350 (Supp. 1977).
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Utah Code Ann. § 41-6-75 (Supp. 1979).
Vt. Stat. Ann. tit. 23, §§ 1049, 1074 (Supp. 1978).
Va. Code Ann. § 46.1-223 (1967).
Wash. Rev. Code Ann. §§ 46.61.205, .365 (Supp. 1966).
W.Va. Code Ann. §§ 17C-9-4, 17C-12-6 (1966).
Wis. Stat. Ann. §§ 346.18(4), .47 (1958).
Wyo. Stat. Ann. § 31-5-223, -506 (1977).
17 D.C. Regs. § 49 (1970).

§ 11-405—Operation of Vehicles (and Streetcars) on Approach of Authorized Emergency Vehicles

(a) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of § 12-401(d) and visual signals meeting the requirements of § 12-218 of this act, or of a police vehicle properly and lawfully making use of an audible signal only: (Revised, 1968.)

1. The driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

2. Upon the approach of an authorized emergency vehicle, as above stated, the motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(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.

Prefatory Note

The Historical Note and Statutory Annotation to this section are each divided into four parts:

I. Description of Emergency Vehicle and Warning Devices—§ 11-405(a)
II. Duty of Other Drivers to Yield—§ 11-405(a)1
III. Duty of Streetcar Motormen to Yield—§ 11-405(a)2
IV. Driver of Emergency Vehicle to Proceed With Due Care for Others—§ 11-405(b)

For Code provisions on visual and audible signal requirements for emergency vehicles, see UVC §§ 12-218 and 12-401(d); for the definition of "authorized emergency vehicle," see UVC § 1-103; and for provisions describing the privileges that may be exercised by the drivers of such vehicles, see UVC § 11-106. See also, UVC § 16-103 on the general applicability of traffic laws to public officers and employees.

Historical Note

Every edition of the Code has contained provisions similar to UVC § 11-405.

I. *Description of Emergency Vehicle and Warning Devices—§ 11-405(a)*

The 1926 Code required a driver to yield to a police or fire department vehicle giving an audible warning of its approach:

> The driver of a vehicle upon a highway shall yield the right of way to police and fire department vehicles when the latter are operated upon official business and the drivers thereof sound audible signal by bell, siren or exhaust whistle.

UVC Act IV, § 20(b) (1926). When a definition of "authorized emergency vehicle" was added to the Code in 1930, the above provision was amended to require yielding to "an authorized emergency vehicle" instead of to "police and fire department vehicles." UVC Act IV, § 36(b) (Rev. ed. 1930). In 1934, the provision was changed to require a driver to yield upon the "immediate" approach of an emergency vehicle. UVC Act V, § 74(a) (Rev. ed. 1934).

As discussed in the Historical Note to § 11-106, *supra*, from 1926 until 1944, the Code required an emergency vehicle to give an audible warning of its approach. A 1944 amendment to this section required all authorized emergency vehicles to display "at least one lighted lamp exhibiting red light visible under normal atmospheric conditions for a distance of 500 feet to the front of such vehicle," and to give an "audible signal by siren, exhaust whistle, or bell." UVC Act V, § 86(a) (Rev. ed. 1944). Police vehicles operated as "authorized emergency vehicles" were exempted from the red light requirement by a 1948 amendment to the Code. A 1954 amendment expressly provided that police vehicles were required to use audible signals only, and all signal specifications for emergency vehicles were removed from § 11-405 and placed in § 12-218. (When the Code was consolidated in 1954, all motor vehicle equipment provisions were placed in Chapter 12.) Since then, § 11-405 has referred to audible and visual signals meeting appropriate requirements of §§ 12-218 and 12-401(d). UVC Act V, § 86 (Rev. eds. 1948, 1952); UVC § 11-405(a) (Rev. eds. 1954, 1956, 1962, 1968).

Thus, since the revisions in 1944 and 1948 the Code has required drivers of authorized emergency vehicles to use both audible *and* visual signals as an indication to other drivers of their duty to yield the right of way. The one exception to this rule is that a police vehicle need only give an *audible* warning of its approach. For a description of such audible signals and provisions relating to their use, see UVC § 12-401(d).

II. *Duty of Other Drivers to Yield—§ 11-405(a)1*

The Code describes the duty of drivers of other vehicles upon the approach of an authorized emergency vehicle. This description has remained substantially the same since the Code was originally adopted, except that

in the 1926 and 1930 editions it was covered in two separate sections—one requiring drivers to yield to emergency vehicles and the other directing them to move to, and remain at, the right edge of the highway until the emergency vehicle had passed. The sections provided:

> Sec. 20(b). The driver of a vehicle upon a highway shall yield the right of way to police and fire department vehicles when the latter are operated upon official business and the drivers thereof sound audible signal by bell, siren or exhaust whistle. . . .
>
> Sec. 21. Upon the approach of any police or fire department vehicle giving audible signal by bell, siren or exhaust whistle, the driver of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right hand edge or curb of the highway, clear of any intersection of highways, and shall stop and remain in such position unless otherwise directed by a police or traffic officer until the police or fire department vehicle shall have passed.

The two sections were combined in 1934 to provide:

> (a) Upon the immediate approach of an authorized emergency vehicle, when the driver is giving audible signal by siren, exhaust whistle, or bell, 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 highway 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.

UVC Act V, § 73(a) (Rev. ed. 1934); UVC Act V, § 83(a) (Rev. ed. 1938). The present format was adopted in 1944:

> (a) Upon the immediate approach of an authorized emergency vehicle . . . :
>
> 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 [highway] *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.

No further changes have been made in this subsection. UVC Act V, § 86(a)1 (Rev. eds. 1944, 1948, 1952); UVC § 11-405(a)1 (Rev. eds. 1954, 1956, 1962, 1968).

III. *Duty of Streetcar Motormen to Yield—§ 11-405(a)2*

UVC § 11-405(a)2 describes the duty of motormen of streetcars upon the approach of an authorized emergency vehicle. (See UVC § 1-184 defining "vehicle" so as to exclude devices used exclusively upon stationary rails or tracks.) A provision was placed in the Code in 1934 requiring a motorman, upon the approach of an authorized emergency vehicle, to stop his streetcar immediately clear of any intersection and remain stopped until such authorized emergency vehicle has passed unless otherwise directed by a police officer. In 1954 motormen were required, in addition to the foregoing, to yield the right of way to authorized emergency vehicles. There have been no revisions since 1954. UVC Act V, § 74(b) (Rev. ed. 1934); UVC Act V, § 83(b) (Rev. ed. 1938); UVC Act V, § 86(a)2 (Rev. eds. 1944, 1948, 1952); UVC § 11-405(a)2 (Rev. eds. 1954, 1956, 1962, 1968).

As the 1968 Code indicates in a footnote, this subsection need not be enacted or retained in the laws of any state where there are no streetcars.

IV. *Driver of Emergency Vehicle to Proceed With Due Care for Others—§ 11-405(b)*

The Code provides that even though other drivers must yield the right of way, the driver of an emergency vehicle must proceed with due regard for the safety of others. See also, UVC § 11-106(d). The 1926 Code section read as follows:

> The provision shall not operate to relieve the driver of a police or fire department vehicle from the duty to drive with due regard for the safety of all persons using the highway nor shall it protect the driver of any such vehicle from the consequence of an arbitrary exercise of such right of way.

The clause "nor shall it protect the driver of any such vehicle from the consequence of an *arbitrary* exercise of such right of way" was deleted in 1934, and no further changes have been made in this subsection since then. UVC Act IV, § 20(b) (1926); UVC Act IV, § 36(b) (Rev. ed. 1930); UVC Act V, § 74(c) (Rev. ed. 1934); UVC Act V, § 83(c) (Rev. ed. 1938); UVC Act V, § 86(b) (Rev. eds. 1944, 1948, 1952); UVC § 11-405(b) (Rev. eds. 1954, 1956, 1962, 1968). See UVC § 11-106(d) providing that the driver of an authorized emergency vehicle exercising the privileges described in that section is not thereby protected "from the consequences of his *reckless* disregard for the safety of others."

Statutory Annotation

I. *Description of Emergency Vehicle and Warning Devices—§ 11-405(a)*

The laws of 22 states and the District of Columbia are in verbatim or substantial conformity with UVC § 11-405(a) in requiring that police vehicles must use audible signals and all other authorized emergency vehicles must use audible and visual signals before drivers of other vehicles are required to yield the right of way to them:

Arizona [1]	Montana	Oklahoma	Tennessee
Connecticut	Nevada	Pennsylvania	Texas
Georgia	New Jersey [2]	Rhode Island [1]	Utah
Kansas	New Mexico [1]	South Carolina	Washington
Louisiana	New York [1]	South Dakota [3]	West Virginia [1]
Maryland			Wyoming

1. Arizona, New Mexico, New York, Rhode Island and West Virginia do not use the phrase "visual signal" but instead provide that an authorized emergency vehicle must be equipped with at least one lighted lamp exhibiting a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle.
2. The New Jersey law (§ 4-92) requiring drivers to pull over refers simply to an authorized emergency vehicle, but another law (§ 4-91) requiring drivers to yield refers to an authorized emergency vehicle operated on official business "or in the exercise of the driver's profession or calling in response to an emergency call or in the pursuit of an actual or suspected violator of the law." The laws require an audible signal and, except on police vehicles, at least one red light visible for 500 feet in front.
3. The law requiring a driver to pull over is in substantial conformity with the Code, but a separate law requiring a driver to yield refers to police and fire vehicles giving an audible signal.

Eleven states have laws similar to § 11-405(a) but do not exempt police vehicles from using visual signals:

Alabama	Hawaii [1]	Michigan	North Dakota
California	Kentucky [2]	Minnesota [4]	Ohio [6]
	Maine [3]	North Carolina [5]	Virginia

1. Unless otherwise provided by county ordinance.
2. Kentucky requires red or blue lights and siren, whistle or bell.
3. Maine refers to police, fire, ambulance and traffic emergency repair vehicles sounding a siren and emitting a flashing light.
4. Minnesota has an additional provision for vehicles escorting oversize or overweight vehicles. They must use a red light but need not use a siren.
5. North Carolina has two laws, one for yielding and one for pulling over. Both apply to police and fire vehicles, ambulances, and rescue vehicles operated on official business.
6. Ohio refers to "public safety vehicles."

Eleven states have laws similar to § 11-405(a) but require authorized emergency vehicles to exhibit visual *or* audible signals:

Alaska [1]	Idaho	Nebraska
Colorado	Illinois [2]	New Hampshire
Delaware	Iowa	Oregon [3]
	Missouri	Vermont

1. Alaska requires yielding to any vehicle with a flashing blue light, a police vehicle with audible or visual signals or both, and an authorized emergency vehicle using audible and visual signals.
2. Illinois requires audible or visual signals on police vehicles. Other authorized emergency vehicles must have both in substantial conformity with the Code.
3. Oregon requires yielding to an ambulance using audible or visual signals. At intersections, drivers must yield to police and fire vehicles using audible and visual signals. At other locations, drivers must yield for police and fire vehicles using a visual signal.

Six states have laws similar to § 11-405(a) but require use only of an audible signal:

Arkansas	Indiana	Oregon
Florida	Mississippi	Wisconsin

Massachusetts does not require either an audible or a visual signal. Section 6A, applicable to streetcar motormen, refers to an approaching "fire apparatus going to a fire or responding to an alarm." Section 7 grants the right of way to "the members and apparatus of a fire department while going to a fire or responding to an alarm, police patrol wagons and ambulances, and ambulances on a call for the purpose of hospitalizing a sick or injured person." Neither law requires the emergency vehicle to give audible or visual indication to drivers of their duty to yield the right of way.

Puerto Rico requires yielding when the emergency vehicle gives any kind of a warning.

II. *Duty of Other Drivers to Yield—§ 11-405(a)1*

Except as noted, 37 jurisdictions are in verbatim conformity with § 11-405(a)1:

Alabama [1]	Michigan	North Carolina [1,7]	Texas
Arizona	Minnesota [5]	North Dakota [8]	Utah
Arkansas	Mississippi	Ohio	Virginia [11]
California [2]	Montana	Oklahoma	Washington
Connecticut [3]	Nevada [4]	Oregon [9]	West Virginia
Georgia	New Hampshire	Rhode Island	Wisconsin [12]
Indiana	New Jersey [1]	South Carolina	Wyoming
Iowa	New Mexico	South Dakota [10]	District of Columbia
Kansas [4]	New York [6]	Tennessee	Puerto Rico
Louisiana			

1. In Alabama, New Jersey and North Carolina, this provision is in two separate laws, one on yielding and one on pulling over. See the Historical Note, *supra*.
2. California requires stopping near the edge of the *highway*. An additional subsection requires pedestrians to remain in a place of safety or proceed to the nearest curb or place of safety until the authorized emergency vehicle has passed.
3. Connecticut also penalizes any person who wilfully or negligently obstructs an emergency vehicle.
4. Kansas and Nevada require stopping near the edge of the *highway*.
5. Minnesota also requires yielding to authorized emergency vehicles escorting oversize or overweight vehicles.
6. The New York law contains the additional phrase "or to either edge of a one-way roadway three or more lanes in width."
7. The North Carolina law does not require stops by drivers proceeding in the opposite direction "on a four-lane limited-access highway with a median divider." Neither would the UVC because there would be no "immediate approach of an authorized emergency vehicle" under subsection (a).
8. North Dakota has an additional paragraph requiring drivers to stop and proceed at their own risk past an emergency vehicle stopped at the scene of an emergency if it is displaying flashing or rotating red, white or blue light.
9. Oregon omits "immediate."
10. The South Dakota provisions are in two separate laws and one contains the additional phrase "or in case of a one-way highway the nearest edge or curb."
11. The Virginia law is virtually identical to the portions of UVC § 11-405(a)1 requiring a driver to pull over and stop, and although it does not additionally require such drivers to "yield the right of way," as in the Code, the Virginia law provides: "Violation of this section shall constitute failure to yield the right-of-way."
12. The Wisconsin law contains the phrase "right curb or the right hand edge of the shoulder of the roadway."

Missouri has a law comparable to § 11-405(a)1 but it does not provide that a vehicle must be stopped "clear of any intersection" when it is driven to the right "of the traveled portion of the highway."

The remaining 14 states have laws that may differ substantially from UVC § 11-405(a)1, and each is quoted or discussed below:

Alaska—Requires all drivers *proceeding in any direction* to yield to authorized emergency vehicles. It requires drivers to remain stopped until the authorized emergency vehicle or *vehicle using a blue light* has passed, unless otherwise directed by a police officer *or fireman*. Except for the italicized phrases, the Alaska regulation duplicates the Code.

Colorado—Requires yielding the right of way and "where possible shall immediately clear the farthest left-hand lane lawfully available to through traffic and shall drive to a position parallel to, and as close as possible to, the right-hand edge or curb of a roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer."

Delaware—Requires yielding and immediately driving as close to the right curb or edge as possible, clear of any intersection, and relinquishing the right of way until the authorized emergency vehicle has passed.

Florida—Requires drivers to yield and to "immediately proceed to a position parallel to, and as close as reasonable to the *closest* edge of the curb of the roadway" clear of any intersection. Otherwise, the law is in substantial conformity with the Code.

Hawaii—Requires other drivers to yield and immediately drive to a position clear of any intersection near the right curb or edge of the highway in substantial conformity with the UVC. However, on one-way streets, divided highways and multiple-lane highways, drivers must drive to "the nearest edge or curb." County ordinances can change these rules.

Idaho—Requires drivers to yield and to "immediately drive to a position parallel to, and as close as possible to, the nearest edge or curb of the roadway lawful for parking" clear of any intersection. Otherwise, the law duplicates the Code provision.

Illinois—Law provides that "the driver of every vehicle *on the same roadway* 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 highway clear of any intersection and shall stop *if possible* and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer." The principal differences between this law and UVC § 11-405(a) are that the law expressly applies only to drivers "on the same roadway," requires stops by drivers "if possible," and requires turning to the right-hand edge of the "highway."

Kentucky—Law (§ 189.930(1)) is closely patterned after the Code but omits "right hand" so that drivers are instructed to yield by pulling over to the left or right curb or edge of the highway. The law allows exceptions when instructions are given by a police officer or firefighter.

Maine—Emergency vehicles "shall have the right of way" and "on the approach of any such vehicle, from any direction . . . the driver of every other vehicle shall immediately draw his vehicle as near as practicable to the right-hand curb and parallel thereto, clear of any intersection and bring it to a standstill" until such vehicles have passed.

Maryland—Duplicates the UVC except it omits "right hand" and thereby allows drivers to stop near the left edge or curb.

Massachusetts—Emergency vehicles "shall have the right of way through any street, way, lane or alley. Whoever wilfully and maliciously obstructs or retards the passage of any of the foregoing in the exercise of such right shall be punished by . . . ."

Nebraska—Law duplicates the Code but adds that drivers on one-way roadways must stop close to either edge or curb.

Pennsylvania—Duplicates the Code but adds that on one-way roadways, drivers must drive to the edge or curb nearest the lane in which they are driving.

Vermont—Drivers must "pull to the right of the lane of traffic and come to a complete stop" until any emergency vehicle has passed. Police officers can direct otherwise, as in the Code.

III. *Duty of Streetcar Motormen to Yield—§ 11-405(a)2*

Fourteen states and the District of Columbia have laws in verbatim conformity with § 11-405(a)2:

Alabama	Iowa	Mississippi	Pennsylvania
Arkansas	Michigan	Missouri	Tennessee
Illinois	Minnesota [1]	Ohio [2]	Texas
Indiana			West Virginia

1. Minnesota applies its law to "motorman of a streetcar" and "operator of a trackless trolley," and requires such persons to keep the doors and gates of such vehicles closed.
2. The Ohio law applies to the "operator of a streetcar or trackless trolley."

California and New Jersey have laws in substantial conformity with § 11-405(a)2 but they do not expressly provide that a police officer may direct motormen to proceed differently than required by the section.

Massachusetts has a comparable law but does not provide that the immediate stop by a streetcar must be made clear of any intersection.

The remaining states do not have comparable provisions.

IV. *Driver of Emergency Vehicle to Proceed With Due Care for Others—§ 11-405(b)*

Thirty-seven jurisdictions have laws in verbatim conformity with § 11-405(b):

Arizona	Indiana	Nebraska	Tennessee
Arkansas	Iowa	New Hampshire	Texas
Connecticut	Kansas	New Mexico	Vermont
Delaware	Louisiana	New York [1]	Washington
Florida	Maryland	North Dakota	West Virginia
Georgia	Michigan	Oklahoma	Wisconsin [2]
Hawaii	Minnesota	Rhode Island	Wyoming
Idaho	Mississippi	South Carolina	District of Columbia
Illinois	Montana	South Dakota	Puerto Rico

1. The New York law uses the phrase "drive with reasonable care for" instead of "with due regard for."
2. The Wisconsin law uses the phrase "due regard under the circumstances for the safety of all persons" instead of "due regard for the safety of all persons" as in the Code.

Seven states have laws in substantial conformity with § 11-405(b): Two of these—California and Ohio—require the driver of an authorized emergency vehicle to operate such vehicle with due regard for the safety of property as well as for the safety of persons upon the highway; the New Jersey and Oregon laws contain the additional phrase "nor shall it protect the driver from the consequence of his disregard for the safety of others"; and the following three states provide in addition that the right of way given to drivers of authorized emergency vehicles shall not protect them "from the consequence of an arbitrary exercise of such right of way":

Alabama	North Carolina	Virginia

Kentucky's law provides that its designated authorized emergency vehicles "while being operated as such shall have the right of way with due regard to the safety of the public."

The laws of seven states do not have provisions comparable to § 11-405(b):

Alaska	Maine	Nevada
Colorado	Massachusetts	Pennsylvania
	Missouri	

Citations

Ala. Code tit. 32, §§ 32-5-112, -113 (1975).
13 Alaska Adm. Code § 02.140 (1971).
Ariz. Rev. Stat. Ann. § 28-775 (1956).
Ark. Stat. Ann. § 75-625 (1957).
Cal. Vehicle Code §§ 21806, 21807 (1960).
Colo. Rev. Stat. Ann. § 42-4-605 (1973), amended by H.B. 1039 CCH ASLR 390 (1977).
Conn. Gen. Stat. Ann. § 14-283 (Supp. 1972).
Del. Code Ann. tit. 21, § 4134 (Supp. 1977).
Fla. Stat. § 316.126 (1971).
Ga. Code Ann. § 68A-405 (1975).
Hawaii Rev. Stat. § 291C-65 (Supp. 1971).
Idaho Code Ann. § 49-645, amended by H.B. 197, CCH ASLR 512 (1977).
Ill. Ann. Stat. ch. 95½, § 11-907 (1971).
Ind. Stat. Ann. § 9-4-1-85 (1973).
Iowa Code Ann. § 321.324 (Supp. 1978).
Kans. Stat. Ann. § 8-1530 (1975).
Ky. Rev. Stat. Ann. § 189.930 (1977).
La. Rev. Stat. Ann. § 32:125 (1963).
Me. Rev. Stat. Ann. tit. 29, § 946 (Supp. 1970).
Md. Trans. Code § 21-405 (1977).
Mass. Ann. Laws ch. 89, §§ 6A, 7 (1954, Supp. 1966).
Mich. Stat. Ann. § 9.2353 (1973).
Minn. Stat. Ann. § 169.20(5) (Supp. 1972).
Miss. Code Ann. § 63-3-809 (1972).
Mo. Ann. Stat. § 304.022 (1972).
Mont. Rev. Codes Ann. § 32-2175 (1961).
Neb. Rev. Stat. § 39-640 (1974).
Nev. Rev. Stat. § 484.323 (1975).
N.H. Rev. Stat. Ann. § 262-A:31 (1966).
N.J. Rev. Stat. §§ 39:4-91, -92 (1961, Supp. 1966).
N.M. Stat. Ann. § 64-7-332, amended by H.B. 112, CCH ASLR 161, 522-23 (1978).
N.Y. Vehicle and Traffic Law § 1144 (1960).
N.C. Gen. Stat. §§ 20-156, -157 (Supp. 1971).
N.D. Cent. Code § 39-10-26 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.45 (Supp. 1969).
Okla. Stat. Ann. tit. 47, § 11-405 (1962).
Ore. Rev. Stat. § 487.270 (1977).
Pa. Stat. Ann. tit. 75, § 3325 (1977).
R.I. Gen. Laws Ann. § 31-17-6 (1957).
S.C. Code Ann. § 56-5-2360 (Supp. 1977).
S.D. Comp. Laws §§ 32-31-6, 32-26-15 (1967).
Tenn. Code Ann. § 59-832 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 75 (Supp. 1972).
Utah Code Ann. § 41-6-76 (Supp. 1977).
Vt. Stat. Ann. tit. 23, § 1050 (Supp. 1978).
Va. Code Ann. § 46.1-225 (Supp. 1978).
Wash. Rev. Code Ann. § 46.61.210 (Supp. 1966).
W. Va. Code Ann. § 17C-9-5 (1966), amended by H.B. 807 (1971).
Wis. Stat. Ann. § 346.19 (Supp. 1967).
Wyo. Stat. Ann. § 31-5-224 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 50 (1963).
P.R. Laws Ann. tit. 9, § 952 (Supp. 1975).

§ 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 § 12-229. (New section, 1971.)

Historical Note

This section, added to the Uniform Vehicle Code in 1971, requires drivers to yield the right of way to certain vehicles and pedestrians engaged in construction or maintenance operations on a highway. The purpose of this new rule is to foster safe and efficient performance of highway construction and maintenance operations. Though UVC § 11-105 exempts persons working on a highway from most rules of the road, there was no affirmative duty placed on drivers to yield the right of way until this section was added. In this context, yielding may require stopping, slowing, changing lanes or other maneuvers giving the vehicle or pedestrian the immediate and lawful use of the highway.

Statutory Annotation

Eleven states have laws patterned after this section with any difference described in footnotes:

Colorado [1]	Idaho [3]	North Dakota	Utah [7]
Delaware	Kansas	Pennsylvania [5]	Washington
Georgia [2]	Kentucky [4]	South Carolina [6]	

1. Colorado refers to any authorized "service" vehicle, and omits "obviously and actually" from (b). A second law (§ 42-4-221) requires using caution when approaching a snow plow using a yellow light.
2. Georgia omits "obviously and" in (b) and requires flashing or revolving amber lights.
3. Idaho omits "authorized" from subsection (a).
4. Kentucky substitutes "public safety vehicle" for "authorized vehicle," and "operator" for "driver."
5. Pennsylvania refers to "highway or utility construction areas" in (a). In (b), the lights must meet departmental requirements.
6. South Carolina refers to highway "traffic" construction.
7. Utah omits "flashing" in (b).

Four states have these comparable laws:

Florida—Requires drivers to yield to pedestrian workers and flagmen engaged in construction or maintenance when notified of their presence by a flagman and a traffic control device.

Iowa—Drivers must yield to pedestrian workers engaged in maintenance or construction work on a highway whenever notified of their presence by a flagman or a warning sign. This provision is part of a law comparable to UVC § 11-504.

South Dakota—One law (§ 32-26-16) provides that "highway maintainers in the performance of their duties . . . shall have the preference of right of way . . .; such highway maintainer shall, at all times, display a red flag of such dimensions and in such manner as prescribed by the state highway commission, to indicate his identity . . . ." A second law (§ 32-27-10) requires a driver to yield to persons engaged in maintenance, survey or construction work on any public highway when notified of their presence by flagmen, signs or signals, or any other manner of warning.

Wisconsin—Drivers must yield the right of way to persons engaged in maintenance or construction work on a highway whenever notified of their presence by flagmen or warning signs.

A Massachusetts regulation requires drivers to regulate their speed "in a manner and to a degree consistent with the particular condition" when signs or lights give notice of the presence of men and equipment.

Citations

Colo. Rev. Stat. § 42-4-614 (Supp. 1976), as amended by H.B. 1039, CCH ASLR 390 (1977).
Del. Code tit. 21, § 4105 (Supp. 1977).
Fla. Stat. Ann. § 316.079 (Supp. 1978).
Ga. Code § 68A-406 (1975).
Idaho Code Ann. § 49-646, amended by H.B. 197, CCH ASLR 513 (1977).
Iowa Code Ann. § 321.329 (1966).
Kans. Stat. § 8-1531 (1975).
Ky. H.B. 24, § 10, CCH ASLR 1651, 1677 (1978).
Mass. Rules & Regs. for Driving on State Highways art. IV, § 22 (Jan. 1972).
N.D. Cent. Code § 39-10-26.1 (Supp. 1977).
Pa. Stat. Ann. tit. 75, § 3326 (1977).
S.C. Code Ann. § 56-5-2370 (Supp. 1977).
S.D. Comp. Laws §§ 32-26-16, 32-27-10 (1967).
Utah Code § 41-6-76.10 (Supp. 1977).
Wash. Rev. Codes § 46.61.215 (Supp. 1977).
Wis. Stat. Ann. § 346.27 (1971).

ARTICLE V—PEDESTRIANS' RIGHTS AND DUTIES

§ 11-501—Pedestrian Obedience to Traffic-control Devices and Traffic Regulations

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

(b) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in §§ 11-202 and 11-203. (REVISED, 1968.)

(c) At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter.

Historical Note

Subsection (a) was added to the Code in 1968 to require pedestrians to obey traffic-control devices specifically intended for their guidance. Prior editions of the Code did not contain a comparable general requirement although UVC §§ 11-202 and 11-203 did require pedestrians to obey traffic and pedestrian signals. Subsection (a) covers all traffic-control devices and, for example, would require obedience to official signs directing pedestrians to use a particular crosswalk or prohibiting crossing the roadway altogether. In this connection, see also, UVC § 15-108 for authority to close crosswalks.

Subsections (b) and (c) were added to the Code in 1934, as follows:

> Pedestrians shall be subject to traffic-control signals at intersections as heretofore declared in this act, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this article.

UVC Act V, § 75 (Rev. ed. 1934). In 1944, the words "as heretofore declared in this act" were changed to "as provided in section 34 of this act" and, in 1948, the clause "unless required by local ordinance to comply strictly with such signals" was added. In 1954, the reference to "section 34 of this act" was changed to "section 11-202" and the concluding word was changed from "article" to "chapter." UVC Act V, § 84 (Rev. ed. 1938); UVC Act V, § 87 (Rev. eds. 1944, 1948, 1952); UVC § 11-501 (Rev. eds. 1954, 1956, 1962).

In 1968, this provision was amended and divided into two subsections as follows:

> *(b)* Pedestrians shall be subject to traffic *and pedestrian*-control signals [at intersections] as provided in §§ 11-202 *and 11-203*. [unless required by local ordinance to comply strictly with such signals, but at]
>
> *(c) At* all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter.

Subsection (b) was amended to require pedestrian obedience to both traffic and special pedestrian-control signals ("Walk" and "Don't Walk"). The phrase "at intersections" was deleted to accommodate signals that may be used at places other than intersections under UVC § 11-202(d) and the clause "unless required by local ordinance to comply strictly" was removed for consistency with § 11-202(c)3 which was amended in 1962 to ban crossings against red lights by pedestrians.

From 1944 until 1954, this section contained a subsection which provided:

> Local authorities are hereby empowered by ordinance to require that pedestrians shall strictly comply with the directions of any official traffic-control signal and may by ordinance prohibit pedestrians from crossing any roadway in a business district or any designated highways except in a crosswalk.

In the 1954 revision, the above subsection was repositioned and is now UVC § 15-107. It, too, was revised in 1968 by deleting reference to strict compliance with signals because UVC § 11-202(c)3 requires such compliance. A similar provision appearing in the 1930 Code provided that local authorities could, by ordinance, prohibit pedestrian crossings against a red signal. UVC Act V, § 39(b) (Rev. ed. 1930).

For a history of the Code's pedestrian rules at signalized intersections, see §§ 11-202(a)3, 11-202(b)2 and 11-202(c)3.

Statutory Annotation

Subsection (a).

Sixteen jurisdictions duplicate the Code:

Colorado	Hawaii	Kansas	Oregon
Delaware [1]	Idaho	Nebraska	South Carolina
Florida	Illinois	North Dakota	Utah [2]
Georgia	Indiana	Oklahoma	Puerto Rico

1. Delaware adds that pedestrians must obey uniformed adult school crossing guards.
2. Utah substitutes "such pedestrian" for "him."

Ten states are probably in substantial conformity with the Code:

Alaska—13 AAC § 02.150 requires a pedestrian to "obey the instructions of an official traffic-control device specifically applicable to him unless otherwise directed by a police officer, fireman or flagman." A second

regulation (§ 02.160(e)) prohibits crossing a roadway where an official signs bans it.

California—§ 21461.5 requires pedestrians to comply with signs and signals erected or maintained to carry out the provisions of state laws or local ordinances. Pedestrians must also comply with devices erected pursuant to § 21352 (stop signs, traffic signals, crosswalks, and restrictions on the use of state highways for other than travel). The Code does not contemplate that pedestrians will be bound by stop signs.

Kentucky—§ 189.570(1) provides that pedestrians "shall obey the instruction of any official traffic control devices specifically applicable to them unless otherwise directed by a police officer or other officially designated person."

Minnesota—§ 169.06(4) states that no pedestrian shall "disobey the instructions of any official traffic-control device placed in accordance with the provisions of this act, unless at the time otherwise directed by a police officer."

New Jersey—§ 39:4-81 states that every pedestrian "shall obey the instructions of any official traffic-control device applicable thereto, placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer."

New York—§ 1110(a) provides that every person "shall obey the instructions of any official traffic-control device applicable to him placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer subject to the exceptions granted the driver of an authorized emergency vehicle in this title."

Ohio—§ 4511.12 provides that no pedestrian shall "disobey the instructions of any traffic-control device placed in accordance with §§ 4511.01 to 4511.78 inclusive, and § 4511.99 of the Revised Code, unless at the time otherwise directed by a police officer."

Pennsylvania—Requires pedestrians to obey instructions of a police officer or other appropriately attired person authorized to direct, control or regulate traffic.

Vermont—Pedestrians must obey instructions of traffic-control devices applicable to them and of enforcement officers.

Washington—§ 46.61.050 is identical to the New Jersey law noted, *supra*.

Subsections (b) and (c).

Sixteen states duplicate the Code:

Colorado	Hawaii	Kansas	Oklahoma
Delaware	Idaho	Kentucky	Oregon
Florida	Illinois	Nebraska	South Carolina
Georgia	Indiana	North Dakota	Utah

Twenty-two jurisdictions have laws patterned after an earlier edition of the Code:

Alabama	Maryland	New York [1]	West Virginia [1]
Alaska	Minnesota [1]	North Carolina [1]	Wyoming [1]
Arizona [1]	Mississippi [1]	Rhode Island [1]	District of Columbia [1]
Arkansas [1]	Montana [1]	Tennessee	
Iowa [1]	New Hampshire	Texas [1]	Puerto Rico
Louisiana [2]	New Mexico [1]	Washington [3]	

1. These laws conclude by referring to the privileges and restrictions stated in "this article" or rules applicable to pedestrians rather than "this chapter" or all rules of the road as in UVC subsection (c).

2. The Louisiana law refers to "traffic-control signals at intersections as provided in R.S. 33:233." The reference is probably supposed to be to § 32:232, which is comparable to UVC § 11-202.

3. The Washington law refers to "section 9 of this amendatory act," which is comparable to UVC § 11-203 on pedestrian-control signals, and not to § 8, which is comparable to UVC § 11-202 on traffic-control signals.

Of the 22 laws, New York and the District of Columbia omit any reference to intersections in subsection (b) in agreement with the Code. Like the Code, Alaska refers to pedestrian compliance with traffic and pedestrian signals.

Of the 22 laws, 12 refer to ordinances requiring pedestrians to comply with traffic signals as did the Code before 1968: Alabama, Arizona, Kansas, Louisiana, Montana, New Hampshire, New Mexico, Rhode Island, South Carolina, Tennessee, Texas and West Virginia. Pennsylvania has this law but has not adopted (b).

North Carolina's law reads:

> (c) Where a system of traffic control signals or devices does not include special pedestrian control signals, pedestrians shall be subject to the vehicular traffic control signals or devices as they apply to pedestrian traffic.
>
> (d) At places without traffic control signals or devices, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in Part II of this Article.

Though the remaining states do not have laws directly comparable to subsection (b) requiring pedestrians to obey traffic or pedestrian-control signals, many achieve the same result in laws comparable to UVC §§ 11-202 and 11-203.

As to subsection (c), many of the remaining states have laws comparable to UVC § 11-502(a) requiring drivers to yield to pedestrians when signals are not in operation. The 17 jurisdictions without directly comparable laws in their pedestrian rules are:

California	Michigan	Ohio	Vermont
Connecticut	Missouri	Oregon	Virginia
Maine	Nevada	Pennsylvania	Wisconsin [3]
Massachusetts [1]	New Jersey [2]	South Dakota	Puerto Rico
	North Dakota		

1. Law (ch. 90, § 20B), applicable in cities and towns which accept its provisions, provides that "in thickly settled or business districts . . . pedestrians shall be subject to traffic control signals or to directions of police officers . . . ."

2. Laws comparable to UVC §§ 11-502(a) and 11-503(a) indicate application only when traffic is not controlled by an officer or signals.

3. Wisconsin has one law (§ 346.23) applicable to controlled intersections or crosswalks and a second (§ 346.24) which, like UVC § 11-502, is applicable at uncontrolled intersections or crosswalks. The first provides: "Crossing controlled intersection or crosswalk. (1) At an intersection or crosswalk where traffic is controlled by traffic control signals or by a traffic officer, the operator of a vehicle shall yield the right of way to a pedestrian crossing or who has started to cross the highway on a green or 'WALK' signal and in all other cases pedestrians shall yield the right of way to vehicles lawfully proceeding directly ahead on a green signal. The rules stated in this subsection are modified at intersections or crosswalks on divided highways or highways provided with safety zones in the manner and to the extent stated in sub. (2).

"(2) At intersections or crosswalks on divided highways or highways provided with safety zones where traffic is controlled by traffic control signals or by a traffic officer, the operator of a vehicle shall yield the right of way to a pedestrian who is crossing or has started to cross the roadway either from the near curb or shoulder or from the center dividing strip or safety zone with green or 'WALK' signal in his favor but when the signal turns against the pedestrian before he leaves the center dividing space or safety island, he shall yield the right of way to vehicles lawfully proceeding directly ahead on a green signal." Wisconsin also has provisions in its signal legend law (§ 346.37) applicable to pedestrians. See §§ 11-202(a)1, (a)2 and (a)3.

Citations

Ala. Code tit. 32, § 32-5-270 (1975).
13 Alaska Adm. Code § 02.150 (1971).
Ariz. Rev. Stat. Ann. § 28-791 (1956).
Ark. Stat. Ann. § 75-626 (1957).
Cal. Vehicle Code § 21461.5 (Supp. 1971).
Colo. Rev. Stat. Ana. § 42-4-701 (1973).
Del. Code Ann. tit. 21, § 4141 (Supp. 1977).
Fla. Stat. § 316.057 (1971).
Ga. Code Ann. § 68A-501 (1975).
Hawaii Rev. Stat. § 291C-71 (Supp. 1971).
Idaho Code Ann. § 49-721, amended by H.B. 197, CCH ASLR 529 (1977).
Ill. Ann. Stat. ch. 95½, § 11-1001 (1971).
Ind. Stat. Ann. § 9-4-1-86 (Supp. 1978).
Iowa Code Ann. § 321.325 (1966).
Kans. Stat. Ann. § 8-1532 (1975).
Ky. Rev. Stat. Ann. § 189.570, amended by H.B. 24, CCH ASLR 1651, 1671 (1978).
La. Rev. Stat. Ann. § 32:211 (1963).
Md. Trans. Code § 21-501 (1977).
Minn. Stat. Ann. § 169.21 (1960).
Miss. Code Ann. § 63-3-1101 (1972).
Mont. Rev. Codes Ann. § 32-2176 (1961).
Neb. Rev. Stat. § 39-641 (1974).
N.H. Rev. Stat. Ann. § 262-A:32 (1966).
N.M. Stat. Ann. § 64-7-333, amended by H.B. 112, CCH ASLR 161, 523 (1978).
N.Y. Vehicle and Traffic Law § 1150 (1960).
N.C. Gen. Stat. § 20-172 (Supp. 1977).
N.D. Cent. Code § 39-10-27 (Supp. 1977).
Okla. Stat. Ann. tit. 47, § 11-501 (Supp. 1978).
Ore. Rev. Stat. § 487.285 (1977).
Pa. Stat. Ann. tit. 75, § 3541 (1977).
R.I. Gen. Laws Ann. §§ 31-18-1, -2 (1957).
S.C. Code Ann. § 56-5-3110 (Supp. 1977).

Tenn. Code Ann. § 59-833 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 76 (1969, Supp. 1972).
Utah Code Ann. § 41-6-77 (Supp. 1979).
Vt. Stat. Ann. tit. 23, § 1058 (Supp. 1978).
Wash. Rev. Code Ann § 46.61-230 (Supp. 1966).
W.Va. Code Ann. § 17C-10-1 (1966).
Wis. Stat. Ann. § 346.23 (Supp. 1967).
Wyo. Stat. Ann. § 31-5-601 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 51 (1966).
P.R. Laws Ann. tit. 9, § 1101 (Supp. 1975).

§ 11-502—Pedestrians' Right of Way in Crosswalks

(a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

Historical Note

UVC § 11-502(a) describes the duty of a driver to yield the right of way to a pedestrian in a crosswalk not controlled by traffic signals. This provision has remained substantively unchanged since 1938. It originated from UVC Act IV, § 19(c) (1926), which provided:

> The driver of any vehicle upon a highway within a business or residence district shall yield the right of way to a pedestrian crossing such highway within any clearly marked crosswalk or any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block, except at intersections where the movement of traffic is being regulated by traffic officers or traffic direction devices.

The above subsection, which was contained in a section dealing with right of way, comparable to §§ 11-401 and 11-402 of the 1968 Code, was placed among pedestrian rules in the 1930 Code and amended to read as follows:

> The driver of any vehicle [upon a highway within a business or residence district] shall yield the right of way to a pedestrian crossing *the roadway* [such highway] within any [clearly] marked crosswalk or *within any unmarked crosswalk* [any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk] at the end of a block, except at intersections where the movement of traffic is being regulated by *police* [traffic] officers or traffic-*control signals* [direction devices]. . . .

UVC Act IV, § 38(a) (Rev. ed. 1930). Also in 1930, a definition of "crosswalk" was added to the Code. See UVC § 1-111. In 1934, the above provision was amended to provide:

> Where traffic-control signals are not in place or in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this article.

UVC Act V, § 76(a) (Rev. ed. 1934).

As previously noted, UVC § 11-502(a) was revised into its present form in 1938, but provisions that are now in subsections (b) and (c) appeared at the end of that subsection until the 1952 edition. UVC Act V, § 85(a) (Rev. ed. 1938); UVC Act V, § 88(a) (Rev. eds. 1944, 1948, 1952); UVC § 11-502 (Rev. eds. 1954, 1956, 1962, 1968).

Statutory Annotation

The laws of 33 states and a District of Columbia regulation are in verbatim conformity with UVC § 11-502(a):

Alabama [1]	Idaho	Nebraska	Rhode Island
Alaska	Illinois [3]	Nevada [4]	South Carolina
Arizona	Indiana	New Hampshire	Tennessee
Colorado	Kansas	New Mexico	Texas
Delaware	Louisiana	New York	Utah
Florida [2]	Maine	North Dakota	Vermont [5]
Georgia	Maryland	Ohio	Washington
Hawaii	Montana	Oklahoma	West Virginia
			Wyoming

1. Section 58(15) of the Alabama laws is in verbatim conformity, but an additional provision (§ 18(c)), applicable only in residence districts, is similar to the 1926 Code provision quoted in the Historical Note, *supra*.
2. Florida has a second law (§ 36.111(12)) on use of crosswalks by persons on roller skates, coasters, toys and similar devices. Such persons have the same rights and duties as pedestrians. See MTO § 3-5 (Rev. ed. 1968).
3. A second Illinois law (§ 11-1002) applicable to vehicles entering "stop crosswalks" requires drivers to stop before entering the nearest crosswalk wherever stop signs or flashing red signals are in place at an intersection or *wherever flashing red signals are in place* at a marked crosswalk between intersections, and drivers must yield to pedestrians in such crosswalk. Drivers must also yield the right of way to pedestrians within any other crosswalk at the intersection.
4. Nevada alters the initial phrase by inserting a reference to a law comparable to UVC § 11-503 and by referring to "official traffic-control devices" instead of "traffic-control signals."
5. Vermont omits "not in place or" and substitutes "if necessary" for "if need be to so yield."

The laws of 16 other jurisdictions are discussed below. Only four of these—Connecticut, Kentucky, Massachusetts and Oregon—have the concluding portion of the Code section requiring a driver to yield to a pedestrian on the driver's half of the roadway or to a pedestrian approaching so closely from the other half of the roadway as to be in danger. See also, the Puerto Rican law. One state law—South Dakota—like the 1926 Code, applies only in business and residence districts.

Arkansas—Law is in verbatim conformity with the 1934 Code provision quoted in the Historical Note, *supra*. Thus, it differs from the current Code by not referring to a pedestrian who is on the same half of the roadway as the driver or approaching so closely from the other half as to be in danger.

California—Law provides: "The driver of a vehicle shall yield the right of way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this chapter."

Connecticut—Law provides:

> Except as provided in subsection (c) of section 14-300c, at any crosswalk marked as provided in subsection (a) of section 14-300 or any unmarked crosswalk, provided such crosswalks are not controlled by police officers or traffic control signals, each operator of a vehicle shall yield the right-of-way, and slow or stop such vehicle if necessary to so yield the right-of-way, to any pedestrian crossing the roadway within such crosswalk, provided such pedestrian is within that half of the roadway upon which such operator of a vehicle is traveling or such pedestrian is crossing the roadway within such crosswalk from that half of the roadway upon which such operator is not traveling and such pedestrian is approaching at such a rate of speed or has approached so near to that half of the roadway upon which such operator is traveling so as to be in reasonable danger of being struck by the vehicle of such operator. . . .

Iowa—Law is identical to the 1934 Code provision quoted in the Historical Note, *supra*. Thus, it does not require yielding to a pedestrian on the same half of the roadway or when he is approaching so closely from the other half as to be in danger.

Kentucky—Law provides:

> When traffic control signals are not in place or in operation the operator of a vehicle shall yield the right of way, slowing

down or stopping if need be to so yield, to a pedestrian crossing the roadway 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.

Massachusetts—Law provides:

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 so to yield, to a pedestrian crossing the roadway within a crosswalk marked in accordance with standards established by the department of public works if the pedestrian is on that half of the traveled part of the way on which the vehicle is traveling or if the pedestrian approaches from the opposite half of the traveled part of the way to within five feet of that half of the traveled part of the way on which said vehicle is traveling.

The Code does not have the five-foot provision and applies to all marked *and unmarked* crosswalks. See the definition of "crosswalk" in § 1-111. A Massachusetts regulation (art. 7, § 4(f)) makes it unlawful for a person to enter a marked crosswalk unless he intends to cross the roadway.

Minnesota—Law omits concluding portion of UVC describing the position of the pedestrian in the crosswalk.

Mississippi—Law is identical to the 1934 Code provision and thus does not refer to a pedestrian on the same half of the roadway. See the Historical Note, *supra*.

New Jersey—Law requires the driver of a vehicle to yield the right of way "to a pedestrian crossing the roadway within a crosswalk except at crosswalks when the movement of traffic is being regulated by police officers or traffic control signals."

North Carolina—Law virtually duplicates the 1934 Code provision quoted in the Historical Note, *supra*. However, the law refers to an unmarked cross at *or near* an intersection.

Oregon—Law requires stopping for pedestrians in crosswalks:

(1) When a pedestrian is crossing a roadway within a marked or unmarked crosswalk where there are no traffic control signals in place or in operation, a driver shall stop before entering the crosswalk and yield the right of way to the pedestrian:

(a) If the pedestrian is on the half of the roadway on and along which the driver is proceeding; or

(b) If the pedestrian is approaching the half of the roadway along which the driver is approaching so closely as to be in a position of danger.

(2) A pedestrian crossing a roadway within a crosswalk where there are no traffic control signals in place or in operation who is closely approaching or has reached the center of the roadway is in a position of danger under subsection (1) of this section.

Pennsylvania—Requires yielding the right of way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

South Dakota—Law is identical to the 1926 Code provision quoted in the Historical Note, *supra*, and thus requires yielding by drivers in business and residence districts when the pedestrian is in a marked crosswalk or any "regular pedestrian crossing . . . at the end of a block."

Virginia—Law reads as follows:

(a) The driver of any vehicle upon a highway or street shall yield the right-of-way to a pedestrian crossing such highway or street within any clearly marked crosswalk whether at mid-block or at the end of any block, or any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block, or at any intersection when the driver is approaching on a highway or street where the legal maximum speed does not exceed thirty-five miles per hour except at intersections or crosswalks where the movement of traffic is being regulated by traffic officers or traffic direction devices where the driver shall yield according to the direction of the traffic officer or device.

. . . .

(c) The drivers of vehicles entering, crossing or turning at intersections shall change their course, slow down or come to a complete stop if necessary to permit pedestrians to cross such intersections safely and expeditiously.

(d) Pedestrians crossing highways or streets at intersections shall at all times have the right of way over vehicles making turns into the highways or streets being crossed by the pedestrians.

Wisconsin—Law applicable at an "uncontrolled intersection or crosswalk" provides:

At an intersection or crosswalk where traffic is not controlled by traffic control signals or by a traffic officer, the operator of a vehicle shall yield the right of way to a pedestrian who is crossing the highway within a marked or unmarked crosswalk.

Puerto Rico—Law provides:

(a) Every person driving a vehicle upon a public highway shall be under obligation:

To yield the right of way, slow down and stop the vehicle when necessary, before any pedestrian crossing the roadway within a crosswalk whereupon a vehicle is travelling or when the pedestrian may be in danger on approaching from the opposite half of the main-traveled portion of the roadway, when there is no traffic-control signal installed or those installed are not operating.

Three states—Connecticut, Michigan and Missouri—do not have laws comparable to § 11-502(a).

§ 11-502—Pedestrians' Right of Way in Crosswalks

(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. (REVISED, 1971.)

Historical Note

This provision, concerning the duty of a pedestrian to refrain from suddenly leaving a curb and entering the path of an oncoming vehicle, was placed in the Code in 1938, although it did not appear as a separate subsection until 1952. UVC Act V, § 85(a) (Rev. ed. 1938); UVC Act V, § 88(a) (Rev. eds. 1944, 1948); UVC Act V, § 88(b) (Rev. ed. 1952); UVC § 11-502(b) (Rev. eds. 1954, 1956, 1962, 1968).

In 1971, this subsection was amended as follows:

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* [that it is impossible for the driver to yield].

Statutory Annotation

Thirteen states are in verbatim conformity with the UVC as revised in 1971:

California [1]	Illinois	Kentucky	Pennsylvania [3]
Colorado [2]	Indiana	North Dakota	South Carolina
Delaware	Kansas	Ohio	Utah
Idaho			

1. California adds that a driver's duty to yield does not relieve a pedestrian from the requirement to care for his own safety.
2. Colorado refers to a "moving" vehicle.
3. Pennsylvania omits "immediate."

In describing the proximity of the vehicle, Alaska, Georgia and New York refer to one that is so close that it is "impractical" for the driver to yield and Alaska substitutes "move" for "walk or run." Wisconsin refers to a vehicle so close that it would be "difficult" for the driver to yield.

Like the Code prior to 1971, the laws of 22 states admonish a pedestrian not to walk or run into the path of a vehicle that is so close that it is "impossible" for the driver to yield:

Alabama	Maine	Nevada	Tennessee
Arizona	Maryland	New Hampshire	Texas
Florida	Minnesota	New Jersey	Vermont
Hawaii	Montana	New Mexico	Washington
Louisiana	Nebraska	Oklahoma	West Virginia
		Rhode Island	Wyoming

Six jurisdictions have these provisions:

Connecticut—Law provides:

> No pedestrian shall suddenly leave a curb, sidewalk, crosswalk or any other place of safety adjacent to or upon a roadway and walk or run into the path of a vehicle which is so close to such pedestrian as to constitute an immediate hazard to such pedestrian. . . .

Massachusetts—Although not a part of a general section on pedestrians' right of way in crosswalks, a regulation provides:

> No pedestrian shall suddenly leave a sidewalk or safety island and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

Oregon—Law prohibits suddenly leaving a curb or safe place and moving into the path of a vehicle that is an immediate hazard.

Virginia—§ 46.1-231(b) provides: "No pedestrian shall enter or cross an intersection in disregard of approaching traffic." A second law (§ 46.1-230(a)) prohibits careless or malicious interference with vehicular traffic by pedestrians crossing a highway.

District of Columbia—A regulation provides:

> No pedestrian shall suddenly leave a curb, safety platform, safety zone, loading platform or other designated place of safety and walk or turn into the path of a vehicle which is so close that it is impossible for the driver to yield.

Puerto Rico—Pedestrians may not abruptly or hurriedly leave the curb, sidewalk or edge of the roadway when a vehicle is so near that the driver is unable to yield.

The remaining seven states do not have laws comparable to UVC § 11-502(b):

Arkansas	Michigan	Missouri	South Dakota
Iowa	Mississippi	North Carolina	

§ 11-502—Pedestrians' Right of Way in Crosswalks

(c) Paragraph (a) shall not apply under the conditions stated in § 11-503(b).

Historical Note

UVC § 11-502(c) is an exception to the rule that drivers of vehicles must yield the right of way to pedestrians in crosswalks. The effect of this provision is to require a pedestrian crossing a roadway at a point where there is a tunnel or overhead crossing to yield the right of way to vehicles on the roadway even though he may be in a crosswalk. See UVC § 11-503(b).

This subsection originated from a provision in the 1930 Code which stated: "The driver of any vehicle shall yield the right of way to a pedestrian crossing the roadway within any . . . crosswalk . . . except . . . at any point where a pedestrian tunnel or overhead crossing has been provided." UVC Act IV, § 38(a) (Rev. ed. 1930).

The express requirement that a pedestrian crossing on the roadway, at a point where a tunnel or overhead crossing is available, must yield to vehicles on the roadway was added in 1934: "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." This provision was placed in a separate section (now UVC § 11-503) entitled "Crossing at Other Than Cross Walks," and the general statement, "except as otherwise provided in this article," was added to the 1934 section (now § 11-502) dealing with "Pedestrians' Rights at Cross Walks" to indicate that, as an exception to the general rule, a driver is not obliged to yield to pedestrians in crosswalks where there is a pedestrian tunnel or other special pedestrian crossing.

In 1938, the clause "except as otherwise provided in this article" was deleted and replaced by a sentence which read: "This provision shall not apply under the conditions stated in section 86(b)." UVC Act V, § 85(a) (Rev. ed. 1938). This provision was re-worded slightly in 1952 and became a separate subsection. UVC Act V, § 88(a) (Rev. eds. 1944, 1948); UVC Act V, § 88(c) (Rev. ed. 1952); UVC § 11-502(c) (Rev. eds. 1954, 1956, 1962, 1968).

Statutory Annotation

The laws of 37 states provide that a driver is not obliged to yield to a pedestrian in a crosswalk where a special tunnel or overhead crossing has been provided, in verbatim or substantial conformity with UVC § 11-502(c):

Alabama	Illinois	Nebraska	Pennsylvania
Arizona	Indiana	New Hampshire	Rhode Island
Arkansas	Iowa	New Jersey	South Carolina
Colorado	Kansas	New Mexico	Tennessee
Delaware	Louisiana	New York	Texas
Florida [1]	Maine	North Carolina	Utah
Georgia	Maryland	North Dakota	Washington
Hawaii	Mississippi	Ohio	West Virginia
Idaho	Montana	Oklahoma	Wyoming
		Oregon [2]	

1 The Florida provision requires yielding by pedestrians as a proviso to a law like UVC§ 11-502(a). The effect of this provision would appear to achieve substantial conformity with the Code, although it does not expressly except drivers from the duty to yield.

2. Oregon also does not require yielding where there is a safety island and the driver is on the other half of the roadway.

The laws of the remaining 15 jurisdictions do not expressly excuse a driver from his duty to yield to a pedestrian in a crosswalk at any place where a tunnel or overhead crossing has been provided. Some of these 15, however (indicated by an asterisk), do have laws comparable to UVC § 11-503(b) requiring pedestrians on the roadway, when a tunnel or overhead crossing is available, to yield to drivers on the roadway:

Alaska	*Massachusetts	Nevada	Wisconsin
*California	Michigan	South Dakota	District of
*Connecticut	*Minnesota	Vermont	Columbia
*Kentucky	Missouri	Virginia	Puerto Rico

§ 11-502—Pedestrians' Right of Way in Crosswalks

(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.

Historical Note

This subsection was added to the Code in 1930 and provided:

> Whenever any vehicle has stopped at a marked crosswalk or at any intersection to permit a pedestrian to cross the roadway, it shall be unlawful for the driver of any other vehicle approaching from the rear to overtake and pass such stopped vehicle.

UVC Act IV, § 38(b) (Rev. ed. 1930). In 1934, the above provision was revised into its present form as follows:

> Whenever any vehicle *is* [has] stopped at a marked crosswalk or at any *unmarked crosswalk at an* intersection to permit a pedestrian to cross the roadway, [it shall be unlawful for] the driver of any other vehicle approaching from the rear *shall not* [to] overtake and pass such stopped vehicle.

UVC Act V, § 76(b) (Rev. ed. 1934); UVC Act V, § 85(b) (Rev. ed. 1938); UVC Act V, § 88(b) (Rev. eds. 1944, 1948); UVC Act V, § 88(d) (Rev. ed. 1952); UVC § 11-502(d) (Rev. eds. 1954, 1956, 1962, 1968).

Statutory Annotation

The laws of 41 states and the District of Columbia are in verbatim conformity with UVC § 11-502(d), except as noted:

Alabama	Idaho	Montana	Rhode Island
Alaska	Illinois	Nebraska	South Carolina
Arizona	Indiana	New Hampshire [1]	Tennessee
Arkansas	Kansas	New Jersey [2]	Texas
California	Kentucky	New Mexico	Utah
Colorado	Louisiana	New York	Vermont
Delaware	Maine	North Carolina	Washington
Florida	Maryland	North Dakota	West Virginia
Georgia	Minnesota	Ohio [3]	Wisconsin [4]
Hawaii	Mississippi	Oklahoma	Wyoming
		Oregon	

1. The New Hampshire law applies to a driver approaching a vehicle stopped to permit a pedestrian to cross "at a marked crosswalk or at an intersection."
2. The New Jersey law refers to a vehicle "stopped at a crosswalk" rather than at any marked crosswalk or any unmarked crosswalk at an intersection as in the Code.
3. The Ohio law is identical to the Code but refers to vehicles, streetcars and trackless trolleys.
4. The Wisconsin law refers to the forward vehicle as one "stopped at an intersection or crosswalk."

The laws of six other jurisdictions are noted below:

Connecticut—Law provides:

> No operator of a vehicle approaching from the rear shall overtake and pass any vehicle the operator of which has stopped at any crosswalk marked as provided in subsection (a) of this section or any unmarked crosswalk to permit a pedestrian to cross the roadway.

Massachusetts—Law (ch. 89, § 11) provides that a driver shall not pass a vehicle stopped "at a *marked* crosswalk to permit a pedestrian to cross." The Code applies at all crosswalks, marked or unmarked.

Nevada—Law omits "to permit a pedestrian to cross the roadway" from the introductory clause and adds that the driver shall not pass the stopped vehicle "until he has determined that the vehicle being overtaken was not stopped for the purpose of permitting a pedestrian to cross the highway."

Pennsylvania—Differs from the Code by applying at any crosswalk at an intersection and to any marked crosswalk.

Virginia—A reckless driving law (§ 46.1-190) provides that no person shall:

> (e) Overtake or pass any other vehicle proceeding in the same direction at any steam, diesel or electric railway grade crossing or at any intersection of highways unless such vehicles are being operated on a highway having two or more designated lanes of roadway for each direction of travel or on a designated one-way street or highway, *or while pedestrians are passing or about to pass in front either of such vehicles, unless permitted so to do by a traffic light or police officers.* (Emphasis added.)

The italicized portion of this law may apply only at intersections or elsewhere. It does not refer to crosswalks nor does it specifically mention that the forward vehicle must be stopped.

Puerto Rico—Bans overtaking and passing any vehicle that has slowed or stopped to yield to a pedestrian passing within a crosswalk.

The laws of four states have no provisions comparable to UVC § 11-502(d):

Iowa Michigan Missouri South Dakota

This subsection was amended to read as shown above in 1934. UVC Act V, § 77(a) (Rev. ed. 1934); UVC Act V, § 86(a) (Rev. ed. 1938); UVC Act V, § 89(a) (Rev. eds. 1944, 1948, 1952); UVC § 11-503(a) (Rev. eds. 1954, 1956, 1962, 1968).

As noted in the Historical Note to § 11-502(a), the 1926 Code required a driver to yield to pedestrians in crosswalks located in business and residence districts. The second sentence of the 1926 Code subsection on right of way provided:

> Every pedestrian crossing a highway within a business or residence district at any point other than a pedestrian crossing, crosswalk or intersection shall yield the right of way to vehicles upon the highway.

UVC Act IV, § 19(c) (1926). In 1930, this provision was placed in an article containing pedestrian rules and was revised to read:

> Every pedestrian crossing a roadway at any point other than within a marked or unmarked crosswalk shall yield the right of way to vehicles upon the roadway.

UVC Act IV, § 38(c) (Rev. ed. 1930).

Statutory Annotation

The laws of 39 states and the District of Columbia are in verbatim or substantial conformity with UVC § 11-503(a):

Alabama	Idaho	Mississippi	Oklahoma
Alaska [1]	Illinois	Montana	Rhode Island [5]
Arizona	Indiana	Nebraska	South Carolina
Arkansas	Iowa [3]	Nevada [4]	Tennessee
California [2]	Kansas	New Hampshire	Texas
Colorado	Kentucky	New Mexico	Utah
Connecticut	Louisiana	New York	Washington [6]
Delaware	Maine	North Carolina	West Virginia
Florida	Maryland	North Dakota	Wyoming
Hawaii	Minnesota	Ohio	

1. Alaska adds "which are so close as to constitute a hazard" at the end of the subsection.
2. The California law (§ 21954) refers to every pedestrian "upon a roadway," and not to every pedestrian "crossing a roadway" as in the Code. See UVC § 11-506(d), *infra*.
3. The Iowa law is identical to the Code and concludes "except that cities and towns may restrict such a crossing by ordinance." See UVC § 15-107 in the Historical Note to § 11-501, *supra*.
4. Nevada substitutes "highway" for "roadway."
5. Rhode Island prohibits pedestrians from crossing freeways except in an emergency or when necessary to render assistance after an accident.
6. The Washington law contains a subsection in verbatim conformity and another one that provides: "No pedestrian shall cross a roadway at an unmarked crosswalk where an official sign prohibits such crossing."

The laws of 10 other jurisdictions are quoted or discussed below. At least three (Georgia, Oregon and Wisconsin) are clearly in substantial conformity with the Code, but two require yielding by pedestrians only in business and residence districts (South Dakota) or only in urban areas (Massachusetts).

Georgia—Law is identical to the Code but adds "unless he has already and under safe conditions entered the roadway."

Massachusetts—A regulation applicable to state highways provides:

> Every pedestrian crossing a roadway in an urban area at any point other than within a marked crosswalk shall yield the right of way to all vehicles upon the roadway.

New Jersey—§ 39:4-34 provides:

> Where traffic is not controlled and directed . . . pedestrians shall cross the roadway within a crosswalk or, in the absence of a crosswalk, and where not otherwise prohibited, at right angles to the roadway, *and when crossing at a point other than at a crosswalk shall yield the right of way to all vehicles on the roadway*. (Emphasis added.)

Oregon—Law provides:

> Crossing at other than crosswalks. (1) A pedestrian commits the offense of failure to yield the right of way if he fails to yield the right of way to a vehicle upon a roadway when he is crossing the roadway at any point other than within a marked crosswalk or an unmarked crosswalk at an intersection.
>
> (2) A pedestrian who fails to yield the right of way commits a Class C traffic infraction.

Citations

Ala. Code tit. 32, § 32-5-271 (1975).
13 Alaska Adm. Code § 02.155 (1971).
Ariz. Rev. Stat. Ann. § 28-792 (1956).
Ark. Stat. Ann. § 75-627 (1957).
Cal. Vehicle Code §§ 21950, 21951 (1960, Supp. 1971).
Colo. Rev. Stat. Ann. § 42-4-702 (1973, Supp. 1976).
Conn. Gen. Stat. Ann. §§ 14-300(c), -300c (Supp. 1979).
Del. Code Ann. tit. 21, § 4142 (1974, Supp. 1977).
Fla. Stat. §§ 316.057(6) to -(8) (1971).
Ga. Code Ann. § 68A-502 (1975).
Idaho Code Ann. § 49-722, amended by H.B. 197, CCH ASLR 529 (1977).
Ill. Ann. Stat. ch. 95½, § 11-1002 (Supp. 1978).
Ind. Stat. Ann. § 9-4-1-87 (Supp. 1978).
Iowa Code Ann. § 321.327 (1966).
Kans. Stat. Ann. § 8-1533 (1975).
Ky. Rev. Stat. Ann. § 189.570, amended by H.B. 24, CCH ASLR 1651, 1671-73 (1978).
La. Rev. Stat. Ann. § 32:212 (1963).
Me. Rev. Stat. Ann. tit. 29, § 954 (Supp. 1970).
Md. Trans. Code § 21-502 (1977).
Mass. Ann. Laws ch. 89, § 11 (Supp. 1970); Mass. Rules & Regs. for Driving on State Highways art. IV, § 24, art. VII, §§ 4, 5 (Jan. 1971).
Mich. Stat. Ann. § 169.21 (Supp. 1978).
Minn. Stat. Ann. § 169.21 (Supp. 1978).
Miss. Code Ann. § 63-3-1103 (1972).
Mont. Rev. Codes Ann. § 32-2177 (1961).
Neb. L.B. 265, § 6, CCH ASLR 301 (1971).
Nev. Rev. Stat. § 484.325 (1975).
N.H. Rev. Stat. Ann. § 262-A:33 (1966).
N.J. Rev. Stat. § 39:4-36 (1961).
N.M. Stat. Ann. § 64-7-334, amended by H.B. 112, CCH ASLR 161 523-24 (1978).
N.Y. Vehicle and Traffic Law § 1151 (1960).
N.C. Gen. Stat. § 20-173 (1975).
N.D. Cent. Code § 39-10-28 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.46 (Supp. 1977).
Okla. Stat. Ann. tit. 47, § 11-502 (1962).
Ore. Rev. Stat. §§ 487.290, .300, .305 (1977).
Pa. Stat. Ann. tit. 75, § 3542 (1977).
R.I. Gen. Laws Ann. § 31-18-3 (1957).
S.C. Code Ann. § 56-5-3130 (Supp. 1977).
S.D. Comp. Laws § 32-27-1 (1967).
Tenn. Code Ann. § 59-834 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 77 (1960).
Utah Code Ann. § 41-6-78 (Supp. 1979).
Vt. Stat. Ann. tit. 23, § 1051 (Supp. 1977).
Va. Code Ann. §§ 46.1-231, -230(a), -190(e) (1974, Supp. 1978).
Wash. Rev. Code Ann. § 46.61.235 (Supp. 1966).
W.Va. Code Ann. § 17C-10-2 (1966).
Wis. Stat. Ann. § 346.24 (1958).
Wyo. Stat. Ann. § 31-5-602 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 52 (1966).
P.R. Laws Ann. tit. 9, §§ 1101, 1102 (Supp. 1975).

§ 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.

Historical Note

Pennsylvania—Applies the UVC rule to pedestrians crossing other than within a crosswalk, at an intersection, or any marked crosswalk.

South Dakota—Law is identical to the 1926 Code and thus requires yielding by pedestrians only in business and residence districts. See the Historical Note, *supra*.

Vermont—Requires pedestrians crossing at any place other than "a marked crosswalk at an intersection" to yield the right of way to all vehicles upon the roadway. The UVC would not require pedestrians in a mid-block marked crosswalk to yield; Vermont would. The UVC would not require pedestrians in an unmarked crosswalk to yield; Vermont would.

Virginia—Laws do not expressly require pedestrians not in crosswalks to yield to vehicles, but have these provisions:

> [46.1-203] When crossing highways or streets, pedestrians shall not carelessly or maliciously interfere with the orderly passage of vehicles.
>
> [46.1-232] Pedestrians shall not step into that portion of a highway or street . . . at any point between intersections where their presence would be obscured from the vision of drivers . . . by a vehicle or other obstruction at the curb or side, except to board a passenger bus or to enter a safety zone, in which event they shall cross the highway or street only at right angles.
>
> [46.1-233] When actually boarding or alighting from passenger buses, pedestrians shall have the right of way over vehicles, but shall not, in order to board or alight from passenger buses, step into the highway or street sooner nor remain there longer than is absolutely necessary.

Wisconsin—Law is identical to the 1930 Code provision quoted in the Historical Note, *supra*.

Puerto Rico—Pedestrians crossing outside an intersection or crosswalk must yield.

The laws of two states—Michigan and Missouri—have no provisions comparable to UVC § 11-503(a).

§ 11-503—Crossing at Other Than Crosswalks

(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.

Historical Note

As noted in the Historical Note to § 11-502(c), *supra*, the 1930 Code did not require a driver to yield to a pedestrian in a crosswalk where a tunnel or overhead crossing had been provided.

In the 1934 Code revision, § 11-503(b) was added and has never been amended. UVC Act IV, § 38(a) (Rev. ed. 1930); UVC Act V, § 77(b) (Rev. ed. 1934); UVC Act V, § 86(b) (Rev. ed. 1938); UVC Act V, § 89(b) (Rev. eds. 1944, 1948, 1952); UVC § 11-503(b) (Rev. eds. 1954, 1956, 1962, 1968).

Statutory Annotation

The laws of 41 states are in verbatim or substantial conformity with UVC § 11-503(b):

Alabama	Illinois	Nebraska	Pennsylvania
Arizona	Indiana	Nevada [4]	Rhode Island
Arkansas	Iowa	New Hampshire	South Carolina
California [1]	Kansas	New Jersey	Tennessee
Colorado	Kentucky	New Mexico	Texas
Connecticut	Maine	New York	Utah
Delaware	Maryland	North Carolina	Vermont
Florida [2]	Minnesota	North Dakota	Washington
Georgia [3]	Mississippi	Ohio	West Virginia
Hawaii	Montana	Oklahoma	Wyoming
Idaho			

1. The California law provides: "Whenever any pedestrian crosses a roadway other than by means of a pedestrian tunnel or overhead pedestrian crossing, if a pedestrian tunnel or overhead crossing serves the place where the pedestrian is crossing the roadway, such pedestrian shall yield the right of way to all vehicles on the highway which are so near as to constitute an immediate hazard."
2. The Florida provision requiring a driver to yield is included in a subsection comparable to UVC § 11-502(a).
3. Georgia adds "if he uses the roadway instead of such tunnel or crossing."
4. Nevada substitutes "highway" for roadway.

An Alaska regulation provides:

> A pedestrian may not cross a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided and which is accessible at road level at or near the point of crossing, unless a marked crosswalk is also provided at that point. If the pedestrian overpass or tunnel is not accessible at or near that point and, if no marked crosswalk is provided, a pedestrian crossing the roadway at that point shall yield the right-of-way to all vehicles on the roadway which are so close as to constitute a hazard.

The 10 jurisdictions with no provisions comparable to UVC § 11-503(b) are:

Louisiana [1]	Missouri	Virginia	District of
Massachusetts [2]	Oregon [3]	Wisconsin	Columbia [4]
Michigan	South Dakota		Puerto Rico [5]

1. The Louisiana law does not require a pedestrian at such places to yield, but a law comparable to UVC § 11-502(c) exempts drivers from yielding to pedestrians in crosswalks where tunnels or overhead crossings are provided.
2. A Massachusetts regulation comparable to UVC § 11-503(a) requiring pedestrians outside crosswalks to yield has a second sentence requiring pedestrians to use a pedestrian tunnel or overpass where one has been provided.
3. Oregon (§ 487.295) requires pedestrians to use any pedestrian tunnel or overhead crossing when such tunnel or crossing serves the place where the pedestrian is crossing.
4. The District of Columbia does have a regulation providing that no pedestrian shall cross a specified street between certain streets "other than by proceeding over designated overpasses or through designated underpasses." D.C. Traffic and Motor Vehicle Regs. Pt. I, § 53(b) (1966).
5. Puerto Rico (§ 1101) requires use of tunnels or other structures by pedestrians and bans motor vehicles and bicycles from them.

§ 11-503—Crossing at Other Than Crosswalks

(c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

Historical Note

The 1930 edition of the Code provided that local authorities may by ordinance prohibit pedestrian crossings at intersections where traffic is controlled by traffic-control signals or police officers "and between adjacent intersections so controlled [pedestrians] shall not cross at any place except in a marked or unmarked crosswalk." UVC Act IV, § 39(b) (Rev. ed. 1930).

In the 1934 revision, this subsection was amended to read as it does in the current Code. UVC Act V, § 77(c) (Rev. ed. 1934); UVC Act V, § 86(c) (Rev. ed. 1938); UVC Act V, § 89(c) (Rev. eds. 1944, 1948, 1952); UVC § 11-503(c) (Rev. eds. 1954, 1956, 1962, 1968).

For the Code provision authorizing municipalities to prohibit pedestrian crossing except in a crosswalk, see UVC § 15-107, discussed and quoted in the Historical Note to § 11-501, *supra*.

Statutory Annotation

The laws of 36 states are in verbatim conformity with UVC § 11-503(c):

Alabama	Idaho	Montana	Rhode Island
Alaska [1]	Illinois	Nebraska	South Carolina
Arizona	Indiana	Nevada [2]	Tennessee
Arkansas	Kansas	New Hampshire	Texas
Colorado	Louisiana	New Mexico	Utah
Delaware	Maine	North Carolina	Vermont
Florida	Maryland	North Dakota	Washington
Georgia	Minnesota	Ohio	West Virginia
Hawaii	Mississippi	Oklahoma	Wyoming

1. Applies only in business and residence districts. A second regulation (§ 02.170) requires use of crosswalks on city streets and whenever a crosswalk is located within one block of where a pedestrian wishes to cross. See UVC § 15-107 which authorizes requirements for pedestrian use of crosswalks.
2. Nevada substitutes "official traffic-control devices" for "traffic-control signals."

Nine more jurisdictions have laws that are comparable to UVC § 11-503(c):

California—§ 21955 provides:

> Between adjacent intersections controlled by traffic-control signal devices or by police officers, pedestrians shall not cross the roadway at any place except in a crosswalk.

Connecticut—Law provides: "No pedestrian shall cross a roadway between adjacent intersections at which traffic or pedestrian-control signals are in operation except within a marked crosswalk."

Kentucky—Applies the UVC rule only "within the city limits of every city."

Massachusetts—A regulation provides as follows:

> Pedestrians shall obey the directions of police officers directing traffic and whenever there is an officer directing traffic, a traffic control signal or a marked crosswalk within three hundred (300) feet of a pedestrian, no such pedestrian shall cross a way or roadway except within the limits of a marked crosswalk and as hereinafter provided in these regulations.
>
> Persons alighting from the roadway side of any vehicle parked at the curb or edge of roadway in urban areas within 300 feet of a marked crosswalk shall proceed immediately to the sidewalk or edge of roadway adjacent to vehicle, and shall cross the roadway only as authorized by these regulations.

Pennsylvania—Applies the UVC rule only in urban districts.

South Dakota—A law that is identical to the 1930 Code provides:

> Local authorities in their respective jurisdictions may by ordinance require that at intersections where traffic is controlled by traffic control signals or by police officers, pedestrians shall not cross a roadway against a red or "Stop" signal, and between adjacent intersections so controlled shall not cross at any place except in a marked or unmarked crosswalk.

Virginia—Law provides:

> When crossing highways or streets, pedestrians shall not carelessly or maliciously interfere with the orderly passage of vehicles. They shall cross whenever possible only at intersections, but where intersections of streets contain no marked crosswalks pedestrians shall not be guilty of negligence as a matter of law for failure to cross at said intersection. They shall cross only at right angles.

District of Columbia—A regulation comparable to UVC § 11-502 has the following subsection:

> Between adjacent intersections controlled by traffic control signal devices or by police officers, pedestrians shall not cross the roadway at any place except in a crosswalk.

Puerto Rico—Requires use of a marked crosswalk when, as to any two consecutive intersections, one is controlled by a traffic control device.

The laws of seven states do not have provisions requiring pedestrians to use marked crosswalks where traffic-control signals are in operation at adjacent intersections. Many of these states may, of course, have provisions comparable to UVC § 15-107 empowering local authorities to require pedestrians to use crosswalks in business districts or on any designated highway. The seven states are:

Iowa [1]	New Jersey [2]	Oregon
Michigan	New York	Wisconsin
Missouri		

1. The Iowa law provides that where traffic-control signals are in operation at any place that is not an intersection, a pedestrian must use a marked crosswalk.

2. See N.J. Stat. Ann. § 39:4-33, which provides: "At intersections where traffic is directed by a police officer or traffic signal, no pedestrian shall enter upon or cross the highway at any point other than a crosswalk." See also, N.J. Stat. Ann. § 39:4-34 requiring pedestrians, as a general rule, to use a crosswalk or, in the absence of a crosswalk, to cross at right angles to the roadway.

§ 11-503—Crossing at Other Than Crosswalks

(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. (New, 1962.)

Historical Note

This provision was placed in the Code in 1962. See also, UVC § 11-203.

Statutory Annotation

Twenty-seven jurisdictions have laws in verbatim conformity with UVC § 11-503(d):

Alaska	Illinois	Nevada [3]	Texas
Colorado [1]	Indiana [2]	New Hampshire	Utah
Delaware	Kansas	New York	Vermont
Florida	Kentucky	North Dakota	Washington
Georgia	Maine	Ohio	District of Columbia
Hawaii	Maryland	Pennsylvania	
Idaho	Nebraska	South Carolina	Puerto Rico

1. A Colorado law (§ 42-4-703(4)) is identical to UVC § 11-503(d). A second law (§ 42-4-702(e)) containing provisions comparable to UVC § 11-203 on pedestrian-control signals provides: "(e) Whenever a signal system provides a signal phase for the stopping of all vehicular traffic and the exclusive movement of pedestrians, and 'Walk' and 'Don't Walk' indications control such pedestrian movement, pedestrians may cross in any direction between corners of the intersection offering the shortest route within the boundaries of the intersection when the 'Walk' indication is exhibited, if signals and other devices direct pedestrian movement in such manner consistent with section 42-4-703(4).

2. The Indiana law concludes, "pertaining to diagonal crossing movements."

3. Another Nevada law provides that whenever a signal system provides for the stopping of all vehicular traffic and the exclusive movement of pedestrians, pedestrians may cross in any direction between corners of an intersection "offering the shortest route when the 'Walk' or other official traffic-control devices direct pedestrian movement."

Connecticut has a law in substantial conformity which provides, "No pedestrian shall cross a roadway intersection diagonally unless authorized by a pedestrian-control signal or police officer. When authorized by a pedestrian-control signal or police officer to cross an intersection diagonally each pedestrian shall cross only in accordance with such signals or as directed by such police officer."

The remaining states do not have provisions directly comparable to UVC § 11-503(d). For state laws on pedestrian-control signal legends, see UVC § 11-203. See also, laws comparable to Va. Code Ann. § 46.1-230(b) authorizing cities and towns to permit diagonal crossings when all traffic has been halted.

Citations

Ala. Code tit. 32, § 32-5-272 (1975).
13 Alaska Adm. Code § 02.160 (1971).
Ariz. Rev. Stat. Ann. § 28-793 (1956).
Ark. Stat. Ann. § 75-628 (1957).
Cal. Vehicle Code §§ 21953, 21954, 21955 (1960, Supp. 1966).
Colo. Rev. Stat. Ann. §§ 42-4-703, -702(e) (1973).
Conn. Gen. Stat. Ann. § 14-300b (Supp. 1979).
Del. Code Ann. tit. 21, § 4143 (Supp. 1966).
Fla. Stat. §§ 316.057(6), (9), (10), (13) (1971).
Ga. Code Ann. § 68A-503 (1975).
Hawaii Rev. Stat. § 291C-73 (Supp. 1971).
Idaho Code Ann. § 49-723, amended by H.B. 197, CCH ASLR 530 (1977).
Ill. Ann. Stat. ch. 95½, § 11-1003 (Supp. 1978).
Ind. Stat. Ann. § 9-4-1-88 (Supp. 1978).
Iowa Code Ann. § 321.328 (1966).
Kans. Stat. Ann. § 8-557 (Supp. 1971).
Ky. Rev. Stat. Ann. § 189.570, amended by H.B. 24, CCH ASLR 1651, 1672-73 (1978).
La. Rev. Stat. Ann. § 32:213 (1963).
Me. Rev. Stat. Ann. tit. 29, § 955 (Supp. 1970).
Md. Trans. Code § 21-503 (1977).
Mass. Rules & Regs. for Driving on State Highways art. VII, § 5 (Oct. 1964).
Minn. Stat. Ann. § 169.21 (1960).
Miss. Code Ann. § 63-3-1105 (1972).
Mont. Rev. Codes Ann. § 32-2178 (1961).
Neb. L.B. 265, § 7 CCH ASLR 301 (1971).
Nev. Rev. Stat. §§ 484.325(4)(d), .327 (1975).
N.H. Rev. Stat. Ann. § 262-A:34 (1966).
N.J. Rev. Stat. §§ 39:4-33, -34, -36.1 (1961, Supp. 1971).
N.M. Stat. Ann. § 64-7-335, amended by H.B. 112, CCH ASLR 161, 524-25 (1978).
N.Y. Vehicle and Traffic Law § 1152 (1960, Supp. 1966).
N.C. Gen. Stat. § 20-174 (1965).
N.D. Cent. Code § 39-10-29 (Supp. 1977).
Ohio Rev. Code Ann. §§ 4511.48, .50 (Supp. 1977).
Okla. Stat. Ann. tit. 47, § 11-503 (1962).
Ore. Rev. Stat. § 487.310 (1977).
Pa. Stat. Ann. tit. 75, § 3543 (1977).
R.I. Gen. Laws Ann. §§ 31-18-5, -6, -7 (1957).
S.C. Code Ann. § 56-5-3150 (Supp. 1977).
S.D. Comp. Laws §§ 32-27-3, -4 (1967).
Tenn. Code Ann. § 59-835 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 78 (1969, Supp. 1972).
Utah Code Ann. § 41-6-79 (Supp. 1979).
Vt. Stat. Ann. tit. 23, § 1052 (Supp. 1977).
Va. Code Ann. §§ 46.1-230, -232, -233 (1967).
Wash. Rev. Code Ann. § 46.61.240 (Supp. 1966).
W. Va. Code Ann. § 17C-10-3 (1966).
Wis. Stat. Ann. § 346.25 (1958).
Wyo. Stat. Ann. § 31-5-603 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, §§ 53, 52 (1966).
P.R. Laws Ann. tit. 9, § 1101 (Supp. 1975).

§ 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. (REVISED 1971 & 1975.)

Historical Note

The 1930 Code section containing rules requiring a driver to yield to pedestrians in crosswalks and requiring pedestrians outside crosswalks to yield to vehicles had this subsection:

> The provisions of this section shall not relieve the driver of a vehicle or the pedestrian from the duty to exercise due care.

UVC Act IV, § 38(d) (Rev. ed. 1930). This provision was revised in 1934 and placed in a section comparable to UVC § 11-503 requiring pedestrians to yield:

> Notwithstanding the provisions of this section every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

UVC Act V, § 77(d) (Rev. ed. 1934). That provision became a separate section in 1938 and the introductory clause was changed from "the provisions of this section" to "the foregoing provisions of this article." UVC Act V, § 87 (Rev. ed. 1938). The word "article" was replaced by "chapter" in 1954. UVC Act V, § 90 (Rev. eds. 1944, 1948, 1952); UVC § 11-504 (Rev. eds. 1954, 1956).

In 1962, the section was amended by the insertion of the word "obviously" before the phrase "confused or incapacitated person upon a roadway." In 1968, it was amended as follows:

> Notwithstanding *other* [the foregoing] provisions of this chapter, every driver of a vehicle shall exercise due care to avoid

colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway.

The above drafting change was made in 1968 to clarify the relationship of this section with other rules which follow it in the Code.

The 1971 revisions were as follows:

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 [upon any roadway] and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused, [or] incapacitated *or intoxicated* person [upon a roadway].

The reference to drunk pedestrians was added because of the adoption of UVC § 11-512. Though that section prohibits walking on the highway by drunk and drugged pedestrians, it was thought important to provide that drivers should nonetheless avoid striking them. The introductory reference to ordinances was added to make certain that this section applies even though the pedestrian is in violation of a valid local regulation, such as one requiring pedestrians to use crosswalks.

In 1975, the section was revised to require drivers to avoid colliding with bicycles or any vehicle moved by human power. The reference to horn was deleted because some vehicles do not have them and any audible signal, such as a shout, would be adequate.

Statutory Annotation

Idaho, Indiana, Rhode Island, South Carolina and Utah conform with the section as revised in 1975.

Four states duplicate the 1971 section:

Georgia [1]	Illinois	Kansas [2]	North Dakota

1. Georgia omits reference to ordinances and applies on roadways.
2. Kansas omits intoxicated persons.

Eight states have laws in verbatim conformity with the 1962-1968 Code section:

Delaware [1]	Maryland	New Hampshire	Vermont
Hawaii	Nebraska [2]	Texas	Washington

1. The Delaware law adds "or a person wholly or partially blind, carrying a cane or walking stick white in color, or white tipped with red or accompanied by a guide dog, upon a roadway." See § 11-511, *infra*.
2. Nebraska substitutes "an audible signal" for "sounding the horn."

Alaska is very similar to the 1971 Code, differing only by omitting a reference to intoxicated persons and by adding "or upon observing other conditions and circumstances which require extra caution." Alaska does not refer to ordinances.

The laws of 19 jurisdictions are very similar to the Code, but the introductory clause in each differs, thereby altering their application, as noted. None of these jurisdictions (except Colorado, Florida, Kentucky, Minnesota, and South Carolina) includes the word "obviously" in the reference to "confused or incapacitated persons."

Alabama [1]	Iowa [3]	Montana [4]	Tennessee [5]
Arizona [2]	Kentucky [3]	New Mexico [1]	West Virginia [1]
Arkansas [3]	Louisiana [5]	North Carolina [3, 6]	Wyoming [5]
Colorado [2]	Minnesota [4]	Oklahoma [5]	District of Columbia [4]
Florida [4]	Mississippi [3]	South Carolina [7]	

1. The laws of these states generally apply notwithstanding any preceding pedestrian rules comparable to those in UVC §§ 11-501 to 11-503. See the 1938 Code provision in the Historical Note, *supra*.
2. The Arizona and Colorado laws apply not withstanding any other rule of the road, as does the 1971 Code.
3. The laws of these states apply not withstanding provisions like those in UVC § 11-503 relating to pedestrians outside crosswalks. See the 1934 Code provision in the Historical Note, *supra*.
4. The laws of these jurisdictions apply notwithstanding any pedestrian rules comparable to those in Article V of Chapter 11 of the Code. The District of Columbia regulation also applies at intersections where signals are in operation because it refers to another section like UVC § 11-202.
5. The laws of these states apply notwithstanding any preceding rule of the road in substantial conformity with the 1962 Code.
6. See also, § 20-174.1 providing that no person shall wilfully stand, sit or lie upon the highway in such a manner as to impede the regular flow of traffic.
7. The South Carolina law applies not withstanding other provisions "of any local ordinance."

The comparable laws of seven more jurisdictions are discussed or quoted below:

California—Law comparable to UVC § 11-503(a) requiring pedestrians outside crosswalks to yield provides:

The provisions of this section shall not relieve the driver of a vehicle from the duty to exercise due care for the safety of any pedestrian upon a roadway.

Law comparable to UVC § 11-502(b) contains a similar provision.

Connecticut—Law provides:

Notwithstanding any provisions of the general statutes or any regulations issued thereunder, sections 14-299, 14-300, 14-300b to 14-300e, inclusive, or any local ordinance to the contrary, each operator of a vehicle shall exercise due care to avoid colliding with any pedestrian or person propelling a human powered vehicle and shall give a reasonable warning by sounding a horn or other lawful noise emitting device to avoid a collision.

Massachusetts—A regulation applicable to driving on state highways provides:

Furthermore, notwithstanding the provisions of these regulations every operator of a vehicle shall exercise due care to avoid colliding with any pedestrian upon the roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution which may become necessary for safe operation.

The regulation also provides that its pedestrian rules do not abrogate statutes on blind pedestrians (ch. 90, § 14A) and on precaution for the safety of other travelers (ch. 90, § 14). The latter section contains a provision comparable to UVC § 11-801(c)—slow down for pedestrians.

New York—Law provides:

Notwithstanding the foregoing provisions of this article every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary.

The "foregoing provisions in this article" include laws comparable to UVC §§ 11-501 to 11-503 and an additional section on blind pedestrians.

Ohio—Law provides:

This section does not relieve the operator of a vehicle, streetcar, or trackless trolley from exercising due care to avoid colliding with any pedestrian upon any roadway.

The reference to "this section" includes provisions comparable to UVC §§ 11-503(a) and (b).

Oregon—A law with provisions comparable to UVC §§ 11-502 and 11-503 provides:

This section does not relieve the driver of a vehicle or a pedestrian from the duty to exercise due care.

Puerto Rico—Requires drivers to take all precautions not to run over pedestrians and to take special precautions of children, old or disabled persons. Precautions are to be taken even though the pedestrian is incorrectly or unlawfully using the public highway. Use of the horn does not relieve the driver of criminal liability, when such use is not accompanied by other safety measures.

The remaining nine states do not have provisions similar to UVC § 11-504. Many of these states, of course, may have provisions comparable to UVC § 11-801 requiring an appropriate speed when a special hazard exists with respect to pedestrians, and all nine have provisions for blind pedestrians. The nine states are:

Maine	Nevada	South Dakota
Michigan	New Jersey	Virginia
Missouri	Pennsylvania	Wisconsin

Citations

Ala. Code tit. 32, § 32-5-273 (1975).
13 Alaska Adm. Code § 02.165 (1971).
Ariz. Rev. Stat. Ann. § 28-794 (1956).
Ark. Stat. Ann. § 75-628(d) (1957).
Cal. Vehicle Code § 21954 (Supp. 1966).
Colo. Rev. Stat. Ann. § 42-4-707 (1973).
Conn. Gen. Stat. Ann. § 14-300d (Supp. 1979).
Del. Code Ann. tit. 21, § 4144 (Supp. 1977).
Fla. Stat. § 316.057(14) (1971).
Ga. Code Ann. § 68A-504 (1975).
Hawaii Rev. Stat. § 291C-74 (Supp. 1971).
Idaho Code Ann. § 49-724, amended by H.B. 197, CCH ASLR 530 (1977).
Ill. Ann. Stat. ch. 95½, § 11-1003 (1971).
Ind. Stat. Ann. § 9-4-1-89 (Supp. 1978).
Iowa Code Ann. § 321.329 (1966).
Kans. Stat. Ann. § 8-1535 (1975).
Ky. Rev. Stat. Ann. § 189.570(6) (d), amended by H.B. 24, CCH ASLR 1651, 1672 (1978).
La. Rev. Stat. Ann. § 32:214 (1963).
Md. Trans. Code § 21-504 (1977).
Mass. Ann. Laws ch. 90, § 14 (Supp. 1966); Mass. Rules & Regs. for Driving on State Highways art. IV, § 25 (Oct. 1964).
Minn. Stat. Ann. §§ 169.21(3), .202 (Supp. 1978).
Miss. Code Ann. § 63-3-1105 (1972).
Mont. Rev. Codes Ann. § 32-2179 (1961).
Neb. Rev. Stat. § 39-644 (1974).
N.H. Rev. Stat. Ann. 262-A:35 (1966).
N.M. Stat. Ann. § 64-7-337, amended by H.B. 112, CCH ASLR 161, 525 (1978).
N.Y. Vehicle and Traffic Law § 1154 (1960).
N.C. Gen. Stat. § 20-174(e) (1965).
N.D. Cent. Code § 39-10-30 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.48 (1965).
Okla. Stat. Ann. tit. 47, § 11-504 (1962).
Ore. Rev. Stat. § 483.210 (1977).
R.I. Gen. Laws Ann. § 31-18-8 (Supp. 1977).
S.C. Code Ann. § 56-5-3230 (Supp. 1977).
Tenn. Code Ann. § 59-836 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 79 (Supp. 1972).
Utah Code Ann. § 41-6-80 (Supp. 1979).
Vt. Stat. Ann. tit. 23, § 1053 (Supp. 1977).
Wash. Rev. Code Ann. § 46.61.245 (1962).
W. Va. Code Ann. § 17C-10-4 (1966).
Wyo. Stat. Ann. § 31-5-607 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 54 (1966).
P.R. Laws Ann. tit. 9, § 1102 (Supp. 1975).

§ 11-505—Pedestrians to Use Right Half of Crosswalks

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

Historical Note

This provision was placed in the Code in 1930. UVC Act IV, § 40 (Rev. ed. 1930); UVC Act V, § 78 (Rev. ed. 1934); UVC Act V, § 88 (Rev. ed. 1938); UVC Act V, § 91 (Rev. eds. 1944, 1948, 1952); UVC § 11-505 (Rev. eds. 1954, 1956, 1962, 1968).

Statutory Annotation

The laws of 38 states and the District of Columbia are in verbatim conformity with UVC § 11-505, except as noted:

Alabama	Illinois	Montana	Oklahoma
Arizona [1]	Indiana	Nebraska	Rhode Island
Arkansas	Iowa	Nevada	South Carolina
Colorado	Kansas	New Hampshire	Tennessee
Connecticut [2]	Kentucky	New Jersey	Texas
Delaware	Louisiana	New Mexico	Utah
Florida	Maryland [3]	New York	Vermont
Georgia	Massachusetts [4]	North Dakota	West Virginia
Hawaii	Minnesota	Ohio	Wyoming
Idaho	Mississippi		

1. The Arizona law provides: "Pedestrians shall move expeditiously, when practicable, upon the right half of crosswalks."
2. The Connecticut law provides: "Each pedestrian crossing a roadway within a crosswalk shall travel whenever practicable upon the right half of such crosswalk."
3. The Maryland law provides: "If practicable, a pedestrian shall walk on the right half of a crosswalk."
4. A Massachusetts regulation provides that "pedestrians shall at all times attempt to cross a roadway using the right half of crosswalks."

Thirteen jurisdictions have no provisions comparable to UVC § 11-505:

Alaska	Michigan	Oregon	Virginia
California	Missouri	Pennsylvania	Washington
Maine	North Carolina	South Dakota	Wisconsin
			Puerto Rico

Citations

Ala. Code tit. 32, § 32-5-274 (1975).
Ariz. Rev. Stat. Ann. § 28-795 (1956).
Ark. Stat. Ann. § 75-629 (1957).
Colo. Rev. Stat. Ann. § 42-4-704 (1973).
Conn. Gen. Stat. Ann. § 14-300b(c) (Supp. 1979).
Del. Code Ann. tit. 21, § 4145 (Supp. 1966).
Fla. Stat. § 316.057(12) (1971).
Ga. Code Ann. § 68-1659 (1957).
Hawaii Rev. Stat. § 291C-75 (Supp. 1971).
Idaho Code Ann. § 49-725, amended by H.B. 197, CCH ASLR 531 (1977).
Ill. Ann. Stat. ch. 95½, § 11-1005 (1971).
Ind. Stat. Ann. § 9-4-1-90(a) (Supp. 1978).
Iowa Code Ann. § 321.330 (1966).
Kans. Stat. Ann. § 8-558 (1964).
Ky. Rev. Stat. Ann. § 189.570 (1977).
La. Rev. Stat. Ann. § 32:215 (1963).
Md. Trans. Code § 21-505 (1977).
Mass. Rules & Regs. for Driving on State Highways art. VII, § 4(b) (Oct. 1964).
Minn. Stat. Ann. § 169.21(14) (1960).
Miss. Code Ann. § 63-3-1107 (1972).
Mont. Rev. Codes Ann. §§ 32-2180 (1961).
Neb. Rev. Stat. § 39-645 (1974).
Nev. Rev. Stat. § 484.329 (1975).
N.H. Rev. Stat. Ann. § 262-A:36 (1966).
N.J. Rev. Stat. § 39:4-33 (1961).
N.M. Stat. Ann. § 64-7-338, renumbered by H.B. 112, CCH ASLR 161, 525 (1978).
N.Y. Vehicle and Traffic Law § 1155 (1960).
N.D. Cent. Code § 39-10-32 (1960).
Ohio Rev. Code Ann. § 4511.49 (1965).
Okla. Stat. Ann. tit. 47, § 11-505 (1962).
R.I. Gen. Laws Ann. § 31-18-9 (1957).
S.C. Code Ann. § 56-5-3140 (1976).
Tenn. Code Ann. § 59-837 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 80 (1960).
Utah Code Ann. § 41-6-80 (1960).
Vt. Stat. Ann. tit. 23, § 1054 (Supp. 1977).
W. Va. Code Ann. § 17C-10-5 (1966).
Wyo. Stat. Ann. § 31-5-604 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 55 (1966).

§ 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 a 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. (Section revised; subsection (d) new, 1971.)

Historical Note

In the interest of providing pedestrians more complete instructions as to the safest place to walk along a highway, the 1971 Code specifies that a pedestrian shall use:

(1) Any available sidewalk when its use is possible, reasonable and safe.

(2) A shoulder if no sidewalk is available.

(3) An area near an outside edge of the roadway (facing traffic on a two-way roadway) if there is no sidewalk and no shoulder.

Implicit in this order of safest paths for pedestrian travel is the recognition that the greatest possible distance from vehicular traffic is best and that pedestrians should not be bound by a rule which might prevent selection of that course.

Subsection (d) supplements UVC § 11-503(a) because it requires pedestrians upon a roadway to yield to vehicular traffic even though they are not crossing. Thus, a pedestrian walking along a roadway must yield to vehicles. The new requirement to yield does not, of course, apply when the pedestrian is in a crosswalk or crossing in compliance with pedestrian or traffic-control signals.

Prior to 1971, this section provided as follows:

> § 11-506—Pedestrians on Roadways
>
> (a) Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.
>
> (b) Where sidewalks are not provided any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

This section was originally added to the Code in 1944. UVC Act V, § 92 (Rev. eds. 1944, 1948, 1952); UVC § 11-506 (Rev. eds. 1954, 1956, 1962, 1968).

Statutory Annotation

Subsection (a).

The laws of 11 states are in verbatim conformity with the Code:

Georgia	Indiana	Nebraska	Pennsylvania
Idaho	Kansas	North Dakota	South Carolina
Illinois	Kentucky	Ohio	

Another nine states are in substantial conformity with the requirement that use of sidewalks be practicable:

Connecticut—"No pedestrian shall walk along and upon a roadway where a sidwalk adjacent to such roadway is provided and the use thereof is practicable."

Florida—"Where sidewalks are provided, no pedestrian shall, unless required by other circumstances, walk along and upon the portion of a roadway paved for vehicular traffic."

Maine—"Where sidewalks are provided and their use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent way."

Massachusetts—"Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway whenever the sidewalk is open to pedestrian use."

Minnesota—"Where sidewalks are provided and usable it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway."

New York—"Where sidewalks are provided and they may be used with safety it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway."

Oregon—Prohibits proceeding along a roadway when there is an adjacent usable sidewalk or shoulder.

Utah—Law differs from the UVC by referring to "sidewalks" and not "sidewalk."

Virginia—"Pedestrians shall not use the roadway or streets, other than the sidewalk thereof, for travel, except when necessary to do so because of the absence of sidewalks, reasonably suitable and passable for their use."

One state (Delaware) differs from the UVC by requiring use of a sidewalk that is "accessible."

The laws of 21 states and the District of Columbia are patterned closely after subsection (a) prior to its revision in 1971:

Alabama	Maryland	New Jersey	Tennessee
Alaska	Michigan [2]	New Mexico	Texas
Arizona	Montana	North Carolina	Vermont
Hawaii [1]	Nevada	Oklahoma	Washington
Louisiana	New Hampshire	Rhode Island	West Virginia
			Wyoming

1. The Hawaii law provides: "Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway, bicycle lane, or bicycle path."
2. The Michigan law provides: "Where sidewalks are provided, it shall be unlawful for pedestrians to walk upon the main traveled portion of the highway."

Puerto Rico provides that pedestrians shall move only on the sidewalk.

Eight states do not have provisions comparable to UVC § 11-506(a):

Arkansas	Iowa	South Dakota
California [1]	Mississippi	Wisconsin
Colorado	Missouri	

1. California § 21966 bans pedestrians from bike paths and lanes when there is an adjacent, adequate sidewalk.

Subsection (b).

This essentially new subsection requires pedestrians walking along a highway to use a shoulder and to be as far as practicable from the edge of the roadway. Twelve states have laws in verbatim conformity:

Colorado	Illinois	Kentucky	Ohio
Georgia	Indiana	Nebraska	Pennsylvania
Idaho	Kansas	North Dakota	South Carolina

Utah differs from the UVC by referring to "sidewalks," and Connecticut has a provision in substantial conformity, as follows:

> Where a sidewalk is not provided adjacent to a roadway each pedestrian walking along and upon such roadway shall walk only on the shoulder thereof and as far as practicable from the edge of such roadway.

In the absence of usable sidewalks, Virginia allows pedestrians to use either shoulder if it is wide enough. Massachusetts requires use of the unfinished shoulder on the left facing traffic approaching from the opposite direction but, on divided highways, pedestrians must use the unfinished shoulder on the right side. Florida and Maryland require a pedestrian to use the shoulder on his left, facing traffic coming from the opposite direction (when practicable in Maryland). Delaware adds to the UVC a requirement to walk on a shoulder facing traffic.

Oregon provides these rules concerning pedestrians and shoulders:

> (2) A pedestrian commits the offense of improper use of a highway shoulder if in using the shoulder, he does not position himself upon, or proceed along and upon, the shoulder as far as practicable from the roadway edge on a highway which has an adjacent shoulder area on one or both sides.
>
> (3) Except in the case of the divided highway, a pedestrian commits the offense of failure to use left highway shoulder if he does not position himself upon, or proceed along and upon, the left shoulder and as far as practicable from the roadway edge on a two-highway which has no sidewalk and which does have an adjacent shoulder area. This subsection shall not apply to a hitchhiker who positions himself upon, or proceeds along and upon, the right shoulder so long as he does so facing the vehicles using the adjacent lane of the roadway.
>
> (4) A pedestrian shall position himself upon, or proceed along and upon, the right highway shoulder, as far as practicable from the roadway edge, on a divided highway which has no sidewalk and does have a shoulder area.

The following 22 states and the District of Columbia provide, as did the UVC prior to 1971, that pedestrians should walk on the left side of the roadway or on the left shoulder:

Alabama	Minnesota	North Carolina	Texas
Alaska	Montana	Oklahoma	Vermont
Arizona	New Hampshire	Rhode Island	Washington
Hawaii	New Jersey	South Dakota	West Virginia
Louisiana	New Mexico	Tennessee	Wyoming
Maine	New York		

The laws of 10 jurisdictions contain no specific provision with reference to pedestrian use of shoulders when there is no sidewalk available:

Arkansas	Iowa	Missouri	Wisconsin
California	Michigan	Nevada	Puerto Rico
Colorado	Mississippi		

Subsection (c).

If a pedestrian must walk along a roadway, the Code requires a position as close as practicable to an outside edge of the roadway. However, if traffic on the roadway moves in both directions, the pedestrian must be near the left edge of the roadway. Thirteen states are in verbatim or near verbatim conformity

Connecticut	Indiana	Nebraska	Pennsylvania
Georgia	Kansas	North Dakota	South Carolina
Idaho	Kentucky	Ohio	Utah
Illinois			

The Oregon law probably is in substantial conformity:

> (5) A pedestrian commits the offense of unlawful use of roadway if he fails to position himself upon, or proceed along and upon, a highway which has neither sidewalk nor shoulder available, as near as practicable to an outside edge of the roadway, and, if the roadway is a two-way roadway, only on the left side of it.

Three states require walking near the left edge of the roadway:

California—Pedestrians outside business and residence districts must be close to their left-hand edge of the roadway.

New Jersey—Requires walking on the extreme left side of the roadway when practicable.

Virginia—Pedestrians should keep to the extreme left side or edge of the roadway.

Delaware's law differs from the UVC by applying on all roadways and requiring one to walk "facing traffic" and not "on the left side of the roadway" as in the UVC. The law also provides that on one-way roadways which are part of a controlled-access highway, pedestrians are not required to walk facing traffic.

Like the Code prior to 1971, the laws of 27 states and the District of Columbia provide that pedestrians must walk on the left side of the roadway facing traffic coming from the opposite direction:

Alabama	Maine	New Mexico	Texas
Alaska	Maryland	New York	Vermont
Arizona	Michigan	North Carolina	Washington
Colorado	Minnesota	Oklahoma	West Virginia
Hawaii	Montana	Rhode Island	Wisconsin
Iowa	Nevada [1]	South Dakota	Wyoming
Louisiana	New Hampshire	Tennessee	

1. The Nevada law applies to pedestrians and to persons riding animals.

Puerto Rico provides:

> (b) Pedestrians shall move only on the sidewalk and, where there are no sidewalks, while possible and practical, they shall move upon the edge of the curb or left-side border or walk of the roadway facing traffic, and in no case shall they abandon same abruptly or hurriedly when a vehicle is so near that the driver is unable to yield the right of way. In funeral processions afoot, pedestrians shall keep to the right side of the public highway, occupying not more than half of the main-traveled portion of the roadway.

Five states do not describe where on the roadway a pedestrian should walk:

Arkansas	Massachusetts	Mississippi
Florida		Missouri

Subsection (d).

This new provision requires pedestrians to yield to all vehicles on the roadway. It supplements UVC § 11-503(a) which requires yielding by pedestrians crossing the roadway. Twelve states are in verbatim conformity: Delaware, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, North Dakota, Oregon, Pennsylvania, South Carolina and Utah.

Connecticut differs from the Code by excepting only rules on traffic control signals and those relating to pedestrians' rights and duties. Ohio differs from the Code by excepting only rules on traffic-control signals and yielding to pedestrians in crosswalks and not all rules of the road as in the UVC. California § 21954 is clearly in substantial conformity. It requires pedestrians upon a roadway at any point other than within a crosswalk to yield the right of way to all vehicles upon the roadway.

In the following six states, laws require a pedestrian walking along a roadway to be on the left side or to be near the left edge and to yield to approaching vehicles:

Minnesota [1]	North Carolina	Washington [3]
New York [2]	Oklahoma	Wisconsin [4]

1. Pedestrian must give way to oncoming traffic.
2. Pedestrian must move as far to the left as practicable upon the approach of a vehicle from the opposite direction.
3. Pedestrian must step clear of the roadway upon meeting an oncoming vehicle.
4. Pedestrian, if practicable, must step to extreme outer limit of the roadway.

The remaining states do not have comparable provisions in their laws.

Citations

Ala. Code tit. 32, § 32-5-275 (1975).
13 Alaska Adm. Code § 02.175 (1971).
Ariz. Rev. Stat. Ann. § 28-796 (1956).
Cal. Vehicle Code § 21956 (1960).
Colo. Rev. Stat. Ann. § 42-4-705 (1973).
Conn. Gen. Stat. Ann. § 14-300c (Supp. 1979).
Del. Code Ann. tit. 21, § 4146 (Supp. 1977).
Fla. Stat. §§ 316.057(2), (3) (1971).
Ga. Code Ann. § 68A-506 (1975).
Hawaii Rev. Stat. § 291C-76 (Supp. 1971), amended by H.B. 999, CCH ASLR 940 (1977).
Idaho Code Ann. § 49-726, amended by H.B. 197, CCH ASLR 531 (1977).
Ill. Ann. Stat. ch. 95½, § 11-1007 (Supp. 1977).
Ind. Stat. Ann. § 9-4-1-90 (Supp. 1978).
Iowa Code Ann. § 321.326 (1966).
Kans. Stat. Ann. § 8-1537 (1975).
Ky. Rev. Stat. Ann. §§ 189.570(12)-(15), amended by H.B. 24, CCH ASLR 1651, 1673-74 (1978).
La. Rev. Stat. Ann. § 32:216 (1963).
Me. Rev. Stat. Ann. tit. 29, § 904 (1965).
Md. Trans. Code § 21-506 (1977).
Mass. Rules & Regs. for Driving on State Highways art. VII, §§ 4(c), (d) (Oct. 1964).
Mich. Stat. Ann. § 9.2355 (1973).
Minn. Stat. Ann. § 169.21(5) (Supp. 1978).
Mont. Rev. Codes Ann. § 32-2181 (1961).
Neb. Rev. Stat. § 39-645 (1974).
Nev. Rev. Stat. § 484.331 (1975).
N.H. Rev. Stat. Ann. § 262-A:37 (1966).
N.J. Rev. Stat. § 39:4-34 (1961).
N.M. Stat. Ann. § 64-7-339, amended by H.B. 112, CCH ASLR 161, 526 (1978).
N.Y. Vehicle and Traffic Law § 1156 (1960).
N.C. Gen. Stat. § 20-174(d) (1975).
N.D. Cent. Code § 39-10-33 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.50 (Supp. 1977).
Okla. Stat. Ann. tit. 47, § 11-506 (1962).
Ore. Rev. Stat. § 487.320 (1977).
Pa. Stat. Ann. tit. 75, § 3544 (1977).
R.I. Gen. Laws Ann. §§ 31-18-10, -11 (1957).
S.C. Code Ann. § 56-5-3160 (Supp. 1977).
S.D. Comp. Laws § 32-27-5 (1967).
Tenn. Code Ann. § 59-838 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 81 (1960).
Utah Code Ann. § 41-6-82 (Supp. 1979).

Vt. Stat. Ann. tit. 23, § 1055 (Supp. 1977).
Va. Code Ann. § 46.1-234 (1967).
Wash. Rev. Code Ann. § 46.61.250 (Supp. 1966).
W.Va. Code Ann. § 17C-10-6 (1966).
Wis. Stat. Ann. § 346.28 (1958).
Wyo. Stat. Ann. § 31-5-605 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 56 (1966).
P.R. Laws Ann. tit. 9, § 1101 (Supp. 1975).

§ 11-507—Pedestrians Soliciting Rides or Business

(a) No person shall stand in a roadway for the purpose of soliciting a ride.

(b) No person shall stand on a highway for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle.

(c) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway. (Section revised, 1968.)

Historical Note

Subsection (a) was added to the Code in 1930, in the following form:

> It shall be unlawful for any person to stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle.

The phrase "It shall be unlawful for any person to" was changed to "No person shall" in 1934. See UVC § 11-102. In 1938, the provision was amended to prohibit solicitations from drivers of *any* vehicles by deleting the word "private." UVC Act IV, § 41 (Rev. ed. 1930); UVC Act V, § 79 (Rev. ed. 1934); UVC Act V, § 89 (Rev. ed. 1938); UVC Act V, § 92(c) (Rev. eds. 1944, 1948); UVC Act V, § 92.1 (Rev. ed. 1952); UVC § 11-507 (Rev. eds. 1954, 1956, 1962, 1968).

A prohibition against standing in the roadway to solicit employment or business was added in 1952. In 1968, it was broadened to apply anywhere on the highway and to prohibit soliciting contributions.

Subsection (c) was adopted by the National Committee in 1952.

Statutory Annotation

Subsection (a).

Laws in 40 jurisdictions prohibit standing in the *roadway* to solicit a ride and thus are in substantial agreement with the Uniform Vehicle Code:

Alabama	Illinois	Montana	Rhode Island
Alaska [1]	Indiana	Nebraska	South Carolina
Arizona	Iowa [2,6]	New Mexico	Tennessee
Arkansas [2]	Kansas	New York	Texas
California	Kentucky	North Carolina [8]	Utah [10]
Colorado [2,3]	Louisiana	North Dakota	Virginia [11]
Connecticut [4]	Maryland [7]	Ohio [9]	West Virginia
Florida [5]	Massachusetts	Oklahoma	Wisconsin [12]
Georgia	Minnesota [2]	Oregon	District of Columbia
Idaho	Mississippi [2]	Pennsylvania	Puerto Rico

1. Alaska prohibits standing in the roadway in a manner that will distract a driver's attention.
2. Like the Code in 1930 and 1934, laws in these states prohibit standing in the roadway to solicit a ride only from the driver of a *private* vehicle. Standing in the roadway to solicit a ride from a *public* vehicle can be just as dangerous.
3. Colorado § 42-4-705(5.5) bans hitchhiking on interstate highways except in emergencies, at entrances, exits and designated places.
4. Connecticut prohibits standing on the traveled portion of a highway except to solicit a ride in a bus or taxicab and except in an accident or emergency.
5. The Florida law refers to "the portion of a roadway paved for vehicular traffic" and not to "roadway" as in the Code. A second law (§ 339.30) prohibits stopping or decreasing the speed of a vehicle on limited-access facilities for the purpose of receiving or depositing passengers. The law does not apply to vehicles stopped to render aid to injured persons, assistance to disabled vehicles, or "in obedience to directions of law officers." Compare this law with UVC § 11-1003(a)1i which bans any "stopping" on a controlled-access highway and see the definition of "stopping" in UVC § 1-171.
6. Iowa does not prohibit standing on the portion of a roadway that is ordinarily not used by vehicles.
7. Maryland law does not apply to an occupant from a disabled vehicle seeking assistance. A second law (§ 21-1406) bans hitchhiking on toll bridges, tunnels and their approaches.
8. North Carolina prohibits standing on a state highway except on the shoulders.
9. Ohio does not prohibit soliciting from a safety zone.
10. Utah prohibits standing in the roadway "or shoulder area" to solicit a ride. A "shoulder area" is a "paved area indicated by an edge line or an area contiguous to the roadway used by stopped vehicles, emergency use and lateral support." The UVC would not ban hitchhiking in such areas.
11. Virginia prohibits standing or stopping "in any roadway or street for the purpose of soliciting rides." If "street" is given the same definition as it is in the Code, this law would not be in substantial agreement with the Code.
12. Wisconsin allows standing in the roadway to solicit a ride in a public passenger vehicle.

The Washington law provides:

> (1) No person shall stand in or on a public roadway or alongside thereof at any place where a motor vehicle cannot safely stop off the main traveled portion thereof for the purpose of soliciting a ride for himself or for another from the occupant of any vehicle.
>
> (2) It shall be unlawful for any person to solicit a ride for himself or another from within the right of way of any limited access facility except in such areas where permission to do so is given and posted by the highway authority of the state, county, city or town having jurisdiction over the highway.
>
> (3) The provisions of subsections (1) and (2) above shall not be construed to prevent a person upon a public highway from soliciting, or a driver of a vehicle from giving a ride where an emergency actually exists, nor to prevent a person from signaling or requesting transportation from a passenger carrier for the purpose of becoming a passenger thereon for hire.
>
> (6) It is the intent of the legislature that this section preempt the field of the regulation of hitchhiking in any form, and no county, city, town, municipality, or political subdivision thereof shall take any action in conflict with the provisions of this section.

The New Hampshire law reads as follows:

> It shall be lawful for any person to hitchhike or solicit a ride from the occupant of any vehicle upon any road or highway, or limited access roads and highway provided that the individual is not when so doing, standing on the paved portion of the road or highways.

By prohibiting persons from standing on the *highway* to solicit rides, the laws of seven states differ significantly from the Code:

Delaware	Nevada	Vermont [4]
Hawaii [1]	New Jersey [2,3]	Wyoming
Maine [2]		

1. Except as otherwise provided by county ordinance, the Hawaii law bans standing, walking along or occupying a highway to solicit a ride.
2. The Maine law provides:
   > It shall be unlawful for any person while upon any public highway, or the right-of-way of any public highway, to endeavor by words, gestures or otherwise, to beg, invite or secure transportation in any motor vehicle not engaged in passenger carrying for hire, unless said person knows the driver thereof or any passenger therein. Nothing in this section shall prohibit the solicitation of aid in the event of accidents or by persons who are sick or seeking assistance for the sick. The exception for sickness shall apply only in cases of bona fide sickness in which an emergency exists.
3. The New Jersey law does not apply to soliciting rides on buses or streetcars.
4. Vermont bans soliciting a ride "within the portion of the highway right of way used for highway purposes."

Except in Maine, these laws are probably broad enough to cover a pedestrian hailing a cab from the sidewalk. These measures seem to be an attempt to prohibit hitchhiking on all highways even though it is not unsafe.

Three states—Michigan, Missouri, and South Dakota—do not have laws comparable to UVC § 11-507(a).

Subsection (b).

By prohibiting standing on the *highway* to solicit employment, business or contributions, the laws of 17 states are generally comparable to the revised UVC § 11-507(b):

Connecticut [1]	Illinois [2]	Nevada [5]	Oregon
Delaware	Indiana [3]	New York [6]	South Carolina
Georgia	Kansas	North Carolina [7]	Vermont
Hawaii	Maine [4]	Ohio	Wyoming [3]
Idaho			

1. The Connecticut law provides:
   Any person who shall signal or stop any moving vehicle on any public highway or solicits any occupant of a vehicle stopped by an officer, a signal man, signal or device for regulating traffic, for the purpose of obtaining any alms, contribution or subscription or of selling any merchandise or ticket of admission to any game, show, exhibition, fair, ball, entertainment or public gathering shall be fined not more than fifty dollars for each offense.
2. A second law (§ 11-1416) bans selling on a highway that interferes with effective traffic movement.
3. Employment or business only.
4. The Maine law prohibits signalling a moving vehicle, causing a vehicle to stop, or accosting any occupant of a stopped vehicle for the purpose of soliciting any contribution or selling any merchandise or ticket of admission.
5. Nevada prohibits soliciting business on a highway. The law does not expressly cover employment or contributions.
6. New York bans standing in the roadway to solicit from or sell to an occupant. A second provision bans occupying any state highway, except in a city or village, in any manner for the purpose of selling or soliciting.
7. North Carolina provides:
   No person shall stand or loiter in the main traveled portion, including the shoulders and median, of any State highway or street, excluding sidewalks, or stop any motor vehicle for the purpose of soliciting employment, business or contributions from the driver or occupant of any motor vehicle that impedes the normal movement of traffic on the public highway or streets: Provided that the provisions of this subsection shall not apply to licensees, employees or contractors of the State Highway Commission or of any municipality engaged in construction, or maintenance or in making traffic or engineering surveys."

Like the Code prior to 1968, 20 jurisdictions prohibit standing in the *roadway* to solicit employment or business:

Alaska	Massachusetts [2]	New Jersey [4]	Tennessee
Florida	Minnesota [3]	New Mexico	Texas [3]
Kentucky [1]	Montana	North Dakota [3]	Utah [5]
Louisiana	Nebraska [3]	Oklahoma [3]	Washington
Maryland	New Hampshire	Pennsylvania [3]	Puerto Rico

1. Kentucky has an additional provision which provides:
   No person shall stand on a highway for the purpose of soliciting contributions unless such soliciting is designated by the presence of a traffic control device or warning signal or an emergency vehicle or public safety vehicle as defined . . . making use of the flashing, rotating or oscillating red, blue, or yellow lights on such devices or vehicles.
2. Massachusetts provides for written permission to solicit on a roadway.
3. These states also ban the soliciting of contributions.
4. The New Jersey law provides:
   No person shall stand in the roadway of a highway to stop, impede, hinder or delay the progress of a vehicle for the purpose of soliciting the purchase of goods, merchandise or tickets, or for the purpose of soliciting contributions for any cause, and the only question of law and fact in determining guilt under this section shall be whether goods, merchandise or tickets were tendered or offered for sale, or whether a contribution was solicited.
   An additional subsection authorizes posting notice of the prohibition or signs prohibiting the parking of vehicles for such purposes.
5. Prohibits standing on roadway or shoulder.

The following 14 states and the District of Columbia do not have provisions in their vehicle codes which are comparable:

Alabama	Colorado	Missouri	Virginia
Arizona	Iowa	Rhode Island	West Virginia
Arkansas	Michigan	South Dakota	Wisconsin
California	Mississippi		

Subsection (c).

Twenty-five jurisdictions have laws in verbatim or substantial conformity with UVC § 11-507(c), which prohibits soliciting the watching or guarding of a parked vehicle on or near a highway:

Delaware	Kansas	New Mexico	Tennessee
Florida	Kentucky	New York	Utah
Georgia	Maryland	North Dakota	Vermont
Hawaii	Montana	Oregon	Washington
Idaho	Nebraska	Pennsylvania	Wyoming
Illinois	New Hampshire	South Carolina	Puerto Rico
Indiana			

The remaining states and the District of Columbia do not have laws comparable to UVC § 11-507(c).

Citations

Ala. Code tit. 32, § 32-5-275 (1975).
13 Alaska Adm. Code § 02.180 (1971).
Ariz. Rev. Stat. Ann. § 28-796 (1956).
Ark. Stat. Ann. § 75-630 (1957).
Cal. Vehicle Code § 21957 (1960).
Colo. Rev. Stat. Ann. § 42-4-705 (1973).
Conn. Gen. Stat. Ann. §§ 53-180, -181 (1960).
Del. Code Ann. tit. 21, § 4147 (Supp. 1977).
Fla. Stat. §§ 316.057(4), (5) (1971).
Ga. Code Ann. § 68A-507 (1975).
Hawaii Rev. Stat. § 291C-77 (Supp. 1971).
Idaho Code Ann. § 49-727, amended by H.B. 197, CCH ASLR 531 (1977).
Ill. Ann. Stat. ch. 95½, § 11-1006 (Supp. 1978).
Ind. Stat. Ann. § 9-4-1-91 (Supp. 1978).
Iowa Code Ann. § 321.331 (1966).
Kans. Stat. Ann. § 8-557b (Supp. 1971).
Ky. Rev. Stat. Ann. §§ 189.570(19)-(22), H.B. 24, CCH ASLR 1651, 1674-75 (1978).
La. Rev. Stat. Ann. § 32:218 (1963).
Me. Rev. Stat. Ann. tit. 29, §§ 2188, 2187 (1965).
Md. Trans. Code § 21-507 (1977).
Mass. Rules & Regs. for Driving on State Highways art. VII, § 6 (Oct. 1964).
Mich. Stat. Ann. § 32-2182 (1961).
Minn. Stat. Ann. § 169.22 (Supp. 1977).
Mont. Rev. Codes Ann. § 32-2182 (1961).
Neb. Rev. Stat. § 39-647 (1974).
Nev. Rev. Stat. § 484.331 (1975).
N.H. Rev. Stat. Ann. § 262-A:38 (1977).
N.J. Rev. Stat. §§ 39:4-59, -60 (1961).
N.M. Stat. Ann. § 64-7-340, amended by H.B. 112, CCH ASLR 161, 526 (1978).
N.Y. Vehicle and Traffic Law § 1157 (1970).
N.C. Gen. Stat. § 20-175 (Supp. 1965).
N.D. Cent. Code § 39-10-34 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.51 (Supp. 1977).
Okla. Stat. Ann. tit. 47, § 11-507 (1962).
Ore. Rev. Stat. § 487.330 (1977).
Pa. Stat. Ann. tit. 75, §§ 3543, 3545 (1977).
R.I. Gen. Laws Ann. § 31-18-12 (1957).
S.C. Code Ann. § 56-5-3180 (Supp. 1977).
Tenn. Code Ann. § 59-839 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 81 (Supp. 1972).
Utah Code Ann. § 41-6-82 (Supp. 1979).
Vt. Stat. Ann. tit. 23, § 1056 (Supp. 1977).
Va. Code Ann. § 46.1-234 (1972).
Wash. Rev. Code Ann. § 46.61.255 (Supp. 1977).
W. Va. Code Ann. § 17C-10-6 (1966).
Wis. Stat. Ann. § 346.29(1) (1958).
Wyo. Stat. Ann. § 31-5-606 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 56(c) (1966).
P.R. Laws Ann. tit. 9, § 1103 (Supp. 1975).

§ 11-508—Driving Through Safety Zone Prohibited

No vehicle shall at any time be driven through or within a safety zone.

Historical Note

A provision similar to UVC § 11-508 was adopted in 1926 and provided:

> The driver of a vehicle shall not at any time drive through or over a safety zone as defined in Section 1 of this act.

See the definition of "safety zone" in UVC § 1-159. This provision was repositioned in the Code as a separate section in an article on "Street Cars and Safety Zones" in 1930, and in 1934 was amended to read as it does in the present edition of the Code. In 1962, it was removed from the article on "Streetcars and Safety Zones" and placed in the article on "Pedestrians' Rights and Duties." UVC Act IV, § 23 (1926); UVC Act IV, § 44 (Rev. ed. 1930); UVC Act V, § 83 (Rev. ed. 1934); UVC Act V, § 101 (Rev. ed. 1938); UVC Act V, § 103 (Rev. eds. 1944, 1948, 1952); UVC § 11-1304 (Rev. eds. 1954, 1956); UVC § 11-508 (Rev. ed. 1962, 1968).

Statutory Annotation

Forty-three jurisdictions have laws in verbatim or substantial conformity:

Alabama [1]	Idaho	Nevada	South Carolina
Alaska	Illinois	New Jersey [4]	South Dakota [1]
Arizona	Indiana	New Mexico	Texas
Arkansas	Iowa	New York	Utah
California	Kansas	North Carolina [1]	Vermont
Colorado	Louisiana	North Dakota	Virginia [1]

Connecticut [1]	Maryland	Ohio	Washington
Delaware	Michigan [2]	Oklahoma	Wisconsin [1]
Florida	Minnesota [3]	Oregon	District of
Georgia	Mississippi	Pennsylvania [5]	Columbia
Hawaii	Nebraska	Rhode Island	Puerto Rico

1. The laws of these eight states are similar to the 1926 Code provision and prohibit driving "through or over" a safety zone.
2. The Michigan law applies only when the zone is occupied: "The driver of a vehicle shall not at any time drive through or over a safety zone when such safety zone contains any person thereon."
3. Minnesota prohibits driving "through" a safety zone, not "through or within" as in the Code.
4. The New Jersey law permits driving in a safety zone when authorized: "No driver of a vehicle shall drive through a safety zone unless directed to do so by a police or traffic officer or official sign."
5. A second paragraph provides that "traffic may move on either side of a safety zone, unless prohibited from driving to the left thereof by the erection of an official sign."

Nine states do not have laws comparable to UVC § 11-508:

Kentucky	Missouri	New Hampshire	West Virginia
Maine	Montana	Tennessee	Wyoming
Massachusetts			

Citations

Ala. Code tit. 32, § 32-5-59 (1975).
13 Alaska Adm. Code § 02.185 (1971).
Ariz. Rev. Stat. Ann. § 28-831 (1956).
Ark. Stat. Ann. § 75-636 (1957).
Cal. Vehicle Code § 21709 (1960).
Colo. Rev. Stat. Ann. § 42-4-706 (1973).
Conn. Gen. Stat. Ann. § 14-304 (1960).
Del. Code Ann. tit. 21, § 4197 (Supp. 1966).
Fla. Stat. § 316.113 (1971).
Ga. Code § 68A-508 (1975).
Hawaii Rev. Stat. § 291C-78 (Supp. 1971).
Idaho Code Ann. § 49-728, amended by H.B. 197, CCH ASLR 531 (1977).
Ill. Ann. Stat. ch. 95½, § 11-1104 (1971).
Ind. Ann. Stat. § 9-4-1-91.1 (a) (Supp. 1978).
Iowa Code Ann. § 321.340 (1966).
Kans. Stat. Ann. § 8-563 (1964).
La. Rev. Stat. Ann. § 32-288 (1963).
Md. Trans. Code § 21-508 (1977).
Mich. Stat. Ann. § 9.2366 (1960).
Minn. Stat. Ann. § 169.25 (1960).
Miss. Code Ann. § 63-3-1113 (1972).
Neb. Rev. Stat. § 39-648 (1974).
Nev. Rev. Stat. § 484.495 (1975).
N.J. Rev. Stat. § 39:4-41 (1961).
N.M. Stat. Ann. § 64-7-361(B), amended by H.B. 112, CCH ASLR 161, 542 (1978).
N.Y. Vehicle and Traffic Law § 1221 (1960).
N.C. Gen. Stat. § 20-160 (1965).
N.D. Cent. Code § 39-10-64 (1972).
Ohio Rev. Code Ann. § 4511.60 (1965).
Okla. Stat. Ann. tit. 47, § 11-1301 (1962).
Ore. Rev. Stat. § 487.335 (1977).
Pa. Stat. Ann. tit. 75, § 3546 (1977).
R.I. Gen. Laws Ann. § 31-22-5 (1957).
S.C. Code Ann. § 56-5-3240 (Supp. 1977).
S.D. Comp. Laws § 32-26-21 (1967).
Tex. Rev. Civ. Stat. art. 6701d, § 85 (1960).
Utah Code Ann. § 41-6-94 (1960).
Va. Code Ann. § 46.1-242 (1967).
Vt. Stat. Ann. tit. 23, § 1059 (Supp. 1977).
Wash. Rev. Code Ann. § 46.61.260 (Supp. 1966).
Wis. Stat. Ann. § 346.12 (1958).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 74 (1961).

§ 11-509—Pedestrians' Right of Way on Sidewalks

The driver of a vehicle shall yield the right of way to any pedestrian and all other traffic on a sidewalk. (REVISED, 1971 & 1975.)

Historical Note

This section was added to the Code in 1968, as follows:

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

It was revised in 1971 to require yielding to pedestrians on sidewalks by drivers of vehicles approaching from any direction, origin or destination. Though the 1971 change was made primarily to encompass off-highway vehicles which can enter sidewalks from areas that are not alleys, private roads or driveways, the revision also made it clear that all drivers must yield to pedestrians on sidewalks. UVC § 11-509 (1968, Supp. I 1972). See also, UVC § 11-1103 which bans driving on sidewalks except at driveways.

From 1948 until 1968, the Code did require drivers emerging from an alley, driveway or building in a business or residence district to yield the right of way to any pedestrian as may be necessary to avoid collision. This requirement to yield was deleted from UVC § 11-705 in 1968 when UVC § 11-509 was adopted. In addition to its application only in certain districts, that section did not cover drivers entering a driveway while the present Code rule does. UVC Act V, § 109 (Rev. eds. 1948, 1952); UVC § 11-706 (Rev. eds. 1954, 1956, 1962); UVC § 11-705 (1968, Supp. I 1972).

In 1975, the section was revised to require drivers to yield to bicycles and other vehicles moved by human power.

The driver of a vehicle crossing a sidewalk shall yield the right of way to any pedestrian *and all other traffic* on the sidewalk.

Statutory Annotation

Idaho and Rhode Island are in verbatim conformity with the section as revised in 1975. In addition, Indiana, South Carolina and Utah require drivers "crossing" a sidewalk to yield the right of way to any pedestrian and all other traffic on the sidewalk. North Carolina requires drivers entering or leaving an alley, building, private road or driveway to yield to pedestrians and bicyclists on sidewalks and Virginia requires drivers emerging from an alley, building, private road or driveway to yield to all vehicles or pedestrians approaching on a public sidewalk.

Laws in eight states duplicate the section as revised in 1971. Thus, these states require drivers to yield to any pedestrian on a sidewalk:

Delaware	Illinois	North Dakota	Oregon
Georgia	Kansas	Ohio	Washington

Eleven jurisdictions conform substantially with the Code because they require drivers, both upon entering or leaving non-street areas, to yield to pedestrians on sidewalks:

California—§ 21952 provides:

> The driver of any motor vehicle, prior to driving over or upon any sidewalk, shall yield the right of way to any pedestrian approaching thereon.

Hawaii—Duplicates the 1968 Code.

Louisiana—Varies from 1968 Code by applying to driver of *motor* vehicles.

Maryland—Laws require drivers entering or emerging from alleys, driveways and buildings to yield to pedestrians.

Nebraska—Requires drivers entering or leaving an alley, building, private road or driveway to yield to pedestrians on sidewalks though the requirement is in two separate laws.

New Jersey—§ 39:4-66.1 provides:

> When the driver of a vehicle, about to enter a highway from a private road or driveway or about to enter a private road or driveway from a highway, shall find it necessary to drive upon the sidewalk, he shall yield the right of way to all pedestrians on the sidewalk.

New York and Texas—Duplicate the 1968 Code.

Pennsylvania—Duplicates the 1968 Code.

Wisconsin—§ 346.28(2) provides that drivers shall yield the right of way to pedestrians on sidewalks as required by § 346.47. That section requires drivers emerging from alleys or about to enter or cross a highway "from any point of access other than another highway" to yield the right of way to any pedestrian.

District of Columbia—§ 49 is very similar to UVC § 11-705 and contains an additional sentence which makes the entire section conform in substance with UVC § 11-509.

> The driver of a vehicle emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, yielding the right of way to any pedestrian

as may be necessary to avoid collision, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway. Vehicles entering any alley, driveway, or building shall yield the right of way to any pedestrian using the sidewalk area.

Like the Code prior to 1968, laws in the following 18 jurisdictions require drivers emerging from certain places to yield to pedestrians:

Alabama	Connecticut	Montana	Tennessee
Alaska	Florida	New Hampshire	Vermont
Arizona	Iowa [1]	New Mexico	West Virginia
Colorado	Maine	Oklahoma	Wyoming
		Rhode Island	Puerto Rico

1. Iowa actually requires drivers to proceed only when it will not endanger pedestrian traffic.

The remaining nine states do not have comparable laws requiring drivers to yield for pedestrians on all or certain sidewalks:

Arkansas	Michigan	Missouri
Kentucky	Minnesota	Nevada
Massachusetts	Mississippi	South Dakota

Citations

Ala. Code tit. 32, § 32-5-115 (1975).
13 Alaska Adm. Code § 02.135 (1971).
Ariz. Rev. Stat. Ann. § 28-856 (1956).
Cal. Vehicle Code § 21952 (1959).
Colo. Rev. Stat. Ann. § 42-4-610 (1973).
Conn. Gen. Stat. Ann. § 14-247(a) (Supp. 1966).
Del. Code Ann. tit. 21, § 4151 (Supp. 1977).
Fla. Stat. § 316.125(2) (1971).
Ga. Code Ann. § 68A-509 (1975).
Hawaii Rev. Stat. § 291C-79 (Supp. 1971).
Idaho Code Ann. § 49-729, amended by H.B. 197, CCH ASLR 531 (1977).
Ill. Ann. Stat. ch. 95½, § 11-1008 (Supp. 1978).
Ind. Stat. Ann. § 9-4-1-91.1(b) (Supp. 1978).
Iowa Code Ann. § 321.353 (1966).
Kans. Stat. Ann. § 8-1540 (1975).
La. Rev. Stat. Ann. § 32:219 (Supp. 1978).
Me. Rev. Stat. Ann. tit. 29, § 944 (1965).
Md. Trans. Code § 21-705 (1977).
Mont. Rev. Codes Ann. § 32-2196 (1961).
Neb. Rev. Stat. §§ 39-649, -638 (1974).
N.H. Rev. Stat. Ann. § 262-A:51 (1966).
N.J. Rev. Stat. § 39:4-66.1 (1961).
N.M. Stat. Ann. § 64-7-346, amended by H.B. 112, CCH ASLR 161, 531 (1978).
N.Y. Vehicle and Traffic Law § 1151a (Supp. 1971).
N.C. Gen. Stat. § 20-173 (1975).
N.D. Cent. Code § 39-10-33.1 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.441 (Supp. 1977).
Okla. Stat. Ann. tit. 47, § 11-704 (1962).
Ore. Rev. Stat. § 487.340 (1977).
Pa. Stat. Ann. tit. 75, § 3547 (1977).
R.I. Gen. Laws Ann. § 31-18-18 (Supp. 1977).
S.C. Code Ann. § 56-5-3250 (Supp. 1977).
Tenn. Code Ann. § 59-850 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 76(d) (Supp. 1972).
Utah Code Ann. § 41-6-80.5 (Supp. 1979).
Vt. Stat. Ann. tit. 23, § 1074 (Supp. 1977).
Va. Code Ann. § 46.1-223 (1974).
Wash. Rev. Code Ann. § 46.61.365 (Supp. 1977).
W. Va. Code Ann. § 17C-12-6 (1966).
Wis. Stat. Ann. §§ 346.28(2), .47(1) (1958).
Wyo. Stat. Ann. § 31-5-506 (1977).
17 D.C. Regs. § 49 (1970).
P.R. Laws Ann. tit. 9, § 951 (Supp. 1975).

§ 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 § 12-218 of this act, 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. (New section, 1971.)

Historical Note

This section, requiring pedestrians to yield to authorized emergency vehicles, was added to the Code in 1971.

Statutory Annotation

Eleven states have laws which are patterned closely after this section with any differences described in footnotes:

Georgia [1]	Indiana	North Dakota [1]	Utah
Idaho [2]	Kansas	Pennsylvania	Washington
Illinois [3]	Nebraska [4]	South Carolina	

1. Does not except police vehicles from the flashing light requirement.
2. Authorized emergency vehicles making use of an audible *or* visual signal.
3. Adopted (a) but not (b).
4. Pedestrians on roadways must yield to emergency vehicles using audible *or* visual signals.

Laws in another eight jurisdictions provide as follows:

California—§ 21806 requires pedestrians to remain in a place of safety or proceed to the nearest curb or place of safety until an authorized emergency vehicle has passed, unless otherwise directed by a police officer. This law applies upon the immediate approach of such vehicles sounding a siren and having at least one lighted red lamp. This law contains other provisions that are comparable to UVC § 11-405.

Colorado—§ 42-4-708 requires pedestrians to yield the right of way to authorized emergency vehicles and to leave the roadway and remain off the same until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. The authorized emergency vehicle may use audible "or" visual signals. This law also contains a provision comparable to UVC § 11-510(b).

Florida—§ 316.126 requires pedestrians to yield the right of way until an authorized emergency vehicle has passed, unless otherwise directed by a police officer. This law applies upon the immediate approach of such vehicle enroute to an existing emergency and probably requires an appropriate audible signal. This law is generally comparable to UVC § 11-405 and requires the driver of the emergency vehicle to exercise due regard for safety. Another law (§ 316.132) requiring drivers to yield to pedestrians proceeding on a "Walk" indication does not apply to drivers of emergency vehicles.

Kentucky—§ 189.570(23) provides:

> Upon the immediate approach of an emergency vehicle equipped with, and operating, one or more flashing, rotating, or oscillating red or blue lights, visible under normal conditions from a distance of 500 feet to the front of such vehicle; and the operator is given audible signal by siren, exhaust whistle, or bell, every pedestrian shall yield the right of way to the emergency vehicle.
>
> A second provision duplicates UVC § 11-510(b).

Maryland—Requires pedestrians crossing the roadway to yield to any emergency vehicle that is making use of audible and visual signals, or to a police vehicle sounding an audible signal.

A second subsection conforms with (b).

Ohio—Requires pedestrians to yield to "public safety vehicles" approaching "as stated in section 4511.45." That section, which is comparable to UVC § 11-405, requires safety vehicles to have special audible and visual signals. "Public safety vehicles" are ambulances, motor vehicles used by police officers, vehicles used by fire departments and motor vehicles of volunteer firemen. A subsection conforming with (b) was enacted.

Oregon—Requires pedestrians to yield to emergency vehicles and ambulances and adopted subsection (b). They must yield to an ambulance using either an audible or visual signal, to police and fire vehicles using audible and visual signals at intersections, and to police and fire vehicles using visual signals elsewhere.

District of Columbia—Requires pedestrians to yield the right of way and proceed immediately to the nearest place of safety upon the approach of an authorized emergency vehicle using special audible and visual signals or a police vehicle using only an audible signal.

The remaining jurisdictions do not have comparable laws.

Citations

Cal. Vehicle Code § 21806 (1959).
Colo. Rev. Stat. § 42-4-708, added by H.B. 1039, CCH ASLR 390 (1977).
Fla. Stat. § 316.126(2) (1971).
Ga. Code § 68A-510 (1975).
Idaho Code Ann. § 49-730, added by H.B. 197, CCH ASLR 531 (1977).
Ill. Ann. Stat. ch. 95½, § 11-1009 (Supp. 1977).
Ind. Ann. Stat. § 9-4-1-91.2 (Supp. 1978).
Kans. Stat. § 8-1541 (1965).
Ky. Rev. Stat. Ann. §§ 189.570(23), (24), H.B. 24, CCH ASLR 1651, 1675 (1978).
Md. Trans. Code § 21-510 (1977).
Neb. Rev. Stat. § 39-640 (1974).
N.D. Cent. Code § 39-10-33.2 (Supp. 1977).
Ohio Rev. Code § 4511.452 (Supp. 1977).
Ore. Rev. Stat. § 487.345 (1977).
Pa. Stat. Ann. tit. 75, § 3548 (1977).
S.C. Code Ann. § 56-5-3260 (Supp. 1977).
Utah Code § 41-6-70.10 (Supp. 1979).
Wash. Rev. Code § 46.61.264 (Supp. 1977).
17 D.C. Regs. § 50(a)(3) (1973).

§ 11-511—Blind Pedestrian Right of Way

The driver of a vehicle shall yield the right of way to any blind pedestrian carrying a clearly visible white cane or accompanied by a guide dog. (New, 1971.)

Historical Note

This section was added to the Code in 1971. UVC § 11-511 (Supp. I 1972). See also, UVC § 11-504.

Statutory Annotation

Seven states are in verbatim conformity.

Georgia [1]	Illinois	Kansas	North Dakota
Idaho	Indiana	Kentucky [2]	

1. Adds a reference to "a walking cane."
2. Substitutes "operator" for "driver."

The laws of four states—California, Connecticut, Ohio and Pennsylvania—require drivers to yield to a pedestrian with a white cane or guide dog and are clearly in substantial conformity with the UVC.

Twenty-one states require drivers to stop and take such precautions as may be necessary to avoid endangering a blind pedestrian:

Arizona [1]	Michigan	New Hampshire	South Carolina
Colorado [2]	Missouri	New Mexico	South Dakota
Florida	Montana [2]	Oklahoma [3]	Tennessee
Iowa	Nebraska	Oregon [4]	Utah [1]
Massachusetts	Nevada [2]	Rhode Island	Vermont
			Wisconsin

1. Arizona and Utah require stopping and yielding to blind pedestrians. The other states do not expressly require yielding; The UVC does. Both Arizona and Utah, however, require blind pedestrians to yield to an emergency vehicle sounding a siren.
2. This requirement applies to other pedestrians as well as to drivers in these states.
3. The Oklahoma law refers to a blind pedestrian carrying a cane but no mention is made of a blind pedestrian accompanied by a guide dog.
4. Oregon requires stopping and yielding.

Though not expressly requiring drivers to yield to blind pedestrians, the laws of nine states do require the exercise of special precaution to avoid injuring a blind pedestrian:

Alabama [1,3]	Louisiana [1]	Washington [4]
Delaware [2]	Maine	West Virginia
Hawaii [2]	Mississippi [1]	Wyoming

1. These three states require drivers to stop if necessary.
2. The laws of these states refer to a blind pedestrian carrying a cane but no mention is made of guide dogs. A second law in Delaware does include guide dogs.
3. This requirement applies to other pedestrians as well as to drivers.
4. Entering a crosswalk occupied by a pedestrian with a cane or dog is prohibited.

Of course, UVC § 11-504 would require drivers to exercise special precaution for any obviously incapacitated person.

Four states require drivers to yield to blind pedestrians only at intersections or crosswalks:

Alaska	New York	Texas *
Minnesota		

* Applies when the pedestrian is in or near a crosswalk or intersection.

Like the UVC, New York requires drivers to yield to blind pedestrians (slowing or stopping if necessary). Minnesota requires stopping and giving the right of way to the pedestrian. The other three of these five states require taking special precautions and stopping if necessary to avoid injuring or endangering the pedestrian.

Five state laws apply at places where traffic is not controlled by signals or police officers:

Arkansas [1]	New Jersey [3]	Virginia [3,4]
Maryland [2]	North Carolina [2]	

1. Law does not apply where traffic is controlled by signals. The Arkansas law refers to a blind pedestrian carrying a cane; guide dogs are not mentioned.
2. The Maryland and North Carolina laws apply only at intersections where traffic is not controlled by a police officer or by signals.
3. Laws do not apply where traffic is controlled by a police officer.
4. The Virginia law does not apply outside cities and towns.

In these five states, four (Arkansas, Maryland, New Jersey and North Carolina) declare that the pedestrian has the right of way. Two (Arkansas and New Jersey) require drivers to yield and three (Maryland, North Carolina and Virginia) require drivers to stop.

Puerto Rico requires drivers to slow down to allow crossing of a blind pedestrian identified by a cane or guide dog.

The District of Columbia does not have a comparable law. See its regulation comparable to UVC § 11-504, *supra*.

Citations

Ala. Code tit. 32, § 32-5-276 (1975).
Alaska Stat. Ann. § 28.25.020 (1970).
Ariz. Rev. Stat. Ann. § 28-798 (1956).
Ark. Stat. Ann. § 75-631 (Supp. 1971).
Cal. Vehicle Code § 21963 (Supp. 1971).
Colo. Rev. Stat. Ann. § 40-12-25 (Supp. 1969).
Conn. Gen. Stat. Ann. § 53-211 (Supp. 1971).
Del. Code Ann. tit. 21, § 4144 (Supp. 1970); tit. 16, § 9503, added by H.B. 285, CCH ASLR 315 (1971).
Fla. Stat. § 413.07 (1960).
Ga. Code Ann. § 68A-504.1 (1975).
Hawaii Rev. Stat. § 347-17 (1968).
Idaho Code Ann. § 49-731, amended by H.B. 197, CCH ASLR 532 (1977).
Ill. Ann. Stat. ch. 95½, § 11-1004 (Supp. 1977).
Ind. Stat. Ann. § 9-4-1-91.3 (Supp. 1978).
Iowa Code Ann. § 321.333 (1966).
Kans. Stat. Ann. § 8-1542 (1975).
Ky. Rev. Stat. Ann. § 189.575, amended by H.B. 24, CCH ASLR 1651, 1676 (1978).
La. Rev. Stat. Ann. § 32:217 (1963).
Me. Rev. Stat. Ann. tit. 17, § 1313 (Supp. 1972).
Md. Trans. Code § 21-511 (1977).
Mass. Ann. Laws ch. 90, § 14A (1967).
Mich. Stat. Ann. § 28.770(2) (1964).
Minn. Stat. Ann. § 169.202 (Supp. 1971).
Miss. Code Ann. § 63-3-1111 (1972).
Mo. Ann. Stat. § 304.090 (1963).
Mont. Rev. Codes Ann. § 71-1307, amended by H.B. 86, CCH ASLR 435 (1975).
Neb. Rev. Stat. §§ 20-128, 28-1314 (Supp. 1978).
Nev. Rev. Stat. § 426.510 (1969).
N.H. Rev. Stat. Ann. § 263:58 (1966).
N.J. Rev. Stat. § 39:4-37.1 (1961), amended by Gen. Laws 1971, ch. 81, CCH ASLR (1971).
N.M. Stat. Ann. § 12-13-4 (1968).
N.Y. Vehicle and Traffic Law § 1153 (1970).
N.C. Gen. Stat. § 20-175.2 (1965).
N.D. Cent. Code § 39-10-33.3 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.47 (Supp. 1970).
Okla. Stat. Ann. tit. 47, § 12 (1966).
Ore. Rev. Stat. § 487.370 (1977).
Pa. Stat. Ann. tit. 75, § 1039 (1971).
R.I. Gen. Laws Ann. § 31-18-14 (1969).
S.C. Code Ann. § 56-5-3200 (1976).
S.D. Comp. Laws § 32-27-7 (1967).
Tenn. Code Ann. § 59-881 (1968).
Tex. Rev. Civ. Stat. art. 6701e, § 2 (1969).
Utah Code Ann. § 41-6-80.1 (Supp. 1979).
Vt. Stat. Ann. tit. 23, § 1106 (1967).
Va. Code Ann. § 46.1-237 (1967).
Wash. Rev. Code Ann. § 70.84.040 (Supp. 1971).
W.Va. Code Ann. § 5-15-5 (1971).
Wis. Stat. Ann. § 346.26 (Supp. 1979).
Wyo. Stat. Ann. § 42-35.2 (Supp. 1971).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 54 (1970).
P.R. Laws Ann. tit. 9, § 1136 (Supp. 1975).

§ 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 himself a hazard shall not walk or be upon a highway except on a sidewalk. (New, 1971.)

Historical Note

This section was adopted by the National Committee in 1971. Its purpose is to provide a rule by which pedestrians can avoid conduct that is apparently involved in a significant number of the pedestrian fatalities each year. That is, walking on the highway while drunk or drugged is very dangerous and should be prohibited in the interest of saving lives.

Statutory Annotation

Eight states have laws in verbatim or substantial conformity to this section:

Idaho	Kansas	North Dakota	South Carolina
Illinois	Kentucky *	Pennsylvania	Utah

* Law refers to any "kind of drug."

Eight states have these laws:

Alaska—Regulation provides:

> A person may not be upon or along a highway while under the influence of an intoxicating liquor, narcotic drug or dangerous drug, nor may a person drink intoxicating liquor while upon or along a highway.

Colorado—Law provides:

> It shall be unlawful for any person who is under the influence of intoxicating liquors or any narcotic or stupefying drug to walk or be upon that portion of any highway normally used by moving motor vehicle traffic.

Delaware—Law provides:

> No person shall walk or be upon a public highway of this State while under the influence of intoxicating liquor or narcotic drugs to a degree which renders himself a hazard.

Georgia—Law is patterned after the Code section but applies only on roadways.

Montana—Law provides:

> No person shall walk upon or along the highway while under the influence of intoxicating liquor.

Nevada—Law makes it unlawful for pedestrians or riders of animals to be within the traveled part of any highway while under the influence of intoxicating liquors or any narcotic or stupefying drug. As to riders of animals, see § 11-104.

Ohio—Law patterned after the UVC applies to pedestrians under the influence of alcohol or "any drug of abuse, or combination thereof." The sidewalk exception was not adopted.

Washington—Adopted the Code adding "or, where there is no sidewalk, then off the main traveled part of the highway."

Though the remaining state vehicle codes do not have comparable provisions, many states make it unlawful for a person to be intoxicated in public or on public property. Some of these laws specifically mention highways.

Citations

13 Alaska Adm. Code § 02.175(c) (1971).
Colo. Rev. Stat. Ann. § 42-4-705(3) (1973).
Del. Code Ann. tit. 21, § 4149 (Supp. 1977).
Ga. Code § 68A-505.1 (1975).
Idaho Code Ann. § 49-732, added by H.B. 197, CCH ASLR 532 (1977).
Ill. Ann. Stat. ch. 95½, § 11-1010 (Supp. 1977).
Kans. Stat. § 8-1543 (1975).
Ky. Rev. Stat. Ann. § 189.570(16), H.B. 24, CCH ASLR 1651, 1674 (1978).
Mont. Rev. Codes Ann. § 32-2183 (1961).
Nev. Rev. Stat. § 484.331 (1975).
N.D. Cent. Codes § 39-10-33.4 (Supp. 1977).
Ohio Rev. Code § 4511.481 (Supp. 1977).
Pa. Stat. Ann. tit. 75, § 3350 (1977).
S.C. Code Ann. § 56-5-3270 (Supp. 1977).
Utah Code Ann. § 41-6-82(5) (Supp. 1979).
Wash. Rev. Codes § 46.61.266 (Supp. 1977).

§ 11-513—Bridge and Railroad Signals

(a) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate, or barrier after a bridge operation signal indication has been given.

(b) No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed. (New section, 1971.)

Historical Note

This section appeared in the *Model Traffic Ordinance* from 1952 to 1968. In 1968, it was deleted from the *Ordinance* and added to the UVC.

Statutory Annotation[1]

Twelve states are in verbatim conformity:

Florida	Illinois	Kentucky	Pennsylvania
Georgia	Indiana	Ohio	South Carolina
Idaho	Kansas	Oregon	Washington [1]

1. Washington adds "indicating a bridge is closed to through traffic" after "barrier" in (a).

North Dakota and Utah have adopted subsection (b).

A Massachusetts regulation prohibits a pedestrian from entering or remaining on a bridge or beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.

Citations

Fla. Stat. § 316.057(15) (1971).
Ga. Code Ann. § 68A-506 (1975).
Idaho Code Ann. § 49-733, added by H.B. 197, CCH ASLR 532 (1977).
Ill. Ann. Stat. ch. 95½, § 11-1011 (Supp. 1977).
Ind. Ann. Stat. § 9-4-1-91.4 (Supp. 1978).
Kans. Stat. § 8-1544 (1975).
Ky. Rev. Stat. Ann. §§ 189.570(17), (18), as amended by H.B. 24, CCH ASLR 1651, 1674 (1978).
Mass. Rules & Regs. for Driving on State Highways art. VII, § 7 (1971).
N.D. Cent. Code § 39-10-33.5 (Supp. 1977).
Ohio Rev. Code § 4511.511 (Supp. 1977).
Oregon Rev. Stat. §§ 487.350, .355 (1977).
Pa. Stat. Ann. tit. 75, § 3551 (1977).
S.C. Code Ann. § 56-5-3280 (Supp. 1977).
Utah Code § 41-6-79.20 (Supp. 1977).
Wash. Rev. Code § 46.61.269 (Supp. 1977).

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. (REVISED, 1971.)

Historical Note

The caption and introductory sentence to this section were amended in 1971 by deleting references to intersections in order to apply appropriate portions of these rules to turns at non-intersection locations. UVC § 11-601(a) (Supp. I 1972).

The only other change in subsection (a) since 1934 involved substituting the word "practicable" for "practical" in 1948. UVC Act V, § 64 (Rev. ed. 1934); UVC Act V, § 73 (Rev. ed. 1938); UVC Act V, § 76 (Rev. eds. 1944, 1948, 1952); UVC § 11-601 (Rev. eds. 1954, 1956, 1962, 1968).

This section in the 1930 Code provided:

> Section 32. Turning at Intersections.
>
> The driver of a vehicle intending to turn at an intersection shall do so as follows:
>
> (a) Approach for a right turn shall be made in the lane for traffic nearest to the right-hand side of the highway and the right turn shall be made as closely as practicable to the right-hand curb or edge of the highway.

UVC Act IV, § 32 (Rev. ed. 1930). Though the 1930 subsection was thus quite similar in wording and principle to the current Code provision, the 1934 revision deleted the reference to "lane" and reworded the subsection to require that both the approach and the turn be made as closely as practicable to the right-hand curb or edge of the roadway [highway]. Although not containing the introductory paragraph, the 1926 Code provision was not substantially different from the 1930 subsection:

> Section 17. Turning at Intersections.
>
> (a) Except as otherwise provided in this section, the driver of a vehicle intending to turn to the right at an intersection shall approach such intersection in the lane for traffic nearest to the right-hand side of the highway, and in turning shall keep as closely as practicable to the right-hand curb or edge of the highway . . . .

UVC Act IV, § 17 (1926).

Statutory Annotation

Laws in 14 states are in verbatim or substantial conformity with the revised Code section:

California [1]	Kansas	North Carolina [3]	Pennsylvania
Colorado [2]	Kentucky	North Dakota	South Carolina
Georgia	Nebraska	Oregon	Utah
Idaho			Washington

1. California has a special rule for turns at T intersections allowing turning from the middle lane.
2. Colorado law applies to drivers of "motor" vehicles.
3. Does not have introductory sentence.

See also, the laws of Connecticut, Vermont and Virginia, *infra*, because they also apply at non-intersection locations.

The laws of 29 states and the District of Columbia are in verbatim conformity with the introductory sentence and subparagraph (a) of UVC § 11-601 (prior to their revision in 1971 by deleting references to intersections), except as indicated:

Alabama	Iowa [1]	Missouri [2]	Ohio [5]
Alaska	Louisiana	Montana	Oklahoma
Arizona	Maine	Nevada	Rhode Island
Arkansas [1]	Maryland	New Hampshire	Tennessee
Delaware	Michigan	New Jersey [3]	Texas
Florida	Minnesota	New Mexico	West Virginia
Illinois [1]	Mississippi [1]	New York [4]	Wyoming
Indiana [1]			

1. The laws of these states use the word "practical" instead of "practicable," as did the Code before 1948.
2. See also, Missouri § 304.019(2) describing a proper hand signal for a right turn which also requires approaching an intersection "as near as practicable to the right side of the highway."
3. The introductory sentence of the New Jersey law adds the clause "Except as otherwise provided in this article" but is otherwise identical to the Code.
4. New York has an additional law (§ 1166) requiring the approach for a right turn into an alley, driveway, private road or other property off the roadway to be made as close as practicable to the right-hand curb or edge of the roadway.
5. A subsection of the Ohio law expressly requires drivers of trackless trolleys to comply with provisions like those in UVC §§ 11-601(a)-(c).

The laws of the remaining eight jurisdictions vary as follows:

Connecticut—§ 14-241(a) is identical to § 11-601(a) but concludes with the word "highway" rather than "roadway." The law is captioned "Turns" and does not contain an introductory sentence similar to the one in UVC § 11-601. An additional subsection requires turns to enter or leave certain highways to be made from or into acceleration or deceleration lanes.

Hawaii—Law is in verbatim conformity with UVC § 11-601(a) prior to its 1971 revision but also provides:

> Where a bicycle lane adjacent to the edge of the roadway is designated by appropriate traffic lane markings, the edge of the bicycle lane nearest the center of the roadway shall be deemed the equivalent of the edge of the roadway.

Massachusetts—Ch. 90, § 14, provides:

> Precautions for Safety of Other Travelers. . . . When turning to the right, an operator shall do so in the lane of traffic nearest to the right-hand side of the roadway and as close as practicable to the right-hand curb or edge of the roadway.

Assuming that this law is in substantial conformity with UVC § 11-601(a) as to the proper position for making the right turn, it does not expressly include the "approach" for such turns. See also, the Vermont law discussed, *infra*.

South Dakota—Law is in verbatim conformity with the 1926 Code provision.

Vermont—Law duplicates subsection (a) and applies this rule to turns made at intersections, alleys and private roads and driveways.

Virginia—Law is in verbatim conformity with UVC § 11-601(a) and the introductory sentence provides:

> § 46.1-215. Required position and method of turning at intersections; local regulations.—The driver of a vehicle intending to turn at an intersection *or other location on any highway except as prohibited by § 46.1-214 or any local ordinance enacted pursuant to § 46.1-180* shall do so as follows:

The italicized language, of course, is not contained in the Code's introductory paragraph. The wording "or other location on any highway" is interesting because it would include right turns at places that are not intersections as would the UVC. The § 46.1-214 referred to in the above law prohibits "U-turns" at certain places and § 46.1-180 authorizes municipalities to regulate traffic.

Wisconsin—§ 346.31(2) is in verbatim conformity with UVC § 11-601(a) but also provides:

> If because of the size of the vehicle or the nature of the intersecting roadway, the turn cannot be made from the traffic lane next to the right-hand edge of the roadway, the turn shall be made with due regard for all other traffic.

Puerto Rico—Requires a driver intending to turn to, from a distance not less than 100 feet before turning, approach the right-hand curb or edge of the roadway and make the turn as close as practicable to the border of the curb or edge.

§ 11-601—Required Position and Method of Turning

(b) Left turns.—The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand 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 and so as

to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered. (REVISED, 1971.)

Historical Note

The 1971 Code expresses three important rules about the proper general course for making a left turn:

(1) The approach must be made in the extreme left lane lawfully available for traffic moving in that direction. This rule applies to left turns made at intersections and other locations.

(2) While within an intersection, pass to the left of the center point of the intersection whenever that course is practicable.

(3) Leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction on the roadway being entered whenever that course is possible, safe and reasonable.

This subsection in the 1968 Code applied only at intersections and allowed a driver to leave the intersection in any lane that was lawfully available and not in a left-hand lane that is lawfully available as in the 1971 Code. These 1971 changes followed an extensive revision in this section in 1968 when the following two subsections, having different rules for two-way and for one-way roadways, were deleted:

> (b) Left turns on two-way roadways.—At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.
>
> (c) Left turns on other than two-way roadways.—At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

The above two subsections had been in the Code since 1948. UVC Act V, § 76 (Rev. eds. 1948, 1952); UVC § 11-601 (Rev. eds. 1954, 1956, 1962, 1968, and Supp. I 1972).

Prior to 1948, the first edition of the Code provided:

> Turning at Intersections. (a) Except as otherwise provided in this section, the driver of a vehicle intending . . . to turn to the left shall approach such intersection in the lane for traffic to the right of and nearest to the center line of the highway and in turning shall pass beyond the center of the intersection, passing as closely as practicable to the right thereof before turning such vehicle to the left.
>
> For the purpose of this section, the center of the intersection shall mean the meeting point of the medial lines of the highways intersecting one another.

UVC Act IV, § 17(a) (1926). The most significant difference between the 1926 and the 1971 Code provisions is that the 1926 Code required drivers to pass to the right of the center point in the intersection while the 1971 Code requires passing to the left of that point whenever practicable. The 1930 Code provided:

> (b) Approach for a left turn shall be made in the lane for traffic to the right of and nearest to the center line of the highway and the left turn shall be made by passing to the right of such center line where it enters the intersection, and upon leaving the intersection by passing to the right of the center line of the highway then entered.
>
> (c) Approach for a left turn from a two-way street into a one-way street shall be made in the lane for traffic to the right of and nearest to the center line of the highway and by passing to the right of such center line where it enters the intersection. A left turn from a one-way street into a two-way street shall be made by passing to the right of the center line of the street being entered upon leaving the intersection.

UVC Act IV, § 32 (Rev. ed. 1930).

In 1934, these two subsections provided:

> (b) Approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered.
>
> (c) Approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the roadway nearest to the center line thereof and by passing to the right of such center line where it enters the intersection. A left turn from a one-way street into a two-way street shall be made by passing to the right of the center line of the street being entered upon leaving the intersection.

UVC Act V, § 64 (Rev. ed. 1934); UVC Act V, § 73 (Rev. ed. 1938).

In 1944, a third subsection was added:

> Where both streets or roadways are one-way, both the approach for a left turn and a left turn shall be made as close as practicable to the left hand curb or edge of the roadway.

UVC Act V, § 76 (Rev. ed. 1944).

Thus, in 1944, the Code had four separate rules as to the proper course for making left turns. This was reduced to two rules in 1948 and to one rule in 1968. The 1968 Code provision read as follows:

> The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and, after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

Statutory Annotation

Twelve State laws are in verbatim or substantial conformity with the 1971 Code section:

Colorado	Kansas [1]	North Dakota	South Carolina
Georgia	Kentucky	Oregon	Utah
Idaho	Nebraska [2]	Pennsylvania [3]	Washington

1. Adds "at an intersection" after "left turn" and "any left turn shall be made" after "and" in the second sentence.
2. Applies only at intersections.
3. Omits "other" before "location."

The laws of six states are closely patterned after the 1968 Code and are in substantial conformity with the current Code. They differ from the current Code by applying only at intersections and by not expressly requiring use of the extreme left-hand lane upon completing the turn. The six are:

Florida	Illinois	South Dakota
Hawaii	North Carolina	Texas

The Wisconsin law conforms substantially:

> Required position and method of turning at intersections. . . .
>
> (3) Left turns. Except as otherwise provided in subsection (4), left turns at intersections shall be made as follows:
>
> (a) The approach for a left turn shall be made in that lane farthest to the left which is lawfully available to traffic moving in the direction of travel of the vehicle about to turn left. Unless otherwise marked or posted, this means the lane immediately to the right of the center line or center dividing strip of a two-way highway and the lane next to the left-hand curb or edge of the roadway of a one-way highway.
>
> (b) The intersection shall be entered in the lane of approach and, whenever practicable, the left turn shall be made in that portion of the intersection immediately to the left of the center of the intersection. For the purposes of this paragraph, a divided highway intersected by any other highway is considered to be one intersection.
>
> (c) A left turn shall be completed so as to enter the intersecting highway in that lane farthest to the left which is lawfully available to traffic moving in the direction of the vehicle completing the left turn. Unless otherwise marked or posted, this means the lane immediately to the right of the center line or center dividing strip of a 2-way highway and the lane next to the left-hand curb or edge of the roadway of a one-way highway.
>
> (4) Left turns on 3-lane highways. On a 2-way highway having an uneven number of lanes the approach for a left turn shall be made in the center lane thereof, unless otherwise posted or marked. A left turn into a 2-way highway having an uneven number of lanes shall be made so as to enter the highway in the lane immediately to the right of the center lane.

See also, Wis. Stat. Ann. § 346.32, requiring drivers intending to turn into a private road or driveway to make the approach for the turn in the manner applicable at intersections.

The laws of 20 states are patterned closely after the 1948-1962 editions of the Code; i.e., they have two subsections providing separate left turn rules for two-way and for one-way roadways. If a one-way roadway is involved, the approach and completion phases of a left turn must be made in the extreme left-hand lane as in the current Code and the requirement to turn to the left of the center point applies only where all roadways entering the intersection are two-way. This difference probably is not significant because it would ordinarily be difficult to enter and leave an intersection in the left-hand lane without passing to the left of the center point of an intersection. Unlike the Code, these laws (except New York, Vermont and Virginia) apply only at intersections and not at other locations. The 20 states are:

Alabama	Louisiana [2]	New Mexico [3]	Tennessee
Alaska	Maine	New York [4]	Vermont [5]
Arizona	Montana	Ohio	Virginia [6]
Connecticut [1]	New Hampshire	Oklahoma	West Virginia
Delaware	New Jersey	Rhode Island	Wyoming

1. Connecticut omits the requirement to turn to the left of the center point of an intersection but is otherwise identical to the Code prior to its revision in 1968.

2. The Louisiana law on turns involving one-way roadways requires leaving the intersection in the "safest lane lawfully available" and not in the "left-hand lane lawfully available."

3. The New Mexico law does not apply where "left turn provisions are made" but is otherwise identical to the 1962 Code. Another subsection provides: "Upon a roadway with two or more lanes for through traffic in each direction, where a center lane has been provided by distinctive pavement markings for the use of vehicles turning left from both directions, no vehicle shall turn left from any other lane. A vehicle shall not be driven in this center lane for the purpose of overtaking or passing another vehicle proceeding in the same direction. Any maneuver other than a left turn from this center lane will be deemed a violation of this section. . . ." See also, UVC §§ 11-601(c) and 11-309(b).

4. New York has additional provisions for turns at non-intersection locations that describe the proper position during an approach for a left turn.

5. Vermont law applies at intersections, alleys, private roads and driveways.

6. Like the current Code, Virginia expressly applies to left turns at "any crossover from one roadway of a divided highway to another roadway thereof on which traffic moves in the opposite direction."

Laws in seven jurisdictions are generally patterned after the 1934-1944 editions of the Code. These states have four separate rules for turning: from a two-way roadway into another such roadway, from a two-way roadway into a one-way roadway, from a one-way street into a two-way street and from a one-way roadway into another such roadway. These laws differ from the current Code by applying only at intersections, by not requiring passage to the left of the center of the intersection, by requiring the approach phase of a turn near the right of the center line, and by requiring drivers to leave the intersection anywhere to the right of the center line unless both roadways are one-way. The seven jurisdictions are:

Arkansas [1]	Iowa [1]	Mississippi [1]
Indiana	Michigan [2]	District of Columbia [4]
	Minnesota [3]	

1. These states do not have the fourth rule on turning from a one-way roadway into another one-way roadway that was added to the Code in 1944.

2. Michigan prohibits interfering with any streetcar during the approach phase of a turn on a two-way roadway.

3. Minnesota follows the 1944 Code provisions and adds a requirement to keep to the left of the center point in intersections but does not require entering the intersection to the right of center lines.

4. Adds a subsection with a special definition of center lines when there are unbalanced traffic lanes.

Laws in the remaining six jurisdictions provide as follows:

California—Law provides:

> The approach for a left turn shall be made as close as practicable to the left-hand edge of the extreme left-hand lane or portion of the roadway lawfully available to traffic moving in the direction of travel of such vehicle and, when turning at an intersection, the left turn shall not be made before entering the intersection. After entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. . . .

Like the Code, this law applies at non-intersection locations but, unlike the Code, it requires a position in the left-hand portion of the left lane during the approach for a turn (is that reasonable or desirable for motorcycles?), omits any reference to passing to the left of the center point of an intersection, and does not require use of the extreme left-hand lane lawfully available upon leaving the intersection. The latter two omissions are particularly significant. Additional provisions allow turning left from the middle lane at "T" intersections.

Maryland—Law patterned after 1968 edition of the Code omits reference to turning to the left of the center and specifically covers turning at crossovers as well as intersections.

Massachusetts—Ch. 90, § 14, provides:

> When approaching for a left turn on a two-way street, an operator shall do so in the lane of traffic to the right of and nearest to the center line of the roadway and the left turn shall be made by passing to the right of the center line of the entering way where it enters the intersection from his left.
>
> When approaching for a left turn on a one-way street, an operator shall do so in the lane of traffic nearest to the left-hand side of the roadway and as close as practicable to the left-hand curb or edge of roadway.

Missouri—Law duplicates the first sentence in the 1968 Code but omits the second requiring drivers when practicable to turn to the left of the center point. This omission is significant because after entering an intersection in the extreme left lane, drivers might often leave the intersection in any lane lawfully available. Missouri has a second provision in its law (§ 304.019(3)) describing a proper hand signal for a left turn which requires a driver to approach the intersection "so that the left side of his vehicle shall be as near as practicable to the center line of the highway."

Nevada—Law provides:

> 2. Where both intersecting highways are two-directional, the approach for a left turn shall be made in that portion of the right half of the highway nearest the centerline thereof; and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the centerline of the highway being entered; and in all cases, except where otherwise directed by official traffic-control devices, simultaneous left turns by opposing traffic shall be made in front of each other.
>
> 3. When the turn is a left turn from a two-directional highway into a one-way highway, the approach for a left turn shall be made in that portion of the right half of the highway nearest the centerline thereof and the turn shall be made by turning from the right of such centerline where it enters the intersection as close as practicable to the left-hand curb of the one-way highway.
>
> 4. When making a left turn from a one-way highway into a two-directional highway, such turn shall be made by passing to the right of the centerline of the highway being entered upon leaving the intersection, and the approach of such turn shall be made as close as practicable to the left-hand curb of the one-way highway.
>
> 5. When making a left turn where both intersecting highways are one-way, both the approach for the left turn and the left turn shall be made as close as practicable to the left-hand curb or edge of the highway.

This law, which was adopted in 1969, appears to be a restatement of the pre-1948 Code provisions.

Puerto Rico—Law provides:

> (2) To the left:
>
> (a) Every person driving a vehicle in opposite directions upon public highways who intends to make a left turn shall keep close to the center of the roadway, or when there is more than one lane going in the same direction, to the extreme left-hand lane.
>
> (b) Upon one-way public highways with two or more lanes the driver shall keep to the extreme left-hand lane.
>
> (c) The movements required in the two preceding subsections shall be made from at least one hundred (100) feet before entering the intersection.
>
> (d) In both cases, after entering the intersection and provided it be practicable, the left turn shall be made on the left of the center of the intersection. After making the turn and entering the new roadway, the driver shall take the extreme left-hand lane lawfully available to traffic moving in his direction of travel.
>
> (4) Turning in front of entrances to private garages:—No vehicle shall be turned so as to change direction by using the entrances to private garages in the urban zone, except in dead-end streets without a turning area.

§ 11-601—Required Position and Method of Turning

(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. (REVISED, 1971.)

Historical Note

From 1934 until 1968, this subsection provided as follows:

> Local authorities in their respective jurisdictions may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

UVC Act V, § 64(d) (Rev. ed. 1934); UVC Act V, § 73(d) (Rev. ed. 1938); UVC Act V, § 76(e) (Rev. ed. 1944); UVC Act V, § 76(d) (Rev. eds. 1948, 1952); UVC § 11-601(d) (Rev. eds. 1954, 1956, 1962).

In 1968, the references to "markers, buttons or signs" were replaced by the more inclusive phrase "official traffic-control devices" as defined by UVC § 1-139. In addition, the subsection was amended to apply expressly to the state highway commission, as follows:

> *(c)* [(d)] *The state highway commission and* local authorities in their respective jurisdictions may cause *official traffic-control devices* [markers, buttons or signs] to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when *such devices* [markers, buttons or signs] are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such *devices*[markers, buttons or signs].

UVC § 11-601(c) (Rev. ed. 1968).

In 1971, the references to intersections were removed as they generally were from the rest of the section. UVC § 11-601(c) (Supp. I 1972).

The 1926 Code had this provision:

> Local authorities in their respective jurisdictions may modify the foregoing method of turning at intersections by clearly indicating by buttons, markers or other direction signs within an intersection the course to be followed by vehicles turning thereat, and it shall be unlawful for any driver to fail to turn in a manner as so directed when such direction signs are installed by local authorities.

UVC Act IV, § 17(b) (1926). In 1930, this subsection applied only to left turns:

> Local authorities in their respective jurisdictions may, by placing markers, buttons or signs within intersections, require and direct that a course be traveled by vehicles turning left different from that specified in subdivision (b), and it shall be unlawful for the driver of a vehicle to make a left turn otherwise than as so directed and required by such markers, buttons or signs.

UVC Act IV, § 32(d) (Rev. ed. 1930). Since 1948, this subsection has included a footnote which reads: "In view of the fact that there are many intersections, including T intersections, where large numbers of vehicles turn left, local authorities and traffic officers should permit and direct vehicles to turn left in two lines at such intersections."

Statutory Annotation

Nine laws are patterned closely after the 1971 Code section:

Georgia [1]	Kentucky [2]	South Carolina
Idaho	Oregon	Utah [2]
Kansas	Pennsylvania	Washington

1. Refers to devices placed "within or adjacent to intersections or other locations."
2. Substitutes "department of transportation" for "state highway commission."

Seven states are in verbatim conformity with the 1968 Code provision: Alaska, Florida, Hawaii, Illinois, Maryland, Missouri and Texas. Thus, these laws differ from the current Code by applying only at intersections. In addition, California is clearly in substantial conformity because it refers to state and local agencies and because it provides for modification of the general turning rules by using appropriate traffic-control devices. The California law provides:

> (a) The Department of Public Works or local authorities in respect to highways under their respective jurisdictions, may cause official traffic control devices to be placed or erected within or adjacent to intersections to regulate or prohibit turning movements at such intersections.
>
> (b) When turning movements are required at an intersection notice of such requirement shall be given by erection of a sign, unless an additional clearly marked traffic lane is provided for the approach to the turning movements, in which event notice as applicable to such additional traffic lane shall be given by any official traffic control device.
>
> (c) When right- or left-hand turns are prohibited at an intersection notice of such prohibition shall be given by erection of a sign.
>
> (d) When official traffic control devices are placed as required in subdivisions (b) or (c), it shall be unlawful for any driver of a vehicle to disobey the directions of such official traffic control devices.

The California law (§ 22100) establishing the proper course for turning vehicles contains the following subsection:

> (c) Upon a highway having three marked lanes for traffic moving in one direction which terminates at an intersecting highway accommodating traffic in both directions, the driver of a vehicle in the middle lane may turn right or left onto the intersecting roadway.

Although the footnote to UVC § 11-601(c), quoted in the Historical Note, *supra*, suggests that left turns at some intersections should be permitted in two or more lines, it contemplates that official traffic-control devices will be installed to permit such a movement.

Twenty states have laws closely patterned after the 1962 Code:

Alabama	Maine	New Hampshire	Rhode Island
Arizona [1]	Minnesota	New Mexico	Tennessee
Colorado	Mississippi	North Dakota	Virginia [2]
Iowa	Montana	Ohio [1]	West Virginia
Indiana [1]	Nebraska [1]	Oklahoma	Wyoming

1. However, like the current Code provision, these states expressly authorize a state agency to alter the general turning rules.
2. Virginia refers to local authorities having the power to regulate traffic.

The laws of 12 jurisdictions provide as follows:

Connecticut—§ 14-241(e) provides:

> On any state highway the state traffic commission, and, on highways under their jurisdiction, local traffic authorities, may cause rotary traffic islands, signs or other devices conforming to the manual on uniform traffic control devices to be placed within or adjacent to intersections and thereby direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when rotary traffic islands, signs or other devices are so placed, no driver shall turn a vehicle otherwise than as directed thereby.

Delaware—Law provides:

> (b) Traffic-control devices may be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when traffic-control devices are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by traffic-control devices.

Louisiana—§ 32:101 authorizes the Department of Highways to:

> [M]odify the foregoing methods of turning at intersections on highways of the state by signs directing the course to be followed by vehicles at those intersections, and no driver shall fail to follow such directions.

Another law (§ 32:41(A)(8)), similar to UVC § 15-102, authorizes municipalities to "designate the places and direction in which turning movements may be made or prohibited." See UVC § 15-102(a) (9).

Massachusetts provides:

> The department, on ways within their control and at the intersection of state highways, and other ways, the metropolitan district commission, on ways within their control and at the intersection of metropolitan district commission roadways, except state highways, and other ways, the traffic and parking commission of the city of Boston, the traffic commission or traffic director of any city or town having such a commission or director with authority to promulgate traffic rules, the city council of any other city, and the board of selectmen of any other town may provide for the placing of traffic control devices in accordance with department standards to indicate the course to be traveled by vehicles turning at such intersections. Such course may be other than as is prescribed by the requirements for lane usage set forth in this section.

Michigan—Law refers to "pavement markers, signs or signals."

New Jersey—§ 39:4-124 provides:

> The State Highway Commissioner and local authorities, with reference to highways under their respective jurisdictions, may modify the method provided in section 39:4-123 of this Title, of turning at intersections by clearly indicating their buttons, markers or other directions signs, within an intersection, the course to be followed by vehicles turning therein. No driver shall fail to turn in the manner so directed when such direction signs are installed by said authorities.

New York—§ 1160(d) provides:

> When markers, buttons, signs, or other markings are placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, signs, or other markings.

North Carolina—Law, which is patterned after the 1926 section, does apply to local authorities and to the State Board of Transportation. The concluding reference to obeying signs has been deleted.

South Dakota—Conforms with 1926 Code but does give authority to state, as well as local, authorities. The law adds:

> No such signs or buttons shall be placed upon any state highway without the approval of the State Highway Commission, and when an intersection is so constructed and laid out that

different and clearly defined courses of travel are provided for vehicles turning to the left or right, as the case may be, it shall be lawful for any driver in making such turn to follow the course thereby indicated.

Wisconsin—§ 346.31(1) provides:

When state or local authorities have placed markers, buttons or signs within or adjacent to an intersection to follow a particular course, the operator of a vehicle turning at such intersection shall comply with such directions. In the absence of such markers, buttons or signs, the operator of a vehicle intending to turn left at an intersection shall do as provided in subs. (2) to (4).

District of Columbia—A regulation provides:

The driver of a vehicle intending to turn at an intersection shall do so as follows, unless a different method of turning is directed by buttons, markers or signs at the intersection, in which event turns shall be made in accordance with the directions of such buttons, markers, or signs.

Puerto Rico—Officials may permit turns from more than one lane.

The three remaining states—Arkansas, Nevada and Vermont—do not have express provisions comparable to UVC § 11-601(c). However, laws similar to UVC § 15-106 may be in effect in these states and may impliedly authorize municipalities to alter the courses designated for turning vehicles.

§ 11-601—Required Position and Method of Turning

(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 making a left turn from or into the roadway or when preparing for a U turn when otherwise permitted by law. (NEW,1975.)

Historical Note

This section was added in 1975 to provide for two-way left turn lanes that are usually installed in the middle of streets with three or five lanes.

Statutory Annotation

The new Code subsection was patterned closely after a California law which reads as follows:

Two-way Left-turn Lanes

21460.5. (a) The Department of Transportation and local authorities in their respective jurisdictions may designate a two-way left-turn lane on a highway. A two-way left-turn lane is a lane near the center of the highway set aside for use by vehicles making left turns in both directions from or into the highway.

(b) Two-way left-turn lanes shall be designated by distinctive roadway markings consisting of parallel dashed double yellow lines on each side of the lane. * The Department of Transportation may determine and prescribe standards and specifications governing length, width, and positioning of the distinctive pavement markings in accordance with the procedures set forth in the Administrative Procedure Act (commencing with Section 11370 of the Government Code). All pavement markings designating a two-way left-turn lane shall conform to such standards and specifications.

(c) A vehicle shall not be driven in a designated two-way left-turn lane except when preparing for or making a left turn from or into a highway or when preparing for or making a U-turn when otherwise permitted by law. A left turn shall not be made from any other lane where a two-way left-turn lane has been designated.

(d) This section shall not prohibit driving across a two-way left-turn lane.

California adopted a law providing that after January 1, 1980, such lanes will be indicated by parallel double lines with the interior line dashed and the exterior line solid. Between now and January 1, 1980, either marking system may be employed. Cal. A.B. 3183, CCH ASLR 1239 (1976).

Laws in three states duplicate the UVC: Colorado, Idaho and Pennsylvania. South Carolina and Utah virtually duplicate the Code but add "or making" following "when preparing for" in both instances.

* This is not the marking called for in the *Manual on Uniform Traffic Control Devices*. That document indicates using the line described in the California law for reversible lanes.

Nevada—Law provides:

Whenever a highway has been designed to provide a single center lane to be used only for turning, by traffic moving in both directions, the following rules apply:

(a) A vehicle shall be driven in the center turn lane only for the purpose of making a left-hand turn.

(b) A vehicle shall not travel more than 200 feet in a center turn lane prior to making a left-hand turn. Nev. R. Stat. § 484.305(3), added by Gen. Laws 1973, ch. 699, CCH ASLR 1339.

Washington—Law provides:

§ 46.61.290(3) Two-way left turn lanes.

(a) The department of highways and local authorities in their respective jurisdictions may designate a two-way left turn lane on a roadway. A two-way left turn lane is near the center of the roadway set aside for use by vehicles making left turns in both directions from or into the roadway.

(b) Two-way left turn lanes shall be designated by distinctive uniform roadway markings. The department of highways shall determine and prescribe standards and specifications governing type, length, width, and positioning of the distinctive permanent markings. The standards and specifications developed shall be filed with the code reviser in accordance with the procedures set forth in the Administrative Procedure Act, chapter 34.04 RCW. On and after July 1, 1971, permanent markings designating a two-way left turn lane shall conform to such standards and specifications.

(c) Upon a roadway where a center lane has been provided by distinctive pavement markings for the use of vehicles turning left from both directions, no vehicles shall turn left from any other lane. A vehicle shall not be driven in this center lane for the purpose of overtaking or passing another vehicle proceeding in the same direction. A signal, either electric or manual, for indicating a left turn movement shall be made at least one hundred feet before the actual left turn movement is made. Any maneuver other than a left turn from or into this center lane will be deeded a violation of this section.

Citations

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13 Alaska Adm. Code § 02.200 (1971).
Ariz. Rev. Stat. Ann. §§ 28-751(1)-(4) (1956).
Ark. Stat. Ann. §§ 75-615(a)-(c) (1957).
Cal. Vehicle Code §§ 22100(a)-(c), 22101 (Supp. 1978).
Colo. Rev. Stat. Ann. § 42-4-801 (Supp. 1976).
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N.C. Gen. Stat. § 20-153 (1975).
N.D. Cent. Code §§ 39-10-35(1)-(4) (Supp. 1977).
Ohio Rev. Code Ann. §§ 4511.36(A)-(C) (1965).
Okla. Stat. Ann. tit. 47, §§ 11-601(1)-(4) (1962).
Ore. Rev. Stat. § 487.390 (1977).
Pa. Stat. Ann. tit. 75, § 3331 (1977).
R.I. Gen. Laws Ann. §§ 31-16-2(a)-(c), -3 (1957).
S.C. Code Ann. § 56-5-2120 (Supp. 1977).
S.D. Comp. Laws §§ 32-26-17, -18, -20 (1967, Supp. 1971).
Tenn. Code Ann. §§ 59-840(a)-(d) (1955).
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Utah Code Ann. §§ 41-6-66 (Supp. 1979).
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Wash. Rev. Code Ann. § 46.61.290 (Supp. 1977).
W.Va. Code Ann. §§ 17C-8-2 to -5 (1966).
Wis. Stat. Ann. §§ 346.31(1)-(4), .32 (1958).
Wyo. Stat. Ann. § 31-5-214 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, §§ 36(a)-(e) (1966).
P.R. Laws Ann. tit. 9, § 981 (Supp. 1975).

§ 11-602—Limitations on Turning Around

(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. (New, 1971.)

(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.

Historical Note

Subsection (a) was added to the Code in 1971. UVC § 11-602(a) (Supp. I 1972). Prior to that time, all editions of the *Model Traffic Ordinance* contained this limitation on U-turns. However, it should be noted that the 1928 and 1930 editions of that document also banned "backing or otherwise interfering with other traffic" while turning to proceed in the opposite direction.

Subsection (b) has been in the Code in its present form since 1934. UVC Act V, § 65 (Rev. ed. 1934); UVC Act V, § 74 (Rev. ed. 1938); UVC Act V, § 77 (Rev. eds. 1944, 1948, 1952); UVC § 11-602 (Rev. eds. 1954, 1956, 1962, 1968). This section in the 1930 Code provided:

> Turning Around Prohibited on Curve or Near Crest of Grade. The driver of a vehicle shall not turn such vehicle around so as to proceed in the opposite direction upon any curve or upon the approach to or near the crest of a grade or at any place upon a highway where the view of such vehicle is obstructed within a distance of five hundred (500) feet along the highway in either direction.

UVC Act IV, § 34 (Rev. ed. 1930). The 1926 Code did not have a comparable provision.

Statutory Annotation

Subsection (a).

Sixteen jurisdictions are in verbatim or substantial conformity with the UVC rule prohibiting all unsafe U-turns:

Colorado [1]	Illinois	North Dakota	Utah
Delaware	Kansas	Pennsylvania	Washington
Florida	Kentucky	South Carolina	District of
Georgia	Missouri [2]	South Dakota	Columbia
Idaho			

1. Colorado law applies at intersections and other locations and bans interfering "or endangering" other traffic.
2. In addition, U-turns are prohibited when they would create a traffic hazard in residence districts.

Maryland requires drivers turning so as to proceed in the opposite direction to yield the right of way to any approaching vehicle which is so close as to constitute an immediate danger.

In addition, 11 laws prohibit U-turns in certain places.

California—§ 22102 bans U-turns in business districts except at intersections or crossovers on divided highways; § 22103 prohibits U-turns in residence districts when a vehicle approaches within 200 feet except at a signalized intersection when the approaching vehicle is controlled by an official device; and § 22104 regulates U-turns near fire stations.

Florida—Prohibits U-turns in business districts.

Indiana—§ 47-2019a prohibits U-turns on freeways and interstate highways. See UVC § 11-311.

Missouri—Prohibits U-turns at any intersection controlled by signals or a police officer.

Nevada—Law provides:

> 1. The driver of a vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any highway in a business district, or any intersection controlled by an official traffic-control device. Such U-turn may be made upon any other highway only at an intersection, and then only from the right-hand side of the highway when such movement can be made in safety without interfering with other traffic, unless a local authority has prohibited such turning by ordinance.
>
> 2. This section does not prohibit a U-turn on roads where such turns can be made with safety.

Oregon—Law provides:

> U-turns prohibited. (1) A driver commits the offense of making an illegal U-turn if he turns his vehicle so as to proceed in the opposite direction:
>
> (a) Within an intersection where traffic is controlled by an electrical signal;
>
> (b) Upon a highway within the limits of an incorporated city between intersections; or
>
> (c) At any place upon a highway where the vehicle cannot be seen by another driver approaching from either direction within a distance of:
>
> (A) 500 feet within the incorporated limits of a city; or
>
> (B) 1,000 feet outside a city.
>
> (2) Making an illegal U-turn is a Class C traffic infraction.

South Dakota—Prohibits U-turns in marked no passing zones.

Virginia—U-turns are prohibited in business districts, cities and towns except at intersections.

Wisconsin—Bans U-turns in intersections where there are signals or officers, at mid-block in any business district except on a divided highway at a crossover, or at mid-block on any through street in a residence district except on a divided highway at a crossover.

District of Columbia—§ 43 prohibits U-turns at intersections controlled by lights or police officers or on a crosswalk adjacent to such intersections.

Puerto Rico—Prohibits U-turns in school zones.

Subsection (b).

Thirty-four states and the District of Columbia have laws in verbatim conformity with UVC § 11-602(b):

Alabama	Illinois	Nebraska	Tennessee
Alaska	Iowa	Nevada	Texas
Arizona	Kansas	New Hampshire	Utah
Arkansas	Kentucky	North Dakota	Vermont
Delaware	Louisiana	Ohio	Virginia [2]
Florida	Maine	Oklahoma	Washington
Hawaii	Maryland	Pennsylvania	West Virginia
Idaho [1]	Mississippi	Rhode Island	Wyoming
	Montana	South Carolina	

1. Law concludes, "or where a no-passing zone has been established in conformance with section 49-627, Idaho Code."
2. Uses "any" direction rather than "either" direction.

Three other states have laws that are identical to the Code section but specify distances other than 500 feet:

Indiana	750′
Minnesota	1,000′
New Mexico	1,000′

Laws in 11 jurisdictions provide as follows:

California—§ 665.5 defines "U-turn" as turning upon a highway so as to proceed in the opposite direction whether accomplished by one continuous movement or not. Section 22105 bans U-turns upon any highway where the driver does not have an unobstructed view for 200 feet in both directions and of any traffic. §§ 21451 and 21454 allow U-turns at all green lights and describes the correct lane position.

Colorado—Law concludes, "where such vehicle cannot be seen by the driver of any other vehicle within such distance as to interfere with or endanger traffic."

Connecticut—§ 14-242(d) contains all of the provisions in subsection (b), but further provides that such turns shall not be made "at any location where signs prohibiting U-turns are posted by any traffic authority." See UVC § 11-201(a).

Georgia—§ 68-1645 provides:

> 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 an approaching driver cannot see it.

Massachusetts—§ 23 of the Massachusetts regulations provides:

> U Turns Prohibited—No operator shall back or turn a vehicle so as to proceed in a direction opposite to that in which said vehicle is headed or traveling wherever signs notifying of such a restriction have been erected.

Section 1(aa) defines "U-Turn" as:

> The turning of a vehicle by means of a continuous left turn whereby the direction of such vehicle is reversed.

Missouri—§ 304.018(2), in part, provides:

> The driver of a vehicle shall not turn such vehicle around so as to proceed in the opposite direction upon any curve or upon the approach to or near the crest of a grade, or at any place upon a roadway where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction along the roadway within a distance of three hundred feet, or where the same may create a traffic hazard.

New Jersey—§ 31:4-125 provides:

> The driver of a vehicle shall not turn such vehicle around so as to proceed in the opposite direction upon any curve or upon the approach to or near the crest of a grade or at any place upon a highway where the view of such vehicle is obstructed within a distance of five hundred feet along the highway in either direction; and no such vehicle shall be turned around so as to proceed in the opposite direction on a state highway which shall be conspicuously marked with signs stating "no U-turn."

New York—§ 1161 provides:

> No motor vehicle shall make a U turn upon any curve, or upon the approach to, or near the crest of a grade, where such motor vehicle cannot be seen by the driver of any other motor vehicle approaching from either direction within five hundred feet.

Section 158-a defines "U-Turn" as "any turn executed so as to proceed in the opposite direction."

Oregon—Law prohibits turning at any place on a highway where the vehicle cannot be seen by another driver approaching from either direction within a distance of 500 feet in cities and 1,000 feet outside cities.

Wisconsin—§ 346.33 provides:

> Where turns prohibited. (1) The operator of a vehicle shall not turn his vehicle so as to proceed in the opposite direction upon a highway at any of the following places:
>
> (a) At any intersection at which traffic is being controlled by traffic control signals or by a traffic officer;
>
> (b) In mid-block on any street in a business district;
>
> (c) In mid-block on any through-highway in a residence district;
>
> (d) At any place where signs prohibiting such turn have been erected by the authority in charge of the maintenance of the highway.
>
> (2) The operator of a vehicle shall not back his vehicle into an intersection at which turns are prohibited by sub. (1) (a) for the purpose of turning his vehicle so as to proceed in the opposite direction upon the highway.
>
> (3) In this section, "mid-block" means any part of a street or highway other than an intersection.

Puerto Rico—Bans turning within 500 feet of a curve or hill crest where visibility is not clear from an approaching vehicle.

The laws of three states do not contain provisions comparable to UVC § 11-602(b):

Michigan North Carolina South Dakota

Citations

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13 Alaska Adm. Code § 02.205 (1971).
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§ 11-603—Starting Parked Vehicle

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

Historical Note

This section has been the same since 1934. UVC Act V, § 66 (Rev. ed. 1934); UVC Act V, § 75 (Rev. ed. 1938); UVC Act V, § 78 (Rev. eds. 1944, 1948, 1952); UVC § 11-603 (Rev. eds. 1954, 1956, 1962, 1968).

In the 1926 and 1930 Codes, this provision was contained in a section that required a driver, before starting, stopping or turning, to determine that such movement could be made in safety and to give an appropriate signal. The 1926-1930 Code section, in part, provided:

> Signals on Starting, Stopping or Turning. (a) The driver of any vehicle . . . before starting, stopping or turning from a direct line shall first see that such movement can be made in safety, and . . . shall give a signal as required in this section . . . .

UVC Act IV, § 18(a) (1926); UVC Act IV, § 33(a) (Rev. ed. 1930). See the complete text of this Code provision in the Historical Note to UVC § 11-604(a), *infra*. In 1934, when what is now § 11-604 was adopted, a separate section (§ 11-603) was also adopted to require the exercise of due care whenever a vehicle is put in motion, regardless of its direction or course.

Statutory Annotation

The laws of 35 jurisdictions contain provisions in verbatim conformity with UVC § 11-603:

Alabama	Illinois	New Mexico	Texas
Arizona	Indiana	New York	Utah
Arkansas	Iowa	North Dakota	Vermont [3]
Colorado	Kansas	Ohio [1]	Washington
Delaware	Louisiana	Oklahoma	West Virginia
Florida	Minnesota	Oregon	Wyoming
Georgia	Mississippi	Pennsylvania [2]	District of Columbia
Hawaii	Montana	Rhode Island	Puerto Rico
Idaho	New Hampshire	South Carolina	

1. The Ohio law expressly applies to any "vehicle, streetcar or trackless trolley."
2. Omits "reasonable."
3. Substitutes "move" for "start."

The laws of four more states are similar to the 1930 Code provision, and thus require that a driver, before starting, stopping or turning from a direct line, must determine that such movement can be made in safety and must give an appropriate signal. These laws are probably in substantial conformity with UVC § 11-603. The states are:

North Carolina South Dakota Tennessee Virginia

The laws of 10 states provide as follows:

Alaska—Regulation provides:

> (a) A person may not move onto a roadway a vehicle which is stopped, standing or parked until the movement can be made with reasonable safety.
>
> (b) A person may not accelerate a vehicle which is stopped, standing or parked on or along a highway or which is entering a highway, so rapidly as to unnecessarily cause the tires to squeal or spin on the highway or on the surface on which the vehicle is standing immediately before it enters the highway or which causes the driver to lose control of the vehicle or causes the vehicle to "fishtail."

California—§ 22106 provides:

> No person shall start a vehicle stopped, standing, or parked on a highway, nor shall any person back a vehicle on a highway until such movement can be made with reasonable safety.

This law is in substantial conformity with UVC § 11-603. See UVC § 11-1102 relating to backing movements.

Connecticut—§ 14-243(a) provides:

> No person shall move a vehicle which is stopped, standing or parked unless such movement can be made with reasonable safety and without interfering with other traffic, nor without signalling as provided by section 14-244.

Kentucky—Law is in verbatim conformity with UVC § 11-603 except that it does not include the word "standing."

Maine—Law provides:

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

Maryland—Law provides:

> A person may not start a vehicle that is stopped, standing, or parked until:
>
> (1) The movement can be made with reasonable safety; and
>
> (2) If any other vehicle might be affected by the movement, he gives an adequate signal to approaching traffic.

Massachusetts—§ 9 of the Massachusetts Rules and Regulations for Driving on State Highways provides:

> Care in Starting, Stopping, Turning or Backing.—The driver of any vehicle before starting, stopping, turning from a direct line, or backing shall first see that such movement can be made in safety. If such movement cannot be made in safety or if it interferes unduly with the normal movement of other traffic, said driver shall wait for a more favorable opportunity to make such a movement. If the operation of another vehicle should be affected by a stopping or turning movement, the driver of such other vehicle shall be given a plainly-visible signal, as required by Chapter 90, Section 14B of the General Laws.

Nebraska—Law is virtually identical to the Code (the words "unless and" are omitted) and requires such drivers to yield to all vehicles and pedestrians.

Nevada—Law provides:

> A person, except when stopping, standing or parking where no parking is permitted, shall not start a vehicle which is stopped, standing or parked on a highway nor enter upon a highway unless and until such movement can be made with safety.

New Jersey—§ 39:4-126, containing provisions comparable to UVC §§ 11-604 to 11-606 on turn signal requirements, provides that no person shall turn, start or back a vehicle "unless and until such movement can be made with safety. No person shall so turn . . . without giving an appropriate signal. . . ."

The laws of three states—Michigan, Missouri and Wisconsin—do not contain provisions comparable to UVC § 11-603. See, however, Wis. Stat. Ann. § 346.18(5) providing that the "operator of any vehicle that has been parked or standing shall, while moving such vehicle from such position, yield the right of way to all vehicles approaching on the highway."

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Ohio Rev. Code Ann. § 4511.38 (1965).
Okla. Stat. Ann. tit. 47, § 11-603 (1962).
Ore. Rev. Stat. § 487.400 (1977).
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S.C. Code Ann. § 56-5-2110 (1976).
S.D. Comp. Laws § 32-26-22 (1967).
Tenn. Code Ann. § 59-843 (1955).
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§ 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 in the manner hereinafter provided. (REVISED, 1971.)

Historical Note

The first two editions of the Code required drivers to give a signal before turning from a direct line:

> The driver of any vehicle upon a highway before starting, stopping or turning from a direct line shall first see that such movement can be made in safety and if any pedestrian may be affected by such movement shall give a clearly audible signal by sounding the horn, and whenever the operation of any other vehicle may be affected by such movement shall give a signal as required in this section plainly visible to the driver of such other vehicle of the intention to make such movement.

UVC Act IV, § 18(a) (1926); UVC Act IV, § 33(a) (Rev. ed. 1930). In 1934, the Code was amended to require a signal prior to turning from a direct course:

> No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement or after giving an appropriate signal in the manner hereinafter provided in the event any other vehicle may be affected by such movement.

UVC Act V, § 67(a) (Rev. ed. 1934); UVC Act V, § 76(a) (Rev. ed. 1938). The above provision was revised in 1944 to expressly require a signal prior to moving right or left on the roadway, turning at an intersection, or turning to enter a private road or driveway, in addition to signalling before turning from a direct course. The requirement for an audible signal if any pedestrian would be affected by the turn was deleted and the introductory clause requiring the turning driver to be in proper position was added. In all editions of the Code from 1944 until 1962, this provision read as follows:

> No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in section 11-601, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.

UVC Act V, § 79(a) (Rev. eds. 1944, 1948, 1952); UVC § 11-604(a) (Rev. eds. 1954, 1956). In 1962, the National Committee amended the above provision by deleting the concluding words "in the event any other traffic may be affected by such movement." The purpose of this amendment was to require a turn signal even though a turning movement may not apparently affect other traffic.

In 1971, the section was revised as follows:

> No person shall turn a vehicle [at an intersection unless the vehicle is in proper position upon the roadway as required in section 11-601, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course] or move right or left upon a roadway unless and until such movement can be made with reasonable safety [. No person shall so turn any vehicle] *nor* without giving an appropriate signal in the manner hereinafter provided.

UVC § 11-601(a) (1968, Supp. I 1972). The references to proper position for a turn were deleted as superfluous as was the incomplete list of places where one should give a signal before turning. The important rule that remains is that drivers should always give a signal before turning or before moving right or left upon a roadway.

Statutory Annotation

Nine states are in verbatim conformity with the UVC provision as revised in 1971:

Idaho	Nebraska	Ohio [1]	Utah
Kansas	North Dakota	South Carolina [2]	Washington
Kentucky			

1. Ohio substitutes "highway" for "roadway."
2. South Caroline substitutes "as provided for in this section," for the Code's "in the manner hereinafter provided."

Laws in 18 jurisdictions are in substantial conformity because they require a signal before turning or before moving right or left even though other traffic might not be affected. Unless otherwise indicated, these laws are all quite similar to the 1968 version of this subsection. The 18 jurisdictions are:

Alaska [1]	Hawaii	Minnesota [2]	Oregon [8]
Colorado	Illinois	Missouri [7]	Pennsylvania [9]
Connecticut [2]	Louisiana [5]	New Hampshire	Texas
Delaware [3]	Michigan [6]	New York	Vermont [10]
Georgia [4]			Puerto Rico [11]

1. Alaska refers to turning at intersections, alleys, buildings and private roads.
2. The Connecticut and Minnesota laws use the word "highway" instead of the Code's "roadway." A second Connecticut law (§ 14-243) requires a signal before moving a vehicle which is stopped, standing or parked. See also, § 14-244 requiring a driver giving a signal by signal lamps to turn in the direction indicated.
3. Delaware includes U-turns and adds "without interfering with other traffic."
4. Georgia specifically includes changing lanes.
5. One Louisiana subsection is identical to the first sentence of the 1968 Code subsection but does not have the second sentence requiring a signal. The second subsection of the law requires a signal "whenever a person intends to make a right or left turn which will take his vehicle from the highway it is then traveling." These provisions may not require a signal prior to moving right or left on the roadway, such as when one changes lanes.
6. The Michigan law is similar to the 1926 Code. It requires drivers of vehicles and bicycles to make sure stopping or turning from a direct line will be safe. The Michigan law does not have the portions of the 1968 Code subsection on proper position, turning at an intersection, turning into a private road or driveway, or moving right or left on the roadway. Also, the Code requires a driver to determine that it is *reasonably* safe to make the turn.

7. Missouri requires a signal before turning from a direct course or moving right or left on the roadway and requires that such movement be accomplished with reasonable safety in substantial conformity with the Code.

8. The Oregon law provides:

> Turning and stopping movements and signals required. (1) A driver commits the offense of unlawful turn or change of lane if he turns or moves right or left upon a highway when:
>
> (a) The movement cannot be made with reasonable safety; or
>
> (b) He fails to give an appropriate signal as provided in section 65 of this 1975 Act continuously during not less than the last 100 feet traveled by the vehicle before turning.

9. Pennsylvania provides that on a roadway, no person may turn a vehicle or move from one lane to another or enter the traffic stream from a parked position until reasonably safe and with an appropriate signal.

10. Vermont has the first sentence in the 1968 Code adding a reference to alleys. A second provision requires a signal before changing direction. A third law requires a signal before turning right or left.

11. Puerto Rico requires drivers on public highways to signal before turning right or left.

The laws of the remaining 25 jurisdictions require a signal only when other traffic would be affected by the movement.

Of these, 14 states and the District of Columbia are in verbatim or substantial conformity with the 1956 Code provision:

Alabama	Maryland	New Mexico	Tennessee [3]
Arizona	Montana	Oklahoma	West Virginia
California [1]	New Jersey [2]	Rhode Island	Wisconsin [4]
Maine			Wyoming

1. California requires reasonable safety and a signal before turning from a direct course or moving right or left on the roadway in the event any other vehicle may be affected by the movement.

2. The New Jersey law additionally requires a driver about to start or back his vehicle to ascertain that it is safe to do so.

3. One Tennessee law (§ 59-842(a)) is identical to the 1956 Code, but a second (§ 59-843(1)) requires a signal by "every driver who intends to start, stop or turn, or partly turn from a direct line" and requires him to "first see that such movement can be made in safety." See also, § 59-843(9), requiring a signal before turning a stopped or standing vehicle from the curb; § 59-843(8), requiring a driver receiving a signal to keep his vehicle under complete control; and § 59-843(7), requiring a driver who gives a signal to follow the course indicated, unless the signal is altered in such a way that other drivers and pedestrians have seen and are aware of the change.

4. The Wisconsin law additionally requires a driver to be in a proper position for turning into a private road or driveway.

Six states have provisions that are in verbatim or substantial conformity with the 1934 Code. See Historical Note, *supra*. Thus, the laws of these states require signals to pedestrians and drivers who may be affected by a turn, but only a turn from a "direct course." Like the Code, however, they do require the exercise of *reasonable* safety before so turning:

Arkansas	Indiana [2]	Mississippi
Florida [1]	Iowa	Nevada [3]

1. Though not requiring an audible signal, Florida is otherwise similar to the 1934 Code. A second law (§ 316.085(2)) bans any lane change that would interfere with any vehicle approaching from the same direction. See also, UVC § 11-309(a).

2. The Indiana law also applies to a driver who slows or stops his vehicle, and requires a signal before turning from a direct course or changing lanes.

3. Nevada has a second law requiring a hand and arm signal before turning from a parked position. A third law (§ 484.305(1)) requires a signal before changing lanes.

The laws of three states are identical or similar to the 1926 Code provision quoted in the Historical Note, *supra*. They require a signal to pedestrians and to other drivers who may be affected by turning from a "direct line." Unlike the Code, they require the driver to ascertain that it is "safe" (not "reasonably safe") to make such a turn:

North Carolina [1]	South Dakota [2]	Virginia [3]

1. Failure to signal is not negligence per se.

2. A second South Dakota law (§ 32-26-30) bans deviating from a direct line of travel unless safe to do so in business and residence districts.

3. The Virginia law (§ 46.1-216) requires a signal prior to turning or partly turning from a direct line when other vehicles would be affected. It does not require an audible signal for pedestrians. Section 46.1-220 requires a signal by a driver prior to turning a stopped or standing vehicle from the curb. Violation of these sections is reckless driving. See § 46.1-190(g). See also, §§ 46.1-218 and 46.1-219 requiring a driver to make a signalled turn, unless altered so others are aware of the change, and requiring other drivers receiving the signal to keep their vehicles under complete control.

Massachusetts requires a signal before "making any turning movement which would affect the operation of any other vehicle," but does not requires a driver to ascertain that it is safe or reasonably safe to make such movement.

§ 11-604—Turning Movements and Required Signals

(b) A signal of intention to turn or move right or left when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

Historical Note

The first two editions of the Code required a signal before "starting, stopping or turning from a direct line," but did not indicate the duration of the turn signal. See the 1926 and 1930 Code provisions quoted in the Historical Note to § 11-604(a), *supra*.

A subsection requiring the giving of a turn signal for at least 100 feet was added to the Code in 1934, as follows:

> A signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

UVC Act IV, § 67(b) (Rev. ed. 1934). The words "when required" were added in 1944. UVC Act IV, § 67(b) (Rev. ed. 1938); UVC Act V, § 79(b) (Rev. eds. 1944, 1948, 1952); UVC § 11-604(b) (Rev. eds. 1954, 1956, 1962, 1968).

In 1971, the words "or move" were added as a drafting change to make it clear that a signal must be given for at least 100 feet before moving right or left upon a roadway, such as when a driver changes lanes.

Statutory Annotation

Laws in six states are in verbatim conformity with the present Code:

Kansas	Oregon	Vermont
Nebraska	South Carolina	Washington

The following 26 jurisdictions have laws that are identical to § 11-604(b) of the 1968 Code, except as noted. All of these jurisdictions require a turn signal for at least 100 feet:

Alabama	Hawaii	New Jersey	West Virginia
Arizona	Kentucky [1]	New Mexico	Wisconsin [2]
Arkansas	Maine	New York	Wyoming
California [1]	Maryland	North Dakota	District of
Connecticut [1]	Minnesota [1]	Oklahoma	Columbia
Delaware	Montana	Rhode Island	Puerto Rico
Florida [1]	New Hampshire	Texas	

1. The laws of these states do not contain the phrase "when required," added to the Code subsection in 1944. However, its use is not important.

2. The Wisconsin law provides: "Such signal shall be given continuously during not less than the last 100 feet travelled by the vehicle before turning."

The laws of 17 states are quoted or discussed below. Three of these—Georgia, Mississippi and Ohio—require that a turn signal must be given for a reasonable distance or sufficient time before turning. Ten—Alaska, Colorado, Delaware, Illinois, Indiana, Iowa, Nevada, North Carolina, Pennsylvania and Virginia—vary the distance according to the speed limit or type of highway. One, however, is essentially like the Code and requires a signal for at least 100 feet before turning (Louisiana). Utah describes the minimum duration of a signal in terms of seconds. The best way to provide for the duration of a turn signal has been discussed by members of the National Committee on several occasions during the last few years. All agree that a signal should be of sufficient duration to give ample warning to other traffic. It should be given for at least 100 feet before turning at intersections and other locations where the driver must slow to negotiate the turn. But at high speeds (60 miles per hour or more) and when a vehicle is about to turn from a parked position, how should the duration of a signal be described? Some think it should be given for at least three seconds; others think a general rule alone is adequate. The 17 states are:

Alaska—Regulation requires a signal for 100 feet before turning at speeds less than 35 miles per hour, and for 300 feet at speeds in excess of 35 miles per hour. Alaska also requires electric turn signals to be discontinued "as soon as practicable after completing the turn."

Colorado—Law provides:

> A signal of intention to turn right or left shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning in urban or metropolitan areas and shall be given continuously for at least two hundred feet on all four-lane highways and other highways where the prima facie or posted speed limit is more than forty miles per hour. Such signals shall be given regardless of existing weather conditions.

Delaware—Requires signalling for at least 300 feet but not for more than one-half mile.

Georgia—Requires giving a signal for a time sufficient to alert other drivers.

Idaho—Law provides:

> (2) A signal of intention to turn or move right or left when required shall be given continuously to warn other traffic. On controlled-access highways and before turning from a parked position, such signal shall be given continuously for not less than five (5) seconds and, in all other instances, for not less than the last one hundred (100) feet traveled by the vehicle before turning.

Illinois—Law provides:

> A signal of intention to turn right or left when required must be given continuously during not less than the last 100 feet traveled by the vehicle before turning within a business or residence district, and such signal must be given continuously during not less than the last 200 feet traveled by the vehicle before turning outside a business or residence district.

Indiana—Requires a signal for 200 feet before turning or changing lanes and for 300 feet in any "speed zone of 50 or more miles per hour."

Iowa—Law provides:

> A signal of intention to turn right or left shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning when the speed limit is forty-five miles per hour or less and a continuous signal during not less than the last three hundred feet when the speed limit is in excess of forty-five miles per hour.

Louisiana—Law comparable to UVC § 11-604(b) provides:

> Whenever a person intends to make a right or left turn which will take his vehicle from the highway it is then traveling, he shall give a signal of such intention in the manner described hereafter and such signal shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle before turning.

See the discussion of this provision in § 11-604(a), *supra*.

Mississippi—"A signal of intention to turn right or left shall be given continuously for a reasonable distance before turning."

Nevada—Requires a signal, regardless of the weather, for the last 100 feet in business and residence districts and for at least 300 feet elsewhere.

North Carolina—Law requires hand and arm signals to be "maintained or given continuously for the last 100 feet traveled prior to stopping or making a turn." In areas where the speed limit is 45 miles per hour, or more, a signal of intention to turn from a direct line "shall be given continuously during the last 200 feet traveled before turning." This law differs from the Code by apparently specifying the duration only of a hand and arm signal and by requiring a stop signal for 100 feet.

Ohio—Law provides:

> A signal of intention to turn right or left shall be given in sufficient time in advance of the movement indicated to give ample warning to other users of the highway who would be affected by such movement.

Pennsylvania—Law requires a continuous signal for at least 100 feet at speeds up to 35 mph. Over 35, one must signal for 300 feet. A signal must also be given before entering the traffic stream from a parked position.

Tennessee—§ 59-843(6) provides:

> Such signals shall be given continuously for a distance of at least 50 feet before stopping, turning, partly turning, or materially altering the course of the vehicle.

The Code requires a turn signal for at least 100 feet, and does not require giving a stop signal for a specified distance.

Utah—§ 41-6-69(2) provides:

> A signal of intention to turn right or left or to change lanes shall be given continuously for at least the last three seconds preceding the beginning of the turn or change.

Virginia—§ 46.1-217(b) provides:

> Whenever the lawful speed is more than 35 miles per hour such signals shall be given continuously for a distance of at least 100 feet, and in all other cases at least 50 feet, before slowing down, stopping, turning, partly turning or materially altering the course of the vehicle.

See also, § 46.1-190(g) providing that a person who fails to give an adequate and timely signal of his intention to turn or stop is guilty of reckless driving. The Code does not require a stop signal for 100 feet and would require a turn signal for at least 100 feet before making any turns even though the speed limit is less than 35 miles per hour.

The laws of four states—Massachusetts, Michigan, Missouri and South Dakota—do not provide for the duration of a turn signal. However, Michigan does require an "intelligible signal or warning to other highway traffic."

§ 11-604—Turning Movements and Required Signals

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

Historical Note

This subsection was added to the Code in 1934 and has not since been amended. UVC Act V, § 67(c) (Rev. ed. 1934); UVC Act V, § 76(c) (Rev. ed. 1938); UVC Act V, § 79(c) (Rev. eds. 1944, 1948, 1952); UVC § 11-604(c) (Rev. eds. 1954, 1956, 1962, 1968).

The first two editions of the Code contained the following provisions requiring a signal before stopping:

> The driver of any vehicle upon a highway before . . . stopping . . . shall first see that such movement can be made in safety . . . and whenever the operation of any other vehicle may be affected by such movement shall give a signal as required in this section plainly visible to the driver of such other vehicle of the intention to make such movement.

UVC Act IV, § 18(a) (1926); UVC Act IV, § 33(a) (Rev. ed. 1930). For the full text of the 1926-1930 Code provision, see the Historical Note to § 11-604(a), *supra*.

Statutory Annotation

Forty states and the District of Columbia have provisions in verbatim conformity with UVC § 11-604(c), except as noted:

Alabama	Hawaii	Mississippi	Rhode Island
Alaska	Idaho	Montana	South Carolina
Arizona	Illinois	Nebraska	South Dakota
Arkansas	Indiana	New Hampshire	Tennessee [2]
California [1]	Iowa	New Mexico	Texas
Colorado	Kansas	New York	Vermont [3]
Connecticut	Kentucky	North Dakota	Washington
Delaware	Louisiana	Ohio	West Virginia
Florida	Maine	Oklahoma	Wisconsin
Georgia	Maryland	Oregon	Wyoming

1. The California law applies "upon a highway." See UVC § 11-101.
2. One Tennessee law (§ 59-842(b)) is identical to the Code, but another, like provisions appearing in early editions of the Code, requires a driver intending to stop to see that it is safe to do so and to give a signal to any driver who may be affected.
3. One Vermont law duplicates the Code. Another requires a signal before "materially slackening speed."

The laws of 10 jurisdictions are discussed or quoted below. Several of these are comparable to earlier editions of the Code requiring the driver to ascertain that it is safe to stop and to give a signal to any driver who may be affected. Many of these laws would not excuse a driver who had no opportunity to give a stop signal.

Massachusetts—Ch. 90, § 14B, provides that every person operating a motor vehicle "before stopping . . . or making any turning movement which would affect the operation of any other vehicle, shall give a plainly visible signal . . . ."

Michigan—Law is generally similar to the 1926 Code provision qnoted in the Historical Note, *supra*, and provides that a driver "before stopping or turning from a direct line shall first see that such movement can be made in safety and shall give a signal as required in this section." Unlike the 1926 Code the law does not mention giving a stop signal when another driver would be affected, although a subsection comparable to UVC § 11-605(a) mentions giving a stop or turn signal to warn other highway traffic.

Minnesota—Law is identical to the Code, but concludes "unless there is good and sufficient reason for not being able to do so," and not "when there is opportunity to give such signal" as in the Code.

Missouri—Law provides that a driver shall not "stop or suddenly decrease the speed of or turn" a vehicle "unless and until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the manner provided herein." Portions of the law describing a stop signal given by hand and arm refer to other vehicles that may reasonably be affected by stopping or checking the speed of a vehicle.

Nevada—Duplicates the Code but omits "when there is opportunity to give such signal."

New Jersey—Law is identical to the Code but does not contain the concluding phrase "when there is opportunity to give such signal."

North Carolina—Law is identical to the 1926 Code provision quoted in the Historical Note, *supra*.

Utah—Duplicates the Code but omits "in the manner provided herein."

Virginia—Like the 1926 Code, § 46.1-216 requires drivers intending to stop to ascertain that it is safe to stop and to give a signal to the driver of any other vehicle that may be affected. See also, § 46.1-190(g) providing that a person who fails to give an adequate and timely signal of his intention to slow down or stop is guilty of reckless driving.

Puerto Rico—Requires slowing gradually.

Pennsylvania does not have a comparable law.

§ 11-604—Turning Movements and Required Signals

(d) The signals required on vehicles by § 11-605(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. (REVISED, 1971.)

Historical Note

This subsection was added to the Code in 1962 to prohibit certain improper uses of electrical turn signals by drivers of vehicles of the type described in UVC § 11-605(b). Generally speaking, those vehicles are buses, trucks and combinations of vehicles. This rule was not intended to apply to drivers of passenger cars.

As originally adopted, this subsection read as follows:

> The signals provided for in section 11-605(b) shall be used to indicate an intention to turn, change lanes, or start from a parked position and shall not be flashed on one side only on a parked or disabled vehicle, or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear.

The references to when signals must be given were deleted in 1971 because they were unnecessary in view of subsection (a). The provision about not using an electric turn signal on one side of a parked vehicle was clarified so that it would not prohibit the display of a turn signal before turning from a parked or stopped position.

Statutory Annotation

Laws in nine states duplicate the 1971 Code section:

Idaho	North Dakota	South Carolina
Kansas	Ohio	Utah
Nebraska	Pennsylvania [1]	Washington

1. Pennsylvania also requires use of turn signals to be discontinued immediately after completing the turn or movement.

Fifteen more states have adopted laws comparable to this subsection:

Alaska *	Georgia *	Maryland *	South Dakota
Colorado *	Hawaii *	New Hampshire *	Texas
Delaware	Illinois	New York	Vermont
Florida	Louisiana *	Oregon	

Though most of these laws are patterned after the section appearing in the 1962 and 1968 revised editions of the Uniform Vehicle Code, only the states with an asterisk apply the rule to larger vehicles. Laws in the other states either expressly or apparently apply the rule to all drivers. Like the current Code, the Florida law does not refer to changing lanes or starting from a parked position the way the 1968 Code did. Maryland and Oregon ban only courtesy or "do pass" signals; they do not prohibit the use of turn signals on parked or disabled vehicles. Vermont may not allow use of hand and arm signals to indicate it is safe to pass.

The traffic laws of the remaining states do not contain directly comparable prohibitions against the use of an electric turn signal on one side of a parked or disabled vehicle or against its use as a "do pass" signal. However, several states—Connecticut, Tennessee and Virginia—as noted in § 11-604(a), do have either general provisions describing the proper use and meaning of an electric turn signal or permit the use of such signals only when required by law. Such provisions may apply to any use of an electric turn signal given by the driver of any vehicle. See also, UVC § 12-227(c) prohibiting flashing lights except those authorized by other sections of the Code, such as § 12-220 authorizing the use of simultaneously flashing traffic hazard warning lamps.

Citations

Ala. Code tit. 32, § 32-5-58 (1975).
13 Alaska Adm. Code § 02.215 (1971).
Ariz. Rev. Stat. Ann. § 28-754 (1956).
Ark. Stat. Ann. § 75-618 (1957).
Cal. Vehicle Code §§ 22107, 22109 (1960).
Colo. Rev. Stat. Ann. § 42-4-803 (1973).
Conn. Gen. Stat. Ann. § 14-242 (1960).
Del. Code Ann. tit. 21, § 4155 (Supp. 1977).
Fla. Stat. § 316.155(4) (1971).
Ga. Code Ann. § 68A-604 (1975).
Hawaii Rev. Stat. § 291C-84 (Supp. 1971).
Idaho Code Ann. § 49-664, amended by H.B. 197, CCH ASLR 514 (1977).
Ill. Ann. Stat. ch. 95½, § 11-804 (1971).
Ind. Stat. Ann. § 9-4-1-78 (1973).
Iowa Code Ann. §§ 321.314 to .316 (1966).
Kans. Stat. Ann. § 8-1548 (1975).
Ky. Rev. Stat. Ann. §§ 189.380(1), (2), (3), amended by H.B. 24, CCH ASLR 1651, 1668-69 (1978).
La. Rev. Stat. Ann. § 32:104 (1963, Supp. 1972).
Me. Rev. Stat. Ann. tit. 29, § 1191 (1965).
Md. Transp. Code § 21-604 (1977).
Mass. Ann. Laws ch. 90, § 14B (1957).
Mich. Stat. Ann. § 9.2348 (Supp. 1977).
Minn. Stat. Ann. § 169.19 (1960), amended by H.B. 2298, CCH ASLR 419 (1978).
Miss. Code Ann. § 63-3-707 (1972).
Mo. Ann. Stat. § 304.019 (1963).
Mont. Rev. Codes Ann. § 32-2167 (1961).
Neb. Rev. Stat. § 39-652 (1974).
Nev. Rev. Stat. § 484.343 (1975).
N.H. Rev. Stat. Ann. § 262-A:42 (1966).
N.J. Rev. Stat. § 39:4-126 (1961).
N.M. Stat. Ann. § 64-7-325, amended by H.B. 112, CCH ASLR 161, 517-518 (1978).
N.Y. Vehicle and Traffic Law § 1163 (Supp. 1966).
N.C. Gen. Stat. § 20-154 (1975).
N.D. Cent. Code § 39-10-38 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.39 (Supp. 1977).
Okla. Stat. Ann. tit. 47, § 11-604 (1962).
Ore. Rev. Stat. § 487.405 (1977).
Pa. Stat. Ann. tit. 75, § 3334 (1977).
R.I. Gen. Laws Ann. §§ 31-16-5 to -7 (1957).
S.C. Code Ann. § 56-5-2150 (Supp. 1977).
S.D. Comp. Laws §§ 32-26-22, -22.1 (1967, Supp. 1971).
Tenn. Code Ann. §§ 59-842, -843 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 68 (1960, Supp. 1972).
Utah Code Ann. § 41-6-69 (Supp. 1979)
Vt. Stat. Ann. tit. 23, §§ 1064, 1065 (Supp. 1977).
Va. Code Ann. §§ 46.1-190(g), -216, -217, -220 (1967).
Wash. Rev. Code Ann. § 46.61.305 (Supp. 1979).
W.Va. Code Ann. § 17C-8-8 (1966).
Wis. Stat. Ann. § 346.34 (1958).
Wyo. Stat. Ann. § 31-5-217 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 39 (1959).

§ 11-605—Signals by Hand and Arm or Signal Lamps

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

(b) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

Historical Note

The Code has always provided that, as a general rule, a stop or turn signal may be given either by means of a hand-and-arm signal or by an electric signal device. As discussed previously in the Historical Notes to §§ 11-603, 11-604(a) and 11-604(c), *supra*, the 1926 and 1930 editions of the Code required a signal before "starting, stopping or turning from a direct line" and then provided:

> The signal herein required shall be given either by means of the hand and arm in the manner herein specified, or by an approved mechanical or electrical signal device, except that when a vehicle is so constructed or loaded as to prevent the hand and arm signal from being visible both to the front and rear the signal shall be given by a device of a type which has been approved by the department.

UVC Act IV, § 18(b) (1926); UVC Act IV, § 38(b) (Rev. ed. 1930). In 1934, the above provision was placed in a separate section and revised as follows:

> The signals herein required shall be given either by means of the hand and arm or by a signal lamp or signal device of a type approved by the department, but when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle then said signals must be given by such a lamp or device.

UVC Act V, § 68 (Rev. ed. 1934); UVC Act V, § 77 (Rev. ed. 1938). In 1944, the Code was amended to expressly apply to turn and stop signals:

> Any stop or turn signal when required herein shall be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device of a type approved by the department, but when a vehicle is so constructed or loaded that a hand-and-arm signal would not be visible both to the front and rear of such vehicle then said signals must be given by such a lamp or lamps or signal device.

UVC Act V, § 80 (Rev. ed. 1944). In 1948, the words "of a type approved by the department" were deleted. UVC Act V, § 80 (Rev. ed. 1948).

In 1952, the section was divided into two subsections, and the exception requiring use of a device when hand-and-arm signals would not be visible was defined in terms of specific distances from the steering post, as follows:

> (a) Any stop or turn signal when required herein shall be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device, 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, a signal lamp or lamps or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

UVC Act V, § 80 (Rev. ed. 1952). The only further revisions in this section were made by the National Committee in 1956 when the references to "mechanical signal device" were deleted and the phrase "signal lamp or lamps" changed to "signal lamps." UVC § 11-605 (Rev. eds. 1954, 1956, 1962, 1968).

See also, UVC § 12-206(b) requiring electric turn signals on all trailers and on all motor vehicles that exceed a specified width.

Statutory Annotation

Subsection (a).

The laws of 38 jurisdictions are essentially similar to the Code as it has existed since 1944. Thus, they provided that, as a general rule, any "stop or turn signal" may be given either manually or by signal lamps:

Alabama [1]	Idaho	Nevada	South Carolina
Alaska	Illinois [3]	New Hampshire [6]	Tennessee [1,8]
Arizona [1]	Indiana [1]	New Mexico [1]	Texas [9]
Arkansas	Louisiana	New York	Utah
Colorado	Maine [1]	North Dakota	Vermont [1,10]
Connecticut [1,2]	Maryland	Ohio [7]	Washington
Delaware [1]	Massachusetts [1,4]	Oklahoma	West Virginia [1]
Florida	Montana	Pennsylvania	Wisconsin [11]
Georgia	Nebraska [5]	Rhode Island	Wyoming [1]
Hawaii			District of Columbia [1]

1. These jurisdictions authorize the use of mechanical signal devices also, as did the Code prior to 1956.

2. The Connecticut law (§ 14-244) does not except vehicles of the type described in UVC § 11-605(b). See the Connecticut equipment law discussed in § 11-605(b), *infra*, in this Annotation, which would require the use of a signal other than a hand-and-arm signal by drivers of such vehicles.
3. The Illinois law does not have the Code exception compelling use of a device when a manual signal is not visible.
4. Massachusetts requires a plainly visible stop or turn signal either by hand and arm or by a suitable mechanical or electric device, but does not have an exception for vehicles constructed or loaded so as to prevent manual signals from being seen.
5. Nebraska adds requirement for using electric signal when hand and arm would not be visible for 100 feet in each direction.
6. New Hampshire refers to lighted signal lamps.
7. Ohio adds requirement that signal clearly indicate one's intention to approaching and following traffic.
8. Tennessee has two comparable laws. Section 59-844(a) is essentially like UVC § 11-605(a), but § 59-843(2) provides, as did the Code prior to 1934, that "the signal herein required" shall be given by means of the hand and arm, or some mechanical or electrical device. The first has an exception, the second does not.
9. The Texas law (§ 70) comparable to UVC § 11-606 has a second provision permitting use of lamps or a manual signal and does not expressly refer to the exception covering instances when hand-and-arm signals would be meaningless.
10. The Vermont law requires a signal before changing direction or materially slackening speed with a manual signal or with an approved mechanical or lighting device.
11. The Wisconsin law is partially in conformity but the exception clause refers to an equipment law with provisions like those in UVC § 11-605(b) except that they deal only with turn signals. Thus, a manual *stop* signal may be permissible even though the distance measurements in subsection (b) have been exceeded.

The laws of 11 states provide, as did the Code prior to 1944, that the required "*signals*" (not any required "stop or turn signal") shall be given manually or by a signal lamp or other appropriate device:

California [1]	Minnesota	New Jersey [3]
Iowa [2]	Mississippi [3]	North Carolina [3]
Kentucky	Missouri	South Dakota [3]
Michigan [3]		Virginia [3,4]

1. The California law provides that "the signals required by this chapter" shall be given manually or by a signal lamp.
2. The portion of the Iowa law comparable to UVC § 11-605(a) does not contain an express exception for situations when a manual signal would not be visible, nor does Iowa have a law comparable to UVC § 11-605(b).
3. The laws of these states, like the 1926 and 1930 Code, refer to the required "signal" that shall be given manually or by a signalling device.
4. Virginia § 46.1-217 has no express exception for vehicles so designed or loaded as to obstruct a manual signal. But an equipment law (§ 46.1-298) would apply and would require use of an appropriate signalling device and Virginia has a second provision comparable to UVC § 11-605(a).

Kansas requires most motorists to use an electric signal. Other drivers must use electrical or hand-and-arm signals. Oregon requires use of signal lamps but, during the day, hand-and-arm signals may be used when the steering wheel is less than 24 inches from the left side or less than 14 feet to the rear. Puerto Rico may require use of hand-and-arm signals.

Subsection (b).

The laws of 32 jurisdictions are essentially similar to the Code and require giving a stop or turn signal by using signal lamps when the distance from the steering post to the left extremity of the vehicle exceeds 24 inches or when the distance from the steering post to the rear extremity of the vehicle or combination exceeds 14 feet:

Alaska	Indiana [2]	New York [3]	Texas
Arkansas	Maryland	North Dakota	Utah
Colorado	Michigan [3]	Ohio	Washington
Connecticut [1]	Missouri [4]	Oklahoma	Wisconsin [6]
Delaware	Montana	Pennsylvania [5]	Wyoming
Florida	Nebraska	Rhode Island	District of Columbia
Georgia	New Hampshire	South Carolina	Puerto Rico
Hawaii	New Mexico	Tennessee	
Idaho			

1. A Connecticut equipment law (§ 14-101) contains a subsection that is virtually identical to UVC § 11-605(b) and another subsection making it unlawful to operate any motor vehicle that is so constructed or loaded as to prevent hand-and-arm signals from being clearly visible to the front and rear unless it is equipped with a turn signal or signalling device.
2. The Indiana law excepts "farm tractors and farm implements." New York excepts agricultural vehicles not designed and intended primarily for highway use, fire vehicles and certain special mobile equipment.
3. The Michigan law applies to any commercial motor vehicle, except those in transit from a manufacturer to a dealer.
4. The Missouri law requires use of a lamp or device when a vehicle is so constructed or loaded as to prevent visibility of a hand-and-arm signal, and then employs the Code measurements of 24 inches and 14 feet. The law, however, applies only to new vehicles registered after January 1, 1954, and does not apply to small trailers that do not interfere with a clear view of manual signals.
5. Pennsylvania law does not apply to old vehicles not originally equipped with turn signals.
6. A Wisconsin equipment law (§ 317.15(3m)) employs the Code measurements only as to turn signals and does not have the Code's concluding sentence about combinations of vehicles.

One state—California—employs the 24-inch measurement of the Code but not the 14-foot measurement, relying instead on the more general standard of nonvisibility of a manual signal. Its law requires use of signal lamps when the body or load of any vehicle or combination projects 24 inches or more to the left of the center of the steering wheel, or whenever a hand-and-arm signal would not be visible to the front and rear of any vehicle or vehicles. Implements of husbandry are exempted but their drivers must give a hand-and-arm signal.

Like the Code prior to 1952, the laws of the following 13 states do not employ any specific distance requirements; rather, they require the use of signal lamps or devices simply when the vehicle is so constructed or loaded that hand-and-arm signals would not be visible to the front and rear:

Alabama [1]	Maine [3]	Nevada	South Dakota
Arizona	Minnesota [4]	New Jersey	Virginia [5]
Kentucky [2]	Mississippi	North Carolina	West Virginia
Louisiana			

1. The Alabama law applies to any new vehicle purchased after January 1, 1950, that is so constructed or loaded.
2. The Kentucky law requires use of turn signal lamps or mechanical devices on for-hire vehicles used for the transportation of persons, except taxicabs, on school and church buses, and on vehicles that are so constructed or loaded that a hand-and-arm signal would not be visible. The operator of any such vehicle, however, when intending to stop, must illuminate a rear red or yellow light with the word "Stop" on it.
3. Maine adds a requirement that stop lights be red and that turn signals be white-amber to the front and amber-red to the rear. See UVC § 12-219 on colors for stop and turn signal lights.
4. In Minnesota, a signal lamp or device must be used "when a vehicle is so constructed or loaded that a hand-and-arm signal would not be visible in normal sunlight, and at night both to the front and rear of such vehicle."
5. The Virginia equipment law does not apply to implements of husbandry, motorcycles and tractors with double-faced lights on front fenders.

Six states—Illinois, Iowa, Kansas, Massachusetts, Oregon and Vermont—do not have provisions requiring the use of signal lamps when the design or load on a vehicle would prevent a manual signal from being seen to the front and rear. However, Illinois requires all vehicles to have electric signals and may require their use.

Citations

Ala. Code tit. 32; § 32-5-58 (1975).
13 Alaska Adm. Code § 02.220 (1971).
Ariz. Rev. Stat. Ann. § 28-755 (1956).
Ark. Stat. Ann. § 75-619 (1957).
Cal. Vehicle Code § 22110 (Supp. 1971).
Colo. Rev. Stat. Ann. § 42-4-803 (1973).
Conn. Gen. Stat. Ann. §§ 14-101, -244 (1970, Supp. 1972).
Del. Code Ann. tit. 21, § 4156 (Supp. 1966).
Fla. Stat. § 316.156 (1971).
Ga. Code Ann. § 68A-605 (1975).
Idaho Code Ann. § 49-665, amended by H.B. 197, CCH ASLR 515 (1977).
Ill. Ann. Stat. ch. 95½, § 11-805 (1971).
Ind. Ann. Stat. § 9-4-1-79 (1973).
Iowa Code Ann. § 321.317 (1966).
Kans. Stat. Ann. § 8-1549 (1975).
Ky. Rev. Stat. Ann. § 189.380.
La. Rev. Stat. Ann. § 32:105 (1963, Supp. 1972).
Me. Rev. Stat. Ann. tit. 29, § 1192, as amended by Gen. Laws 1971, ch. 123.
Md. Transp. Code § 21-605 (1977).
Mass. Ann. Laws ch. 90, § 14B (1957).
Mich. Stat. Ann. § 9.2348 (1960).
Minn. Stat. Ann. § 169.19(7) (1960).
Miss. Code Ann. § 63-3-709 (1972).
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Mont. Rev. Codes Ann. § 32-2168 (1961).
Neb. Rev. Stat. § 39-653 (1974).
Nev. Rev. Stat. § 484.345 (1975).
N.H. Rev. Stat. Ann. § 262-A:43 (1966).
N.J. Rev. Stat. § 39:4-126 (1961).
N.M. Stat. Ann. § 64-7-326, amended by H.B. 112, CCH ASLR 161, 518-19 (1978).
N.Y. Vehicle and Traffic Law § 1164 (1960, Supp. 1966).
N.C. Gen. Stat. § 20-154 (Supp. 1965).
N.D. Cent. Code § 39-10-39 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.39 (Supp. 1977).
Okla. Stat. Ann. tit. 47, § 11-605 (1962).
Ore. Rev. Stat. § 487.410 (1977).
Pa. Stat. Ann. tit. 75, § 3335 (1977).
R.I. Gen. Laws Ann. §§ 31-16-8, -9 (1957).
S.C. Code Ann. § 56-5-2180 (Supp. 1977).
S.D. Comp. Laws § 32-26-23 (1967).
Tenn. Code Ann. § 59-844 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 69 (Supp. 1972).
Utah Code Ann. § 41-6-70 (Supp. 1979).
Vt. Stat. Ann. tit. 23, § 1046 (1959).
Va. Code Ann. §§ 46.1-217, -298 (1974).
Wash. Rev. Code Ann. § 46.61.310 (Supp. 1966).

W.Va. Code Ann. § 17C-8-9 (1966).
Wis. Stat. Ann. § 346.35 (Supp. 1966).
Wyo. Stat. Ann. § 31-5-218 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 40 (1959).
P.R. Laws Ann. tit. 9, § 982 (Supp. 1975).

§ 11-606—Method of Giving Hand-and-Arm Signals

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

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

Historical Note

This section has been in the Code since 1938. UVC Act V, § 78 (Rev. ed. 1938); UVC Act V, § 81 (Rev. eds. 1944, 1948, 1952); UVC § 11-606 (Rev. eds. 1954, 1956, 1962, 1968).

The 1926 and 1930 editions of the Code provided that an intention to stop or make any turn should be signaled by extending the hand and arm horizontally:

> Whenever the signal is given by means of the hand and arm the driver shall indicate his intention to start, stop or turn by extending the hand and arm horizontally from and beyond the left side of the vehicle.

UVC Act IV, § 18 (1926); UVC Act IV, § 33 (Rev. ed. 1930). In 1934, the above provision was retained in the Code and an alternate section added for states desiring to require distinctive signals for a left turn, right turn, and stopping. The alternate section was identical to the present Code section, except that the hand-and-arm signal for a right turn was: "Hand and arm extended upward *or moved with a sweeping motion from the rear to the front.*" (Emphasis added.) UVC Act V, § 69 and Alt. § 69 (Rev. ed. 1934).

In 1938, the first section was deleted and the alternate section was amended by deleting the italicized language.

Statutory Annotation

Forty-two states and the District of Columbia are in verbatim conformity with UVC § 11-606:

Alabama	Idaho	Nebraska	Rhode Island
Alaska	Illinois	Nevada [1,4]	South Carolina
Arizona	Indiana	New Hampshire	South Dakota
Arkansas	Iowa [2]	New Jersey [1]	Texas
California [1]	Kansas	New Mexico	Utah
Colorado	Kentucky	New York	Vermont
Delaware	Maine	North Dakota	Washington
Florida	Maryland	Ohio	West Virginia
Georgia	Michigan	Oklahoma	Wisconsin
Hawaii	Minnesota [1,3]	Oregon	Wyoming
	Montana	Pennsylvania	

1. The laws of these states require the giving of a hand-and-arm signal from *and beyond* the left side of the vehicle.
2. The introductory portion of the Iowa law requires such signals to be given from the left side but "the manner and interpretation thereof" is merely "suggested."
3. Minnesota adds the following to its directions for right turn signalling, "except that a bicyclist or motorcyclist may extend the right hand and arm horizontally to the right side of the bicycle or motorcycle."
4. Nevada adds that extending an arm horizontally means that one will re-enter a lane of traffic from a parked position.

Because the basic arm positions in each of the following nine jurisdictions are essentially similar to those in the Code, they are probably in substantial conformity:

Connecticut—Law provides:

> (1) To stop or decrease speed: hand and arm extended downward; (2) to turn left or to leave or draw away from a curb or the edge of the highway: hand and arm extended horizontally with forefinger pointed; (3) to turn right: hand and arm extended upward.

Louisiana—Introductory paragraph is identical to the Code but § 32:106 then provides:

> (1) Left turn—hand and arm extended horizontally, with the hand open and the back of the hand to the rear.
>
> (2) Right turn—hand and arm extended upward at an angle of forty-five degrees from shoulder or elbow, with the hand open and the back of the hand to the rear.
>
> (3) Stop or decrease speed—start—hand and arm extended downward at an angle of forty-five degrees from shoulder or elbow, with the hand open and the back of the hand to the rear.
>
> (4) Pulling from curb or side of highway—same as for left turn.

Massachusetts—As amended in 1965, § 14B has the same three hand-and-arm signals as those described in the Code, though each is preceded by the words "An intention to." The law does not require that manual signals be given from the left side of the vehicle.

Mississippi—Law is identical to the alternate section appearing in the 1934 edition of the Code. See the Historical Note, *supra*. Thus, the law is identical to the present Code provision except that a right turn may additionally be indicated by moving the arm in a sweeping motion from the rear to the front.

Missouri—Law does not have an introductory provision like that in the Code. It provdes:

> (1) An operator or driver when stopping, or when checking the speed of his vehicle, if the movement of other vehicles may reasonably be affected by such checking of speed, shall extend his arm at an angle below horizontal so that the same may be seen in the rear of his vehicle;
>
> (2) An operator or driver intending to turn his vehicle to the right shall extend his arm at an angle above horizontal so that the same may be seen in front of and in the rear of his vehicle, and shall slow down and approach the intersecting highway as near as practicable to the right side of the highway along which he is proceeding before turning;
>
> (3) An operator or driver intending to turn his vehicle to the left shall extend his arm in a horizontal position so that the same may be seen in the rear of his vehicle, and shall slow down and approach the intersecting highway so that the left side of his vehicle shall be as near as practicable to the center line of the highway along which he is proceeding before turning.

North Carolina—Law requires manual signals to be given from and beyond the left side of the vehicle:

> Left turn—hand and arm horizontal, forefinger pointing.
>
> Right turn—hand and arm pointed upward.
>
> Stop—hand and arm pointed downward.

Tennessee and Virginia—Require manual signals to be given from and beyond the left side of a vehicle, as follows:

> For left turn, or to pull to the left, the arm shall be extended in a horizontal position straight from and level with the shoulder.
>
> For right turn, or pull to the right, the arm shall be extended upward.
>
> For slowing down or to stop, the arm shall be extended downward.

Puerto Rico—Requires a driver to give the following signals by left hand and arm when intending to turn to his right or to his left, or to stop, or to slow down:

(1) Left turn: hand and arm extended horizontally outward with the palm of the hand towards the front and fingers together.

(2) Right turn: hand and arm extended outward and upward, in a right angle, with the palm of the hand towards the front and fingers together.

(3) Stop or slow down: hand and arm extended outward and downward with the palm of the hand facing the rear and fingers together.

Citations

Ala. Code tit. 32, § 32-5-58(f) (1975).
13 Alaska Adm. Code § 02.225 (1971).
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N.D. Cent. Code § 39-10-40 (1960).
Ohio Rev. Code Ann. § 4511.40 (1965).
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Pa. Stat. Ann. tit. 75, § 3336 (1977).
R.I. Gen. Laws Ann. § 31-16-10 (1957).
S.C. Code Ann. § 56-5-2170 (1976).
S.D. Comp. Laws § 32-26-24 (1967).
Tenn. Code Ann. § 59-843 (1955).
Tex. Rev. Civ. Stat. art. 670d, § 70 (1960).
Utah Code Ann. § 41-6-71 (1960).
Vt. Stat. Ann. tit. 23, § 1065 (Supp. 1977).
Va. Code Ann. § 46.1-217 (1967).
Wash. Rev. Code Ann. § 46.61.315 (Supp. 1966).
W. Va. Code Ann. § 17C-8-10 (1966).
Wis. Stat. Ann. § 346.35 (Supp. 1967).
Wyo. Stat. Ann. § 31-5-219 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 41 (1959).
P.R. Laws Ann. tit. 9, § 982 (Supp. 1975).

ARTICLE VII—SPECIAL STOPS REQUIRED

§ 11-701—Obedience to Signal Indicating Approach of Train

(a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

3. A railroad train approaching within approximately 1,500 feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;

4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

Historical Note

This section has been in the Code without amendment since 1948. UVC Act V, § 104 (Rev. eds. 1948, 1952); UVC § 11-701 (Rev. eds. 1954, 1956, 1962, 1968).

The 1926 Code provided:

> Whenever any person driving a vehicle approaches a highway and interurban or steam railroad grade crossing and clearly visible and positive signal gives warning of the immediate approach of a railway train or car, it shall be unlawful for the driver of the vehicle to fail to bring the vehicle to a complete stop before traversing such a grade crossing.

UVC Act IV, § 5 (1926). The section was changed only slightly in 1930 to require a driver to "stop the vehicle" rather than "bring the vehicle to a complete stop." UVC Act IV, § 45 (Rev. ed. 1930). In 1934, however, it was revised substantially to provide:

> (a) Whenever any person driving a vehicle approaches a railroad grade crossing and a clearly visible electric or mechanical signal device gives warning of the immediate approach of a train, the driver of such vehicle shall stop within fifty feet but not less than ten feet from the nearest track of such railroad and shall not proceed until he can do so safely.
>
> (b) The driver of a vehicle shall stop and remain standing and not traverse such a grade crossing when a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a train.

UVC Act V, § 84 (Rev. ed. 1934). The section was re-arranged again in 1938 to accommodate the addition of the present subsections (a)3 and 4. UVC Act V, § 102 (Rev. ed. 1938).

In 1944, the nearer stopping distance was increased from 10 to 15 feet and, in 1948, the present subsection (b) was added. UVC Act V, § 104 (Rev. eds. 1944, 1948).

Statutory Annotation

Subsection (a).

The laws of 36 jurisdictions are either in verbatim conformity with UVC § 11-701(a) or follow the text of the Code so closely as to be probably in substantial conformity:

Alaska [1]	Indiana [5]	New Mexico	Texas [12]
Arizona	Kansas	New York [8]	Utah [5]
Arkansas	Louisiana [6]	North Dakota [9]	Vermont [13]
Colorado	Maryland	Ohio	Virginia [14]
Delaware [2]	Michigan	Oklahoma	Washington
Florida	Montana	Oregon [10]	West Virginia
Georgia [3]	Nebraska [7]	Pennsylvania [11]	Wyoming
Hawaii	New Hampshire	Rhode Island	District of
Idaho	New Jersey	Tennessee	Columbia
Illinois [4]			

1. In subsection (a)2, Alaska omits reference to continuing to give a signal, and in subsection (a)3 does not expressly require the train's signal to be audible for 1,500 feet.

2. Delaware § 4161 is identical to the Code but additionally applies to a driver approaching a "drawbridge or automatic signal system controlling the flow of traffic."

3. The Georgia law omits the clause "under any of the circumstances stated in this section" and subparagraph 3 relating to a train approaching within 1,500 feet.

4. Illinois adds a fifth subsection requiring drivers to stop for "a railroad train . . . approaching so closely that an immediate hazard is created." The introductory portion of this law requires drivers approaching a crossing to "exercise due care and caution as the existence of a railroad track across a highway is a warning of danger." Subsection (a)3 differs by omitting the reference to 1,500 feet.

5. The Indiana and Utah laws require stopping at least 10 feet away from the nearest rail and not 15 feet as in the Code.

6. The Louisiana law differs from UVC subsection (a)3 by specifying a train approaching within approximately 900 feet, rather than 1,500 feet, and by referring to a train that "emits a signal in accordance with § 45:561" rather than the Code's "signal audible from such distance."

7. Nebraska in subsection (a)(3) substitutes one quarter mile for the Code's 1,500 feet.

8. The New York law omits the words "within 50 feet but" from the introductory paragraph and thus requires a stop not less than 15 feet from the nearest rail rather than within a specified distance (15 to 50 feet from the nearest rail). Also, subparagraph 1 in the law refers to "*An audible or* clearly visible electric or mechanical signal . . . ."

9. The North Dakota law differs from UVC § 11-701(a)3 by referring to a train approaching within approximately 1,320 feet and not 1,500 feet.

10. Oregon omits, in (a)(3), any reference to a distance the signal must be audible. It requires stopping at a stop line or 10 to 50 feet from the nearest rail.

11. Pennsylvania omits "immediate" before "hazard" and "human" before "flagman."

12. The Texas provision comparable to UVC § 11-701(a)3 refers to "railroad engine" and not "railroad train."

13. Vermont omits "clearly visible" in (a)(1), uses "80 rods" and not "1,500 feet," and omits "approaching" in (a)(4), and adds a reference to a train at, as well as near, the crossing. An additional subsection bans crossing when a mechanical signal is in operation.

14. One Virginia law (§ 46.1-244) is virtually identical to UVC § 11-701(a), differing only by excepting crossings located within incorporated cities and towns, and by requiring a driver to stop when "a railroad train approaching such crossing gives the signals required by § 56-414" while UVC subsection (a)3 refers to a train, within 1,500 feet giving an audible signal, that is an immediate hazard. A second Virginia law (§ 46.1-243), applicable at all grade crossings, requires compliance with a clearly visible or audible signal warning of the immediate approach of a railway train.

The laws of two states (Alabama and North Carolina) are in verbatim or substantial conformity with the 1926 Code provision quoted in the Historical Note, *supra*. Thus, these states require a stop before traversing a grade crossing whenever "a clearly visible and positive signal" warns of the immediate approach of a train. If such a "signal" includes an approaching train as well as flagmen, gates and electric or mechanical signals, these laws may be in substantial conformity with current Code provisions, though none specifies a distance within which any such stop may be made.

Four states have provisions that are generally comparable to the 1934 Code section quoted in the Historical Note, *supra*. These laws differ from the current Code by not expressly requiring a driver to stop for a plainly-visible train in hazardous proximity to the crossing (UVC § 11-701(a)4) or for a train approaching within 1,500 feet (UVC § 11-701(a)3). These laws do, however, require a stop when an electric or mechanical signal, flagman or crossing gate indicates the approach of a train (UVC §§ 11-701(a)1 and 2). Unless otherwise indicated, these states require the stop to be made within *10* to 50 feet of the nearest track and not within *15* to 50 feet of the nearest rail as in the Code. The four states are:

Iowa Kentucky [1] Minnesota Mississippi [2]

1. Kentucky § 189.560(1) is similar to subsection (b) of the 1934 Code provision quoted in the Historical Note, *supra*, and requires a stop for a flagman or lowered crossing gate, but does not have subsection (a) requiring a stop within 10 to 50 feet if an electric or mechanical signal gives warning of an approaching train. See § 11-702, *infra*.

2. The Mississippi law concludes by providing that a violation "shall not of itself defeat recovery" in a civil action for damages.

The comparable laws of eight states are quoted or discussed below:

California—Law requires a stop not less than 15 feet from the nearest rail and prohibits proceeding until the driver can do so safely, when: (1) a clearly visible electric or mechanical signal device or a flagman gives warning of the approach or passage of a train or car, or (2) an approaching train or car is plainly visible or is emitting an audible signal and, by reason of its speed or nearness, is an immediate hazard. Though differing from UVC § 11-701 in several respects, this law probably is in substantial conformity.

Connecticut—§ 14-249 provides:

> Any person operating a *motor* vehicle who fails to bring such motor vehicle to a full stop at a railroad grade crossing when warned of an approaching locomotive or a train by flashing lights erected at such grade crossing pursuant to an order of the public utilities commission shall be fined not more than one hundred dollars. (Emphasis added).

The Connecticut traffic laws do not contain provisions comparable to UVC §§ 11-701(a)2 to 4, nor does the above law specify a distance within which any such stop should be made. Further, the above law does not command a driver to remain stopped until he can proceed safely, and does not refer to an electric device warning of the *immediate* approach of a train, though both may be implied.

Maine—§ 998 provides:

> Every person operating a motor vehicle upon passing any sign provided for in Title 23, sections 1251 and 1252 which is located more than 100 feet from a grade crossing shall, upon reaching a distance of 100 feet from the nearest rail of such crossing, forthwith reduce the speed of the vehicle to a reasonable and proper rate, observe in each direction and shall proceed cautiously over the crossing. Whenever such crossing is protected by gates, by a flagman or by automatic signal, every such motor vehicle operator, or person in control of such vehicle, if the gates are lowered or are being lowered, or if the action of the flagman or the operation of the automatic signal shall indicate that a train is approaching, shall bring such vehicle to a full stop at a distance of not less than 10 feet from the nearest rail of the crossing and shall not proceed on or across the railroad track or tracks until the gates shall have been raised, or until the action of the flagman shall indicate that no train is approaching such crossing, or if the crossing is protected by automatic signal, until such driver has ascertained that no train is approaching. This provision shall be deemed to require a precaution in addition to the duties and precautions imposed by law on persons approaching or crossing a railroad grade crossing.

As to the first sentence, see UVC § 11-801(c) requiring an appropriate reduced speed when approaching or traversing any grade crossing. The second sentence is probably in substantial conformity with UVC §§ 11-701(a)1 and 2, but the law does not expressly require a stop on the approach of a railroad train under the circumstances described in UVC §§ 11-701(a)3 and 4.

Massachusetts—§ 15 states:

> Except as hereinafter otherwise provided, every person operating a motor vehicle, upon approaching a railroad crossing at grade, shall reduce the speed of the vehicle to a reasonable and proper rate before proceeding over the crossing, and shall proceed over the crossing at such rate of speed and with such care as is reasonable and proper under the circumstances. Every person operating a school bus, or any motor vehicle carrying explosive substance or inflammable liquids as a cargo, or part of a cargo, upon approaching a railroad crossing at grade, *and every person operating a motor vehicle*, upon approaching at grade a railroad crossing protected by red lights which flash as a warning or by an automatic gate, while such lights are flashing or such gate is lowered, shall bring his vehicle to a full stop not more than seventy-five feet from the nearest track of said railroad, and shall not proceed to cross until he is satisfied that it is safe to do so. . . . (Emphasis added).

This law is reasonably similar to UVC §§ 11-701(a)1 and 2, but has no provisions comparable to subparagraphs (a)3 and 4, though the first sentence, like UVC § 11-801(c), requires an appropriate reduced speed and the exercise of reasonable care. UVC §§ 11-701(a)3 and 4, however, require stopping when a train approaches under such circumstances. Also, the above law applies to drivers of *motor* vehicles, does not require such stop to be made at least 15 feet away from the nearest rail, and differs from UVC subparagraph (a)2 by not referring to flagmen.

Missouri—Law provides:

> 1. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this subsection, the driver of such vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:
>
> (1) A clearly visible electric or mechanical signal device, which has been installed pursuant to order of the public service commission under section 389.640, RSMo 1969, gives warning of the immediate approach of a railroad train; or

(2) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train.

Nevada—Law duplicates the Code except that it substitutes "and a clearly visible official traffic-control or railroad device gives warning of the immediate approach of a train" for the Code's "under any of the circumstances stated in this section." This law is not in substantial conformity with the Code because it would not require stopping for an approaching train at any crossing that does not have such warning devices. The Code would require a stop under these circumstances.

South Dakota—Driver must stop within 50 to 15 feet of the nearest rail when "a clearly visible or audible signal gives warning of the immediate approach of a railway train or car." He may proceed when safe to do so.

Wisconsin—§ 346.44 provides:

(1) The operator of a vehicle shall not drive on or across a railroad crossing under any of the following circumstances:

(a) While any traffic officer or railroad employee signals to stop;

(b) While any warning device signals to stop, except that if the operator of the vehicle after stopping and investigating finds that no railroad train is approaching he may proceed.

Though not specifying the distance within which any such stop must be made, this law is probably in substantial conformity with UVC §§ 11-701(a)1 and 2, but not with subparagraphs (a)3 and 4.

South Carolina and Puerto Rico do not have provisions in their traffic laws that are comparable to UVC § 11-701(a). See § 11-702, *infra*.

Subsection (b).

Provisions in verbatim or substantial conformity with UVC § 11-701(b), forbidding the driver of a vehicle from proceeding "through, around or under" any crossing gate or barrier while closed or while being opened or closed, have been adopted by 38 states:

Alaska	Idaho	Nevada	Rhode Island
Arizona	Illinois	New Hampshire	Tennessee
Arkansas	Kansas	New Jersey	Utah
California [1]	Louisiana	New Mexico	Vermont
Colorado	Maine [2]	New York	Virginia
Delaware	Maryland	North Dakota	Washington
Florida	Michigan	Ohio	West Virginia
Georgia	Missouri [3]	Oklahoma	Wisconsin
Hawaii	Montana	Oregon	Wyoming
	Nebraska	Pennsylvania [4]	

1. The California law applies only to closed gates.
2. Law quoted in this Annotation, *supra*, prohibits proceeding until the gate has been raised.
3. Missouri adds, "unless he can do so safely."
4. Pennsylvania has two subsections. One covers a closed barrier or gate and the second covers one that is being opened or closed.

The remaining 14 jurisdictions do not have comparable, express provisions in their motor vehicle and traffic laws. See UVC § 11-201(a).

Citations

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13 Alaska Adm. Code § 02.240 (1971).
Ariz. Rev. Stat. Ann. § 28-851 (1956).
Ark. Stat. Ann. § 75-637 (Supp. 1965).
Cal. Vehicle Code § 22451 (Supp. 1971).
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Wis. Stat. Ann. § 346.44 (1958).
Wyo. Stat. Ann. § 31-5-510 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 116 (1963).

§ 11-702—All Vehicles Must Stop at Certain Railroad Grade Crossings

This section was deleted from the Uniform Vehicle Code in 1975. See the extensive discussion in *Agenda for National Committee Meeting* 27-30 (April 1, 1975).

§ 11-703—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 he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for 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 flagman;

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.* (Section revised, 1971.)

* This regulation can be found in 49 Code of Federal Regulations § 392.10. At the present time, it requires the following vehicles to stop: a bus transporting passengers, motor vehicles transporting any chlorine, empty or loaded cargo tank vehicles used to transport dangerous articles or any liquid having a flashpoint below 200° F, cargo tank vehicles transporting a commodity having a temperature above its flashpoint at the time of loading, certain cargo tank vehicles transporting commodities under special permits issued by the Hazardous Materials Regulation Board, and every motor vehicle which must have the following placards, explosives A or B, poison, flammable, oxidizers, compressed gas, corrosives, flammable gas, radioactive or dangerous. Consideration should also be given to requiring school buses carrying any school child to stop and to extending the requirements that are not covered by the Department of Transportation regulations. (New footnote, 1971.)

Historical Note

The 1926 Code did not have provisions requiring drivers of specified types of vehicles to stop at all railroad crossings.

In 1930, a section was adopted requiring drivers of certain vehicles to stop at any crossing of a steam or interurban electric railway. This section did not apply "at the crossing of a street or highway and street railway tracks or to interurban electric tracks, where the traffic-control signals are in operation and give indication to approaching vehicular traffic to proceed." Vehicles covered by the 1930 Code were "any motor bus carrying passengers for hire; or any school bus carrying any school child; or any motor truck carrying explosive substances or inflammable liquids." The stopping distance was not less than 10 feet nor more than 50 feet. After stopping, a driver was to look and listen before "traversing such crossing." UVC Act IV, § 47(a) (Rev. ed. 1930).

The 1930 Code provision was revised in 1934, as follows:

> *(a)* The driver of any motor *vehicle* [bus] carrying passengers for hire, or of any school bus carrying any school child or *of* any *vehicle* [motor truck] carrying explosive substances or *flammable* [inflammable] liquids as a cargo or part of a cargo before crossing at grade any track or tracks of a *railroad* [steam or interurban electric railway], shall stop such vehicle *within 50 feet but* not less than 10 feet [or more than 50 feet] from the nearest rail of such *railroad* [track] and while so stopped shall [both] listen and look in both directions along such track for *any approaching train*, [approaching steam or interurban electric railway trains or cars before traversing such crossing] *and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely.* [The provisions of this subdivision shall not be deemed to apply at the crossing of a street or highway and street railway tracks, or to interurban electric tracks where traffic control signals are in operation and give indication to approaching vehicular traffic to proceed.]
>
> *(b) No stop need to be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.*
>
> *(c) This section shall not apply at street railway grade crossings within a business or residence district.*

UVC Act V, § 86 (Rev. ed. 1934).

A prohibition against changing gears while traversing the crossing was added to the Code in 1938. UVC Act V, § 104 (Rev. ed. 1938).

The minimum stopping distance from the nearest rail was increased from 10 to 15 feet in 1944. UVC Act V, § 106 (Rev. eds. 1944, 1948, 1952); UVC § 11-703 (Rev. eds. 1954, 1956, 1962).

Thus, this section in the 1968 Code reads as follows:

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

In 1971, this section was extensively revised by deleting any description of the types of vehicles whose drivers are required to stop at railroad grade crossings from subsection (a). This description was replaced by authority, in subsection (c), for the administrative designation of such vehicles in the interest of improving safety at grade crossings and achieving greater consistency between federal and state regulations regarding the transportation of hazardous materials. See also, UVC § 12-409 (Rev. ed. 1968). A new footnote in the Code enumerates the types of vehicles that currently are required to stop by federal regulations.

At the same time, exceptions to any stopping requirement were broadened in subsection (b). Stops by drivers of vehicles carrying dangerous cargoes or school children would no longer be required at signalized or exempt crossings.

Statutory Annotation

Subsection (a)—Duties of the Driver

The laws of 30 states are in substantial agreement with the Code description of a driver's duty to stop within 50 to 15 feet of the nearest rail, to look and listen for any approaching train, to proceed when it is safe to do so, and to cross the tracks without shifting gears:

Alaska	Hawaii	New Hampshire	South Carolina
Arizona	Idaho	New Jersey	Tennessee
Arkansas [1]	Illinois	New Mexico	Vermont
California	Kansas	New York	Virginia [4]
Colorado [2]	Maryland	North Dakota	Washington
Delaware	Montana	Oklahoma	West Virginia
Florida	Nevada [3]	Pennsylvania	Wyoming
Georgia		Rhode Island	

1. Arkansas has two laws. One (§ 75-638) conforms with the Code. The second (§ 75-638.1) requires drivers of trucks with explosive substances or flammable liquids to stop 15 to 50 feet from the nearest rail, open a door or roll down a window at least 12 inches, look and listen in both directions, and proceed only when safe to do so.
2. The Colorado law adds: "When stopping as required . . . the driver shall keep as far to the right of the roadway as possible and shall not form two lanes of traffic unless the highway is marked for four or more lanes of traffic."
3. Nevada also requires drivers to stop as far on the right side of the highway as possible. Stopping in two lines is prohibited unless there are at least four marked lanes.
4. Virginia omits "and the driver shall not shift gears while crossing the track or tracks."

The laws of seven states require drivers to stop within 50 to 10 feet of the nearest rail and to look and listen for a train:

Connecticut	Iowa	Mississippi	Utah
Indiana	Michigan	North Carolina	

Of these seven states, four—Indiana, Michigan, North Carolina and Utah—prohibit changing gears while crossing the tracks in substantial agreement with the Code; Connecticut does not expressly require drivers to proceed only when it is safe to do so; and Indiana requires the driver to look and listen through an open door or window.

In 12 states, the laws provide as follows:

Kentucky—Requires stopping within 10 to 30 feet of the nearest rail, looking carefully in each direction and starting only after ascertaining that no train is approaching. Shifting gears is not prohibited.

Louisiana—One law (§ 32:173) is closely patterned after the UVC but does not require looking or listening for a train. A second law (§ 32:251) provides:

> [T]he owner or operator of a vehicle transporting flammable liquids shall not, except where he is protected by a flagman then on duty, cross any railroad without coming to a full stop, before reaching it, in such manner and for such time as to make certain that no train or other facility is approaching, as is provided in Section 173 of this Title. If the vehicle is transporting explosives the operator shall proceed across the tracks only under the protection of a competent flagman furnished by the owner or himself.

Maine—Law requires a stop within 10 to 50 feet of the nearest rail. A school bus driver must take necessary steps to ascertain beyond reasonable doubt that no train is approaching before driving across the track. A penalty is provided for not stopping or yielding to any train.

Massachusetts—Requires stopping within 75 feet from the nearest track but there is no requirement to look, listen or cross without changing gears. However, a school bus driver must open the service door and determine whether it is safe to cross. Crossing at such speed and with such care as is reasonable and proper is required for all drivers at all crossings. See UVC § 11-801.

Minnesota—Requires stopping "not less than 10 feet" from the nearest rail, looking and listening for any train, and proceeding only when safe to do so.

Missouri—Requires stopping within 10 to 50 feet of the nearest rail and bans proceeding until due caution has been taken to ascertain that the course is clear.

Nebraska—Has two comparable laws. One law applies to drivers of buses and school buses carrying a passenger. Another law applies to drivers of vehicles carrying liquid petroleum products, flammable, oxiding or corrosive liquids, gases, volatile liquids, radioactive materials, explosives, flammables or oxidizing solids as a cargo or part of a cargo. Both laws require stopping from 50 to 15 feet from the nearest rail and looking-listening for trains, though the second omits any reference to signals indicating a train's approach. The first law bans proceeding until it is safe to do so while the second bans proceeding "until precaution has been taken to ascertain the course is clear." The second law does not restrict changing gears while the first law does.

Ohio—Requires stopping before crossing (but does not indicate where the stop should be made), looking and listening through an open window or door, and crossing without shifting gears. Exercising due care upon proceeding is required.

Oregon—Requires stopping at a stop line. If none, driver must stop 10 to 15 feet from the nearest rail. While stopped, drivers must listen and look in both directions for approaching trains and signals. They may proceed only when safe and without manually changing gears.

South Dakota—Law differs from the Code by omitting the nearer stopping distance of 15 feet and by not requiring the driver to look and listen.

Texas—Law for school bus drivers conforms substantially with the Code but a second law for drivers of vehicles carrying explosives or flammable liquids differs substantially by requiring stops only in cities and towns. In other areas, such drivers are required to slow to 20 miles per hour. In cities and towns, there is no duty to cross without shifting gears.

Wisconsin—Conforms with Code but does not ban shifting gears.

Alabama, the District of Columbia and Puerto Rico do not have laws comparable to UVC § 11-703(a).

Subsection (b)—When Stop Not Required

The current UVC subsection does not require drivers of vehicles with special cargoes to stop at railroad grade crossings in six instances:

I. When a police officer controls traffic.

II. When a human flagman controls traffic.

III. When a traffic-control signal regulates traffic.

IV. When the crossing is protected by gates placed to indicate the approach of a train.

V. When the crossing has an alternately-flashing light signal intended to warn of the approach of a train.

VI. When an official traffic-control device indicates that no stop is required.

I and III. *Police officer or signal controlling traffic.*

Because these exceptions have been in the Code since 1934, 39 states have laws that do not require stops at crossings where police officers or signals direct traffic to proceed:

Alaska	Illinois	Nebraska	South Dakota
Arizona	Indiana	Nevada	Tennessee
Arkansas	Iowa	New Hampshire	Texas
California	Kansas	New Mexico	Utah
Colorado	Louisiana	New York	Virginia
Delaware	Michigan	Oklahoma	Washington
Florida	Minnesota	Oregon	West Virginia
Georgia	Mississippi	Pennsylvania	Wisconsin
Hawaii	Missouri	Rhode Island	Wyoming
Idaho	Montana	South Carolina	

In addition to these, North Carolina refers to a police officer, North Dakota to a United States Marshal or police officer, and Vermont to an attendant or police officer. The remaining nine states, the District of Columbia and Puerto Rico do not have comparable exceptions.

II. *Flagman controlling traffic.*

As to not stopping when a flagman controls traffic, 14 states have laws conforming with the UVC:

Alaska	Illinois	Nebraska	Texas
Colorado	Kansas	North Carolina	Utah
Delaware	Kentucky	Pennsylvania	Washington
Idaho			Wisconsin

Actually, the Kentucky law may be broader than the Code because it would not require a stop "where the crossing is a guarded crossing protected by . . . a flag . . . operated by an employee of the railroad." Maine requires drivers of vehicles with dangerous cargoes to stop only at unattended crossings. Minnesota prohibits flagging school buses across a grade crossing except at such crossings as may be designated by the local school administrator. Oregon exempts industry track crossings where train operations are required by law to be conducted under flag protection. Missouri exempts crossings with a watchman and Vermont with an attendant.

IV. & V. *Gates and flashing lights.*

The Uniform Vehicle Code provides that drivers of vehicles with special cargoes need not stop at crossings where crossing gates or alternately flashing lights have been installed for the purpose of warning of the approach of a train.

Laws in substantial agreement with the Code have been adopted by seven states:

Colorado	Idaho	Pennsylvania
Delaware	Kansas	Washington
	North Carolina	

Laws in partial agreement with the Uniform Vehicle Code have been adopted by another seven states:

Illinois—Law is patterned after the UVC but does not apply to drivers of school buses.

Kentucky— Stops are not required where the crossing is protected by gates.

Maine—Stops are required only at "unautomated" crossings.

Michigan—Stops are not required on freeways or limited access highways where the crossing is protected by a gate, barrier or clearly visible signal.

Nevada—If an official traffic-control device controls the movement of traffic, no stop is required. Gates and flashing lights may constitute such devices.

Oregon—Stops are not required at crossings protected by gates, but drivers of school buses must stop.

Texas—Drivers of vehicles with dangerous cargoes are not required to stop at crossings where a flashing signal is installed.

VI. Traffic-control device.

The requirement for drivers of buses and vehicles carrying hazardous materials to stop at grade crossings does not apply when a sign or other official traffic-control device indicates that the requirement does not apply. Laws in substantial conformity have been adopted by eight states:

Delaware	Illinois [1]	Pennsylvania	Washington
Idaho	Kansas	Utah	Wisconsin [2]

1. This exception does not apply to drivers of school buses. They must stop even though the crossing is signed as "exempt."
2. Stops are not required when a sign so indicates nor are they required to stop at abandoned crossings with a sign indicating they are abandoned.

Laws in another 13 states also do not require stops at certain crossings but they differ from the Uniform Vehicle Code either by not requiring a sign, by being limited to certain crossings (such as those that are abandoned), or by exempting certain drivers but not others:

California—Section 22452(c) (3) does not require stopping where an exempt sign was authorized by the Public Utilities Commission before January 1, 1978. This subsection does not require the presence of an exempt sign. Section 22452(c) (4) does not require stops where a sign has been placed in accordance with criteria of the Public Utilities Commission. That Commission must approve exempting the crossing and there must be consultation with the California Highway Patrol. Subsection (c) (4) then provides "This paragraph shall not apply with respect to any schoolbus . . . or any pupil activity bus."

Colorado—Stops are not required when "exempt" signs have been erected. State or local authorities may place these signs after determining that "trains are not operating during certain periods or seasons of the year."

Indiana—Stopping requirement does not apply to "abandoned or unused tracks."

Michigan—Stops are not required at abandoned crossings which meet certain enumerated requirements, such as all signs, signals, and other warning devices must be removed, and the tracks must be covered or removed.

Nebraska—Stops are not required at abandoned or exempt crossings which are clearly marked as such. This agrees substantially with the Uniform Vehicle Code. However, drivers of vehicles with dangerous cargoes are not required to stop at industrial tracks in business districts and no sign is required.

Nevada—Stops are not required at crossings with a device indicating it is abandoned.

New Hampshire—Drivers of vehicles with flammable liquids in tanks or with cylinders of liquified petroleum need not stop at an exempted or abandoned crossing which is clearly marked as such by or with the consent of the proper state authority. A similar exception is not provided for school buses, vehicles carrying passengers for hire, nor vehicles carrying explosives.

New Jersey—Stops are not required at crossings where advance warning signs have been removed and the tracks removed or paved over. They also are not required at crossings no longer used for rail traffic that have been abandoned and posted with signs.

New Mexico—Stops are not required at abandoned crossings marked with a sign nor at industrial or spur line crossings with an "exempt crossing" sign. Stops are also not required at industrial tracks in a business district and no sign is required.

North Carolina—Stops are not required at abandoned crossings with a sign indicating they are abandoned nor at industrial or spur line crossings with an "Exempt Crossing" sign. Stops are not required for industrial tracks in a business district and no sign is required.

Ohio—Stops are not required at abandoned, spur, side or industrial tracks when the Public Utilities Commission has approved crossing without stopping. The law does not expressly require a sign.

Oregon—Stops are not required where tracks have been abandoned and the crossing appropriately marked. Buses with passengers for hire need not stop at marked crossings. Stops also are not required at industrial crossings where the speed limit is 20 mph or less nor when there must be a flagman.

Texas—Stops are not required at marked crossings which are abandoned or exempted. This exception does not apply to drivers of school buses. Stops also are not required at industrial tracks in business districts.

Streetcar track exception.

Prior to 1971, the UVC had an express exemption for "street-railway grade crossings within a business or residence district." This exception was deleted because such crossings are now very rare in most parts of the country and because they do not constitute railroad grade crossings. See the definition of "railroad" in UVC § 1-149 which would exclude streetcars in any state where they are still in operation. Twenty-six states have this exemption:

Arizona	Indiana [1]	Missouri [4]	Tennessee
Arkansas	Iowa	Montana	Texas
California	Kentucky [2]	New York	Vermont
Colorado	Louisiana	Ohio [5]	West Virginia
Georgia	Maryland [3]	Oregon [2]	Wisconsin [6]
Hawaii	Minnesota	Rhode Island	Wyoming
	Mississippi	South Carolina	

1. The Indiana law adds "and it shall not apply to abandoned or unused tracks."
2. The Kentucky and Oregon laws apply to railroads or *interurban* electric railways, and in this respect conform at least partially to the Code subsection.
3. The Maryland law does not apply at "any railroad grade crossing in a business district or residential district."
4. The Missouri law excepts "streetcar crossings" within a business or residence district.
5. The Ohio law does not apply at "street-railway grade crossings within a municipal corporation, or to abandoned tracks, spur tracks, side tracks, and industrial tracks, when the public utilities commission has authorized and approved the crossing of such tracks without making the stop required by this section."
6. Wisconsin § 346.45(3) provides: "This section does not apply at crossings with interurban railroad tracks which are laid on or along streets within the corporate limits of a city or village."

Subsection (c)—Types of Vehicles

Four states (Idaho, Kansas, Pennsylvania and Utah) conform with UVC § 11-703(c) by authorizing a state agency to designate the vehicles which must stop at grade crossings. Like all editions of the Uniform Vehicle Code from 1930 until 1971, the laws of 45 states specify the vehicles whose drivers must stop before proceeding over a railroad grade crossing. Alabama, the District of Columbia and Puerto Rico do not have comparable laws.

This annotation shows the vehicles frequently mentioned in the 45 laws: for-hire vehicles, school buses, and vehicles carrying dangerous cargoes.

For hire vehicles. Thirty-two states, like the 1968 Code, apply their laws to the driver of any motor vehicle carrying passengers for hire:

Arizona	Indiana	Montana	South Carolina
Arkansas	Iowa	Nevada	South Dakota
Colorado	Louisiana	New Hampshire	Tennessee
Delaware	Maryland	New Mexico	Vermont
Florida [1]	Michigan	North Carolina [2]	Virginia
Georgia	Minnesota	Ohio	Washington [3]
Hawaii	Mississippi	Oklahoma	West Virginia
Illinois	Missouri	Rhode Island	Wyoming

1. Except taxicabs.
2. Excepts taxicabs and vehicles regulated by the state public utilities commission and the U.S. Department of Transportation.
3. Law applies to a motor vehicle carrying passengers for hire *except a passenger car*. Washington also requires stops by buses transporting persons in conjunction with organized agricultural, religious or charitable purposes.

The laws of nine states require stops by buses:

Alaska [1]	New Jersey	Oregon [1]
California [1]	New York [2]	Texas [1]
Nebraska [1]	North Dakota [2]	Wisconsin [1]

1. Bus carrying passenger for hire.
2. Bus with passengers.

The Connecticut law applies to "the operator of each public service motor vehicle"; the Kentucky law applies to "the driver or chauffeur of any motor vehicle *used* in the transportation of passengers for hire.

School buses. Drivers of a school bus carrying any school child must stop at railroad grade crossings in 29 states:

Alaska	Indiana	New Jersey	South Dakota
Arizona	Illinois [1]	New Mexico	Tennessee
Arkansas	Louisiana	New York	Texas
Colorado	Maryland [2]	North Dakota	Vermont
Delaware	Mississippi	Oklahoma	Virginia
Florida	Nevada	Rhode Island	Washington [3]
Georgia	New Hampshire	South Carolina	West Virginia
Hawaii			

1. School bus carrying passengers, except at any railroad grade crossing located upon a four-lane highway where the posted speed limit is in excess of 45 mph or any railroad grade crossing at which traffic is controlled by a police officer or human flagman.
2. School vehicle carrying any passenger.
3. School bus or private carrier bus carrying any school child or other passenger.

Laws in 13 states require stops by drivers of school buses and either apparently or expressly would apply even though there were no passengers in the bus:

California [1]	Michigan	Montana	Ohio
Iowa	Minnesota [2]	Nebraska	Oregon
Maine	Missouri	North Carolina	Wyoming [2]
Massachusetts			

1. School activity buses also must stop.
2. Expressly requires stops even though there are no passengers in the school bus.

Connecticut and Kentucky apply their laws to any motor vehicle transporting school children. This could require a parent taking two children to school in a private passenger car to stop at grade crossings.

Wisconsin's law does not specifically mention school buses. Most school buses are probably required to stop because they also are "buses." The law is applicable to every "motor bus" transporting passengers.

Other passenger vehicles. Six states would require stops by drivers of special categories of passenger vehicles:

California—Any truck transporting employees outside the cab, a bus transporting employees, and a bus transporting minors on any outing organized on a group basis.

Indiana—Any "private bus," which is a motor vehicle for more than ten passengers owned by a religious or youth organization.

Kentucky—Church bus.

Maryland—Church bus.

Oregon—Church bus and a worker transport bus.

West Virginia—A motor vehicle owned by an employer that is carrying six or more employees to or from work.

Vehicles transporting hazardous materials. Like the UVC prior to 1971, the laws of 29 states require drivers of vehicles carrying explosive substances or flammable liquids as a cargo or part of a cargo to stop at railroad grade crossings:

Alaska	Kentucky [2]	New Jersey	South Carolina
Arizona [1]	Louisiana	New Mexico	Tennessee
Delaware	Maryland [3]	New York	Vermont
Florida	Massachusetts	Oklahoma	Virginia
Georgia	Michigan	Ohio [4]	Washington
Hawaii	Mississippi	Oregon [5]	West Virginia
Indiana	Montana	Rhode Island	Wyoming
	Nevada		

1. Carrying these substances or returning after delivering them.
2. Law applies to any vehicle used to transport explosive substances or flammable liquids.
3. Omits "or part of a cargo."
4. Ohio refers to a cargo or such part of a cargo as to constitute a hazard.
5. Applies to a truck carrying explosive substances or flammable liquids.

The descriptions of hazardous cargoes in 16 states are set forth below. In some laws (North Carolina, North Dakota and Wisconsin), the list of dangerous items is substantial. Two of these states (Colorado and Iowa) rely upon the federal hazardous materials regulations as does the Uniform Vehicle Code and the laws of Kansas and Pennsylvania. The 16 states are:

Arkansas—Has two laws. The first requires stops by drivers of vehicles carrying explosive substances or flammable liquids as a cargo or part of a cargo. The second law applies to any truck carrying explosive substances, a flammable liquid, or gases as a cargo or part of a cargo.

California—Any vehicle carrying explosive substances as a cargo or part of a cargo. Any loaded or empty tank vehicle. Any vehicle transporting more than 120 gallons of flammable liquids or liquified petroleum gas in containers with a capacity for more than 20 gallons as a cargo or major portion of a cargo.

Colorado—Any vehicle carrying explosives or hazardous materials as a cargo or part of a cargo, any vehicle designed to carry flammable liquids whether empty or loaded. Hazardous materials and flammable liquids are to be described in regulations which correlate with and conform to recent federal regulations.

Connecticut—Commercial motor vehicle carrying explosive substances or poisonous or compressed flammable gases as a cargo or part of a cargo. Any commercial motor vehicle used to transport flammable or corrosive liquids in bulk, whether loaded or empty.

Illinois—Any vehicle carrying liquid petroleum and liquid petroleum products, explosives, flammable or oxidizing liquids and solids, flammable or poisonous compressed gases, volatile liquids, liquids and solids which emit poisonous fumes, corrosive liquids and radioactive materials as a cargo or part of a cargo.

Iowa—Any vehicle carrying explosive substances or flammable liquids or other hazardous materials defined by federal regulations as a cargo or part of a cargo.

Maine—Vehicles used to transport high explosives, poisonous or compressed flammable gases, or flammable or corrosive liquids in bulk, whether loaded or empty.

Minnesota—Any vehicle carrying explosive substances, flammable liquids or liquid gas under pressure as a cargo or part of a cargo.

Missouri—Every motor vehicle transporting high explosives, or poisonous or compressed flammable gases or used to transport flammable or corrosive liquids in bulk, whether loaded or empty.

Nebraska—Vehicle carrying liquid petroleum and liquid petroleum products; flammable, oxidizing or corrosive liquids; flammable, nonflammable or poisonous compressed gases; volatile liquids or radioactive materials, whether loaded or empty; explosives, flammables or oxidizing solids and solids which emit poisonous fumes as a cargo or part of a cargo.

New Hampshire—Has several laws. One applies to any vehicle carrying explosive substances. The second applies to a motor vehicle transporting any explosives as a cargo or part of a cargo. The third applies to vehicles used to transport flammable liquids in cargo tanks, whether loaded or empty, or to transport cylinders of liquified petroleum gas.

North Carolina—Every motor vehicle licensed in excess of 10,000 pounds which is carrying explosives or any "dangerous article" as a cargo or part of a cargo. The law defines dangerous articles as flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, poisonous substances or radioactive materials. The law also defines each of these terms.

North Dakota—Any vehicle carrying any chlorine, empty or loaded cargo tank vehicles used to transport dangerous articles or any liquid with a flash point below 200 degrees Fahrenheit, cargo tank vehicles transporting a commodity with a temperature over its flashpoint at the time of loading, cargo tank vehicles with special permits from hazardous materials regulation board and every motor vehicle which must have the following placards: explosives, poison, flammable oxidizers, compressed gas, corrosives, flammable gas, radioactive or dangerous.

South Dakota—Any vehicle carrying explosive substances or combustible or flammable liquid as a cargo or part of a cargo.

Texas—Vehicle carrying explosive substances or flammable liquids as its principal cargo.

Wisconsin—Every motor vehicle transporting any chlorine, cargo tank motor vehicle used to transport any liquid with a flashpoint below 200 degrees Fahrenheit, cargo tank motor vehicle transporting a commodity with a temperature over its flashpoint at the time of loading, and any motor vehicle with one of these placards: explosives A, explosives B, poison, flammable, oxidizers, compressed gas, corrosives, radioactive, dangerous.

Citations

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Ariz. Rev. Stat. Ann. § 28-853 (1956).
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Cal. Vehicle Code § 22452 (Supp. 1979).
Colo. Rev. Stat. Ann. § 42-4-608 (Supp. 1976).
Conn. Gen. Stat. Ann. § 14-250 (1960).
Del. Code Ann. tit. 21, § 4163 (Supp. 1966).
Fla. Stat. § 316.159 (Supp. 1979).
Ga. Code Ann. § 68-1663 (1957).
Hawaii Rev. Stat. § 291C-93 (Supp. 1971).
Idaho Code Ann. § 49-673, amended by H.B. 197, CCH ASLR 516 (1977).
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Ky. Rev. Stat. Ann. §§ 189.550, .565, 281.745 (1977).
La. Rev. Stat. Ann. § 32:173 (1963).
Me. Rev. Stat. Ann. tit. 29, §§ 959, 2011 (1978).
Md. Trans. Code § 21-703 (1977).
Mass. Ann. Laws ch. 90, § 15 (Supp. 1966).
Mich. Stat. Ann. § 9.2369 (1973), amended by H.B. 4589, CCH ASLR 1455 (1978).
Minn. Stat. Ann. § 169.28 (Supp. 1972).
Miss. Code Ann. § 63-3-1011 (1972).
Mo. Ann. Stat. § 304.030 (1963).
Mont. Rev. Codes Ann. § 32-2193 (Supp. 1977).
Neb. Rev. Stat. §§ 39-657, -658 (1974).
Nev. Rev. Stat. § 484.353 (1975).
N.H. Rev. Stat. Ann. § 262-A:47 (1966).
N.J. Rev. Stat. § 39:4-128(a) (1961).
N.M. Stat. Ann. § 64-7-343, amended by H.B. 112, CCH ASLR 161, 528-29 (1978).
N.Y. Vehicle and Traffic Law § 1171 (1960).
N.C. Gen. Stat. § 20-143 (Supp. 1971).
N.D. Cent. Code § 39-10-43 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.63 (1965).
Okla. Stat. Ann. tit. 47, § 11-702 (1962).
Ore. Rev. Stat. §§ 487.430, .435 (1977).
Pa. Stat. Ann. tit. 75, § 3342 (1977).
R.I. Gen. Laws Ann. § 31-20-4 (1957).
S.C. Code Ann. § 56-5-2720 (1976).
S.D. Comp. Laws § 32-29-5 (Supp. 1971).
Tenn. Code Ann. § 59-847 (1955).
Tex. Rev. Civ. Stat. art. 6701d, §§ 88, 89 (1969).
Utah Code Ann. § 41-6-97 (Supp. 1979).
Vt. Stat. Ann. tit. 23, § 1072 (Supp. 1977).
Va. Code Ann. § 46.1-245 (1967).
Wash. Rev. Code Ann. § 46.61.350 (Supp. 1978).
W. Va. Code Ann. § 17C-12-3 (1966).
Wis. Stat. Ann. § 346.45 (Supp. 1979).
Wyo. Stat. Ann. § 31-5-512 (1977).

§ 11-704—Moving Heavy Equipment at Railroad Grade Crossings

(a) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of 10 or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(b) Notice of any such intended crossing shall be given to a station agent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.

(c) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than 15 feet nor more than 50 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(d) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

Historical Note

The 1926 Code did not have provisions regulating the movement of heavy or slow-moving equipment or structures at railroad grade crossings. The provision added to the 1930 Code was amended in 1934 as follows:

> *(a)* [b] *No* [Any] person *shall operate or move* [operating] any caterpillar tractor, steam shovel, derrick, roller or any equipment or structure having a normal operating speed of 6 or less miles per hour or a vertical body or load clearance of less than 9 inches above the level surface of a roadway *upon or across any tracks at a railroad grade crossing without first complying with this section.* [shall, before crossing at grade any track or tracks of a steam or interurban electric railway,]
>
> *(b) Notice of any such intended crossing shall be given to a superintendent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.* [notify a responsible officer of such railway in time for protection to be afforded before crossing such railway tracks,]
>
> *(c) Before making any such crossing* [and in any crossing of such railway tracks] *the person operating or moving any such vehicle or equipment* shall first stop *the same* [such vehicle or equipment] not less than 10 feet nor more than 50 feet from the nearest rail of such *railway* [track] and while so stopped shall [both] look and listen in both directions along such track for *any* approaching *train* [steam or interurban electric railway trains or

cars before traversing such crossing] *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 [, but shall not in any event traverse such crossing] when *warning is given* [warning] by automatic signal or crossing gates or *a flagman* [flagmen] or otherwise of the immediate approach of a *railroad* [railway] train or car.

UVC Act IV, § 47(b) (Rev. ed. 1930); UVC Act V, § 87 (Rev. ed. 1934). In 1944, subsection (c) was amended by increasing the minimum stopping distance, measured from the nearest rail, from 10 to 15 feet. UVC Act V, § 107 (Rev. ed. 1944).

In 1948, subsection (a) was revised to apply to any *crawler-type* [caterpillar] tractor, any equipment or structure with a normal operating speed of *10* [6] or less miles per hour, or any equipment or structure having 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 9 inches, *measured* above the level surface of a roadway . . . ." Subsection (b) was amended to require giving notice to a *station agent* [superintendent] of such railroad. Also, a second sentence was added to subsection (d) providing that any such movement over the crossing shall be under the direction of the railroad's flagman if one has been provided. UVC Act V, § 107 (Rev. eds. 1948, 1952); UVC § 11-704 (Rev. eds. 1954, 1956, 1962, 1968).

Statutory Annotation

Eighteen states have laws in verbatim conformity with UVC § 11-704:

Alaska	Kansas	Rhode Island
Arkansas	Montana	Texas
Delaware	Nevada	Utah *
Florida	New Hampshire	Washington
Georgia	New Mexico	West Virginia
Idaho	Pennsylvania	Wyoming

* Requires stop not less than 10 feet from nearest rail or track. The Code specifies 15 feet.

The following 21 states also have comparable laws:

Alabama	Louisiana	Nebraska	Oregon
Arizona	Maryland	New Jersey	South Dakota
Colorado	Michigan	New York	Tennessee
Illinois	Minnesota	North Dakota	Vermont
Indiana	Mississippi	Ohio	Virginia
Iowa			

Of the above 21 states, nine do not have provisions comparable to UVC § 11-704(b) requiring advance notice to the railroad of any such crossing: Alabama, Minnesota, Nebraska, Nevada, New York, North Dakota, South Dakota, Tennessee and Vermont. The Ohio law requires notice when the speed of any such vehicle, equipment or structure is not more than three miles per hour, but only one daily notice is required for such vehicles and equipment repairing the highway on both sides of the crossing.

The Arizona law exempts farm equipment and omits UVC subsection (b)'s concluding requirement that the railroad be given a reasonable time to provide proper protection.

Nine of the above 21 states do not have the last sentence in subsection (d) requiring movement over the crossing under the supervision of a flagman if one is provided by the railroad: Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Mississippi and Ohio. This sentence was added to the Code in 1948. See the Historical Note, *supra*.

The laws of nine of the 21 states do not refer to a vehicle, equipment or structure that travels at 10 or less miles per hour. Michigan applies when the normal speed is four or less miles per hour and five when it is six or less miles per hour: Indiana, Iowa, Minnesota, Mississippi and Ohio. See the Historical Note, *supra*, indicating that the Code speed was increased from six to 10 miles per hour in 1944.

South Dakota omits any stopping requirement.

The laws of six of the above 21 states require a stop not less than 10 feet from the nearest rail or track (the Code specifies 15 feet): Indiana, Iowa, Michigan, Minnesota and Mississippi. Oregon requires stopping at a stop line, but, if none, then 10 to 50 feet from the nearest rail. Ohio does not specify a stopping distance. The minimum distance was increased in the Code from 10 to 15 feet in 1944. See the Historical Note, *supra*.

Louisiana, in subsection (c), omits "along such track for any approaching train and for signals indicating the approach of a train."

The Illinois law comparable to (a) applies clearance measurements only to slow vehicles with axles that are less than 18 feet apart.

Colorado does not apply its law at "exempt crossings."

The Maryland and New Jersey laws are in substantial conformity with the entire Code section.

New York combines provisions comparable to UVC §§ 11-703 and 11-704 and is in substantial conformity with subsections (a) and (c) of § 11-704 but does not have subsections (b) and (d). The New York provisions do not apply at street-railway grade crossings in business and residence districts nor at crossings where a police officer, signal or sign directs traffic to proceed.

The Virginia law does not apply in incorporated cities and towns.

The remaining 13 jurisdictions do not have comparable provisions in their motor vehicle and traffic laws:

California *	Maine	North Carolina	Wisconsin
Connecticut	Massachusetts	Oklahoma	District of Columbia
Hawaii	Missouri	South Carolina	Puerto Rico
Kentucky			

* See, however, § 35789 pertaining to notice to a railroad by a house-moving contractor or any other person who moves or transports a dwelling house or other building across railroad tracks.

Citations

Ala. Code tit. 32, § 32-5-53 (1975).
13 Alaska Adm. Code § 02.255 (1971).
Ariz. Rev. Stat. Ann. § 28-854 (1956).
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§ 11-705—Emerging from Alley, Driveway or Building

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

approaching traffic thereon. (Revised and renumbered, 1968.)

Historical Note

The 1930 Code provided that a driver emerging from an alley, driveway or building must stop "immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway." UVC Act IV, § 49 (Rev. ed. 1930). In 1934, this provision was amended as follows:

> The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or *into* [onto] the sidewalk area extending across any alleyway *or private driveway*.

UVC Act V, § 89 (Rev. ed. 1934).

In 1948, a requirement to yield to pedestrians and vehicles after stopping was added to this section. Thus, from 1948 until 1968, this section read as follows:

> The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

UVC Act V, § 109 (Rev. eds. 1948, 1952); UVC § 11-706 (Rev. eds. 1954, 1956, 1962).

In 1968, this section was revised as follows:

> The driver of a vehicle [within a business or residence district] emerging from an alley, [driveway, or] building, *private road or driveway within a business or residence district* shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across *such alley, building entrance, road or driveway,* [any alleyway or driveway,] *or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.* [and shall yield the right of way to any pedestrian as may be necessary to avoid collision and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.]

UVC § 11-705 (Rev. ed. 1968). The requirement to yield to pedestrians was deleted from this section and placed in UVC § 11-509 and the requirement to yield for vehicles was deleted and covered by UVC § 11-404. The other significant 1968 change was the addition of a requirement for drivers to stop even though there is no sidewalk.

Statutory Annotation

Twelve jurisdictions are in verbatim conformity with the Code:

Florida	Illinois *	Ohio	Pennsylvania *
Georgia	Kansas	South Dakota	Utah
Idaho	North Dakota	Oregon	Puerto Rico *

* The law applies in "urban areas" rather than in a business or residence district. Pennsylvania expressly allows traffic control devices to change rule.

The Hawaii law clearly is in substantial conformity:

> The driver of a vehicle emerging from an alley, building, private road, or driveway or from any public or private property other than a highway that is adjacent to a sidewalk or sidewalk area shall stop the vehicle immediately prior to driving onto the sidewalk or onto the sidewalk area extending across the alley, building entrance, road, or driveway, or such public or private property, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

The UVC does not have this law's references to "public or private property other than a highway."

New York duplicates the Code but omits the reference to business and residence districts.

Among the remaining states, Iowa, Massachusetts, Michigan, Vermont and Virginia require stopping even though there is no sidewalk.

The laws of 20 jurisdictions are patterned closely after this section as it appeared in the 1934-1962 editions of the Code. Thus, where there is a sidewalk area across an alley or driveway in a business or residence district, they require emerging drivers to stop in substantial agreement with the Code:

Alabama	Indiana	New Mexico	Texas [2]
Alaska	Minnesota [1]	Oklahoma	Washington
Arizona	Mississippi	Rhode Island	West Virginia
Arkansas	Montana	South Carolins	Wyoming
Connecticut	New Hampshire	Tennessee	District of Columbia [3]

1. Minnesota omits the phrase, "extending across any alley or private driveway."
2. A second Texas law (art. 6701d, § 188) requires drivers to stop before crossing any sidewalk "or through a driveway, parking lot . . . or entrance."
3. The District of Columbia regulation is identical to the Code but is not limited to "business and residence districts." It is, nonetheless, included as being in substantial conformity because virtually all alleys, driveways or buildings are located in such districts.

The laws of 11 states are not limited to business and residence districts and would require drivers emerging from any alley, building or private road or driveway to stop even though it was not located in a business or residence district. Among these states, all but two (Michigan and Virginia) clearly require stopping prior to any sidewalk area. The 11 states are:

Delaware—Where there is no official traffic-control device, drivers emerging from alleys, driveways and buildings must stop immediately prior to driving onto a sidewalk or a sidewalk area.

Iowa—Drivers emerging from a private roadway, driveway, alley or building must stop immediately prior to driving onto a sidewalk area. A second provision in the same law requires drivers to stop prior to entering or crossing any highway from a private road or driveway.

Louisiana—Drivers about to enter or cross a highway from a private road, driveway, alley or building must stop immediately prior to driving onto a sidewalk or sidewalk area.

Maryland—Drivers emerging from alleys, street driveways and building exits must stop immediately prior to driving onto a sidwalk or sidewalk area.

Vermont—Law requires drivers emerging from an alley, private road or driveway to stop immediately prior to driving onto a sidewalk or sidewalk area extending across the alley or driveway. This law differs from the Code by applying outside business and residence districts and by applying only where there are sidewalks.

Virginia—Drivers entering a highway or sidewalk from a private road, driveway, alley or building must stop immediately before entering such highway or sidewalk.

Wisconsin—Drivers emerging from an alley or about to enter a highway from any point of access other than another highway shall stop immediately prior to moving onto the sidewalk or sidewalk area.

The remaining seven states do not have provisions directly comparable to UVC § 11-705 and thus do not require stops by drivers emerging from private roads, driveways, alleys or buildings.

California	Kentucky	Missouri	North Carolina
Colorado	Maine	Nevada	

See §§ 11-404 and 11-509, *supra*, for laws in these and other states requiring drivers emerging from such places to yield to vehicular and pedestrian traffic.

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§ 11-706—Overtaking and Passing School Bus

(a) The driver of a vehicle meeting or overtaking from either direction any school bus stopped on the highway shall stop before reaching such school bus when there is in operation on said school bus the flashing red lights specified in § 12-228(a) and said driver shall not proceed until such school bus resumes motion or the flashing red lights are no longer actuated. (REVISED, 1971 & 1975.)

Prefatory Note

"School bus" is defined by UVC § 1-160 as:

> Every motor vehicle that complies with the color and identification requirements set forth in the most recent edition of *Minimum Standards for School Buses* and is used to transport children to or from school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children.

Under UVC § 11-706(b) and UVC § 12-228(a) (Supp. I 1972), every school bus would have to be equipped with special flashing red lamps. Furthermore, UVC § 11-706(c) (Supp. I 1972) would require "school bus" signs. Special flashing *yellow* lamps are also authorized under UVC § 12-228(b) (Supp. I 1972) for the purpose of giving advance notice of a stop where children will be received or discharged and drivers of other vehicles will be required to stop. The indication for other drivers to stop is given only by the flashing *red* lights and they should be actuated only after the bus has stopped—they should never be displayed on a moving school bus. See UVC § 11-706(b) (Supp. I 1972).

Historical Note

The first two editions of the Code did not specify the duties of a driver approaching a school bus stopped to receive or discharge children. In 1934, a section requiring drivers to slow to a specific speed and exercise due caution was added to the Code article containing "Miscellaneous Rules." It provided:

> The driver of a vehicle upon a highway outside of a business or residence district upon meeting or overtaking any schoool bus which has stopped on the highway for the purpose of receiving or discharging any school children shall drive at a speed which is reasonable and prudent and with due caution for the safety of any such children and in no event in excess of 10 miles per hour in passing such school bus.

UVC Act V, § 101(a) (Rev. ed. 1934). In 1938, that provision was revised to require a driver approaching a school bus to stop, and proceed cautiously, as follows:

> The driver of a vehicle upon a highway outside of a business or residence district upon meeting or overtaking *from either direction* any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall [drive] *stop the vehicle immediately before passing the school bus but may then proceed past such school bus* at a speed which is reasonable and prudent, *not exceeding 10 miles per hour*, and with due caution for the safety of [any] such children [and in no event in excess of 10 miles per hour in passing such school bus].

UVC Act V, § 119(a) (Rev. ed. 1938); UVC Act V, § 121(a) (Rev. ed. 1944).

The requirement that a driver must stop *and remain stopped* was added to the Code in 1948 and the section was repositioned in the article containing other provisions on "Special Stops Required." The 1948 Code section read:

> The driver of a vehicle upon a highway outside of a business or residence district upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle [immediately] before *reaching* [passing the] *such* school bus *and shall not proceed until such school bus resumes motion, or until signaled by the driver to proceed* [but may then proceed past such school bus at a speed which is reasonable and prudent, not exceeding 10 miles per hour, and with due caution for the safety of such children].

UVC Act V, § 109.5(a) (Rev. eds. 1948, 1952).

The references to special visual signals (alternately-flashing red lights) were added to the Code in 1954:

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

UVC § 11-707(a) (Rev. eds. 1954, 1956, 1962); UVC § 11-706(a) (Rev. ed. 1968).

The rule was clarified in 1971 as follows:

> (a) The driver of a vehicle [upon a highway outside of a business or residence district upon] meeting or overtaking from

either direction any school bus [which has] stopped on the highway [for the purpose of receiving or discharging any school children] shall stop [the vehicle] before reaching such school bus when there is in operation on said school bus *the flashing red lights* [a visual signal as] specified in § *12-228(a)* [section 12-218] and said driver shall not proceed until such school bus resumes motion or *he* is signaled by the school bus driver to proceed or the *flashing red lights* [visual signals] are no longer actuated.

UVC § 11-706(a) (Supp. I 1972).

These 1971 changes were made to simplify and clarify an important rule of the road. The Code now requires drivers to stop for any school bus that is stopped and displaying special flashing red lights. The reason the bus has stopped is no longer specified and there no longer is any exception for business and residence districts. See, however, UVC § 11-706(b) which specifies that school bus drivers may not actuate the special red flashing lights in business districts, on some arterial streets, and in certain other locations.

This section was amended in 1975 to allow stopped drivers to proceed when the bus resumes motion or the special flashing red lights go out. The third option, that of proceeding when the school bus driver signaled the driver, was deleted:

(a) The driver of a vehicle meeting or overtaking from either direction any school bus stopped on the highway shall stop before reaching such school bus when there is in operation on said school bus the flashing red lights specified in § 12-228(a) and said driver shall not proceed until such school bus resumes motion [or he is signaled by the school bus driver to proceed] or the flashing red lights are no longer actuated. (REVISED, 1975).

Statutory Annotation

Because of the number and nature of variations among the 52 laws comparable to UVC § 11-706(a), this Annotation is divided into two sections. Part I emphasizes broad areas of similarity in the laws and the Code and Part II compares each state law separately with the Code subsection, noting, in the interest of reasonable brevity, only significant similarities and differences.

Part I—Summary of State Laws

In describing a driver's duty to stop for a school bus, the Code provides:

(1) The school bus must be stopped.

(2) The bus must display special flashing red lights as an indication to other drivers that they are required to stop.

(3) Drivers must remain stopped until the school bus resumes motion or until the special visual signs are no longer actuated.

(1) School bus must be stopped. Forty-five jurisdictions conform with the Code requirement that the school bus must have stopped before other drivers are obliged to stop. The seven jurisdictions that do not expressly require that the bus be stopped are Connecticut, Maryland, Nebraska, Rhode Island, South Dakota, Utah and the District of Columbia. However, some of the 45 jurisdictions may permit or require the school bus driver to actuate the special flashing red lights before the bus has stopped. See § 11-706(b), *infra*.

(2) Bus must display special visual signal. The Code provides that a school bus must display a special visual signal as an indication to other drivers of their duty to stop. Forty laws also require some type of special visual signal:

Alaska *	Iowa	Nebraska	South Carolina
California *	Kansas	Nevada *	South Dakota *
Colorado *	Louisiana	New Mexico	Texas *
Connecticut	Maine	New York	Utah *
Delaware *	Maryland *	North Carolina	Washington *
Florida	Massachusetts *	North Dakota *	West Virginia
Georgia	Michigan *	Oklahoma *	Wisconsin *
Hawaii *	Minnesota *	Oregon *	Wyoming *
Idaho *	Missouri	Pennsylvania *	District of
Illinois *	Montana *	Rhode Island *	Columbia *
Indiana			

The 25 jurisdictions shown with asterisks in the above list conform substantially with the Code requirement that the special visual signal shall be comprised of alternately-flashing lights on the front and rear of the bus. Another nine of the states listed — Connecticut, Florida, Louisiana, Maine, Missouri, New Mexico, New York, South Carolina and West Virginia— may be in substantial conformity. Four states—Indiana, Iowa, Nebraska and North Carolina—either expressly or impliedly require the display of a mechanical stop arm as an indication of a driver's duty to stop (Iowa and Nebraska also mention flashing lights on school buses but the meanings ascribed to them in these laws differ substantially from the meaning of alternately-flashing lights on school buses as provided in UVC § 11-706(a) and from the meaning of simultaneously-flashing lights of the type used on all vehicles as vehicular hazard warnings under UVC § 12-220). Three other states—Illinois, Minnesota and Washington—contemplate the display of flashing lights *and* a mechanical device such as a stop arm.

Although none of the remaining 11 jurisdictions expressly requires the display of a special visual signal on the school bus as an indication to other drivers of their duty to stop, four—New Hampshire, New Jersey, Tennessee and Vermont—have provisions permitting drivers to proceed when the display of a special visual signal is terminated.

(3) Duration of stop. The Code requires other drivers to remain stopped until the school bus resumes motion or until the visual signal is terminated. Like the revised Code, laws in thirteen states allow drivers to proceed when the bus resumes motion or the special signal is terminated: Delaware, Hawaii, Idaho, Louisiana, Maryland, Michigan, New Hampshire, North Carolina, Oregon, Rhode Island, South Carolina, Wisconsin and Wyoming.

Like the Code before 1975, laws in 11 states also allow drivers to proceed when signaled to do so by the driver of the school bus:

Alaska	Massachusetts	Tennessee
Georgia	New Mexico	Texas
Illinois	North Dakota	Washington
Maine		West Virginia

Part II—Analysis of State Laws

The more significant differences between each state law and the Code subsection are as follows:

Alabama—Law requires drivers of motor vehicles to stop for a school bus *or other vehicle* that is receiving or discharging school children. The law differs from the Code by not requiring that the bus display a special signal and by not requiring drivers to remain stopped until the bus driver gives one of the indications to proceed described in the Code. Another law (§ 32-5-61) requires approaching motorists to stop for a church bus receiving or discharging passengers if it has a sign and school bus flashing signal lights. The duration of the stop is not specified.

Alaska—Regulation is identical to the 1968 Code, differing only by omitting the phrase "outside of a business or residence district." Alternately-flashing yellow lights on a school bus mean that other drivers must slow to 20 miles per hour and be prepared to stop.

Arizona—Law omits the phrase "outside of a business or residence district" but is otherwise identical to the 1948 Code provision quoted in the Historical Note, *supra*, though the law omits "or until signaled by the driver to proceed." The law does not require special visual signals on the bus.

Arkansas—Law requires drivers of motor vehicles and motorcycles approaching a stopped school bus from *any* direction to stop, *and if* it is

receiving or discharging passengers, to remain stopped until such receiving or discharging has been completed. The law does not have the Code provisions requiring the bus to display visual signals or those describing when a driver may proceed.

California—Drivers meeting or overtaking, from either direction, any school bus that has stopped to receive or discharge school children must stop immediately before passing the bus when it displays a "flashing red light signal visible from front and rear." Such drivers may proceed past the bus when the flashing signal ceases. Though not having all three of the Code alternatives permitting a driver to proceed, this law is probably in substantial conformity with the Code. It does not require drivers to stop when the bus is stopped at an intersection or other place where traffic is controlled by signals or officers. In the UVC, such stops would not be required because the bus driver would not actuate the flashing red lights under UVC § 11-706(b).

Colorado—Drivers must stop upon meeting or overtaking, from either direction, any school bus that has stopped and is displaying alternately-flashing lights, and may proceed when they are no longer actuated. But a driver must stop for a nine-passenger vehicle that is not owned by a school district even though such lights are not displayed. The law does not provide that a driver may proceed when the bus resumes motion or when the school bus driver signals him to proceed, as the Code does.

Connecticut—Drivers approaching from the front or rear must immediately stop not less than 10 feet from any registered school bus displaying "flashing signal lights," unless directed otherwise by a traffic officer. At intersections, drivers may not turn toward a bus receiving or discharging passengers. Drivers may proceed when the flashing lights are no longer displayed. This law does not expressly require that the school bus be stopped.

Delaware—When a school bus is stopped on the roadway or shoulder approximately parallel to the travelway and displays flashing lamps in accordance with Section B, the driver of any vehicle approaching the school bus from the front or from the rear shall stop before passing the bus and remain stopped until such bus begins to move or no longer has the red stop lamps activated.

Florida—Law requires drivers of motor vehicles, upon approaching any school bus used to transport pupils, to "stop while such bus is stopped" when the bus displays "a stop signal." A driver "shall not pass the school bus until the signal has been withdrawn." The law differs from the Code by not expressly requiring the use of alternately-flashing lights. Also, the Code permits a driver to proceed when the bus resumes motion or the school bus driver so signals.

Georgia—Law virtually duplicates the 1971 Code subsection. The only difference is that the law requires "visual signals specified in subsections (b) and (c)" on the school bus without the Code's reference to "flashing red lights." Subsections (b) and (c) in the law require buses to be yellow, have four red flasher lamps or four red and four amber flasher lamps, and school bus signs. Drivers must also stop for church and private school buses with special "color and marking" requirements.

Hawaii—Requires the driver of a motor vehicle to stop before reaching a school bus displaying alternately flashing red lights. The driver may proceed when the bus resumes motion or the lights go off.

Idaho—Law virtually duplicates the 1975 Code subsection. It differs by requiring "visual signals specified in this title," and not the Code's specific reference to flashing red lights. Unlike the Code, however, oncoming traffic on a highway of more than three lanes is not required to stop.

Illinois—Requires stopping when a stopped school bus displays a stop signal arm, flashing red lights and, perhaps, flashing yellow lights. Drivers may proceed in any one of the three instances described in the 1971 UVC.

Indiana—The driver of a vehicle meeting or overtaking from either direction any school bus stopped on a roadway must stop before reaching such school bus when the specified arm signal device is in its extended position, and the driver may not proceed until the arm signal device is no longer extended.

Iowa—Law does not apply in business and residence districts, unless so provided by ordinance, but does apply in suburban areas of cities and towns where the speed limit exceeds 35 miles per hour. A subsection applicable to drivers meeting a school bus displaying flashing amber warning signal lights requires slowing to a speed of not more than 20 miles per hour and stopping when the bus stops and extends a "stop signal arm." Such drivers may proceed with due caution after the stop arm is retracted. A subsection applicable to drivers approaching from the rear prohibits passing a bus displaying flashing red or amber lights and requires a stop not closer than 15 feet from a bus stopped with its stop arm extended, and such driver may proceed when the arm is retracted and the bus resumes motion or when the school bus driver signals them to proceed. Thus, Iowa does not require stopping for a bus displaying alternately-flashing lights, and the meaning ascribed to "stop warning signal lights" (which are amber in front and can be red in rear) differs substantially from the Code meaning for alternately-flashing red lights—slow or do not pass in Iowa, and stop in the Code. The law also does not allow a driver to proceed when signalled by the school bus driver or when the flashing lights are no longer actuated.

Kansas—Law virtually duplicates the 1971 UVC subsection. It allows drivers to proceed when the flashing red lights "and stop signal arm" are no longer actuated.

Kentucky—A driver approaching a stopped school or church bus from any direction must stop if the bus is stopped to receive or discharge passengers. Such driver may not start or attempt to pass until the bus has completed receiving or discharging passengers and has been put in motion. The law differs from the Code by not requiring any special visual signal on the bus.

Louisiana—Drivers meeting or overtaking, from any direction, a school bus that has stopped to receive or discharge children must stop at least 30 feet from the bus when "there is in operation on said school bus visual signals as required by R.S. 32:118. . . ." Portions of the law describing when a driver may proceed are identical to the current Code.

Maine—Law is substantially like the 1948 Code provision quoted in the Historical Note, *supra*, but omits the reference to "business or residence districts."

Maryland—Requires drivers meeting or overtaking school *vehicles* which have stopped or are stopping on a *roadway* to stop at least 10 feet from the rear of the school *vehicle*. This stop is required when the school vehicle displays alternately-flashing warning lights. Stopped drivers may proceed only after the school vehicle resumes motion or the flashing warning lights are no longer actuated. This law does not apply in Baltimore nor in any city with a population over 100,000.

Massachusetts—Drivers of motor vehicles approaching a vehicle with school or camp bus signs stopped to permit boarding or alighting must stop before reaching such vehicle when "front and rear blinker lights" are flashing. The description of when drivers may proceed is substantially like that in the Code.

Michigan—Law does not apply inside incorporated cities or villages. It requires a stop at least 10 feet from a stopped school bus displaying two alternately-flashing red lights and permits drivers to proceed when lights are discontinued or bus resumes motion. Drivers are not required to stop for buses at any intersection controlled by an officer or signal, but must slow to 10 miles per hour and proceed with due caution.

Minnesota—A driver meeting or overtaking, from the front or rear, a school bus stopped to receive or discharge school children must stop "at least 20 feet from the bus upon the display of a stop signal arm and

flashing red signals." Drivers must remain stopped until the arm has been retracted and the flashing signals terminated.

Mississippi—Requires stopping for school buses stopped on a *street or* highway to receive or discharge children. Drivers may not proceed until the children have crossed and the bus proceeds in the direction it was going. The law applies only if the bus has "school bus" signs.

Missouri—Law is generally similar to the Code, but refers to a bus whose driver "has in the manner prescribed by law given the signal to stop." Such a signal would probably require use of flashing lights or a mechanical device. The law does not allow a driver to proceed when visual signals are no longer actuated.

Montana—Outside incorporated cities and towns, drivers from either direction must stop for a school bus that is stopped to receive or discharge children when a flashing red visual signal is given. A driver must remain stopped until the bus resumes motion.

Nebraska—Law is not among other rules of the road and applies to drivers meeting or overtaking a school bus from the front or rear. If "stop warning signal lights" are flashing, such drivers must slow to a speed of not more than 25 miles per hour and must stop when a stop signal arm is extended. Drivers may proceed when the stop arm is retracted and the bus resumes motion or when so signaled by the school bus driver. This law differs from the Code by not requiring alternately-flashing lights as an indication of a driver's duty to stop, by ascribing a different meaning to flashing lights on school buses and by not requiring the bus to be stopped.

Nevada—Law is substantially similar to the 1968 Code, but refers to "a flashing red light signal" and permits a driver to proceed only when such signal ceases. The law does not require a driver to stop for a bus at an intersection or other place controlled by officers or signals. See UVC § 11-706(b), *infra*.

New Hampshire—Law differs from the Code by requiring a stop "at least 25 feet away from such school bus." Though a driver's duty to stop is not conditioned on the display of flashing red lights, he may not proceed until they cease to operate or until the bus resumes motion.

New Jersey—Law requires drivers of vehicles approaching or overtaking a bus being used solely to transport children to or from school to stop at least 10 feet from such school bus when it has "stopped for the purpose of receiving or discharging any school child." The driver must remain stopped until such child has entered the bus or has alighted and reached the side of the highway, *and* until a flashing red light is no longer exhibited. The law does not expressly require the display of flashing lights as notice of a driver's duty to stop. Also, the Code permits a driver to proceed when the bus resumes motion or its driver signals to proceed.

New Mexico—Law differs from the 1968 Code by not limiting application to areas outside business and residence districts and by requiring the stop to be made at least 10 feet before reaching the bus. Also, the law refers to "special school bus signals" but is otherwise identical to the Code.

New York—Drivers outside New York City must stop for a school bus displaying at least one flashing red light when the bus is stopped to receive or discharge school children. The law is otherwise identical to the Code, except that it does not permit a driver to proceed when the visual sign ceases.

North Carolina—Drivers "approaching from any direction on the same street or highway" must stop for a school bus displaying its mechanical stop signal or stopped to receive or discharge passengers before passing the bus. A driver must remain stopped until the signal is withdrawn or the bus moves on. This law applies only if the bus has "School Bus" signs. The Code rule applies to school buses and requires alternately-flashing red lights as a signal for other drivers to stop and not a mechanical device.

North Dakota—Law is in verbatim conformity with the 1971 Code provision.

Ohio—Requires stopping for a school bus stopped on the highway to receive or discharge any school child or person attending programs offered by community boards of mental health and mental retardation and county boards of mental retardation. The stop must be at least 10 feet away from the bus. Drivers may proceed when the bus resumes motion or when signaled by the bus driver to proceed. The law does not mention any special visual signal from the bus.

Oklahoma—Requires drivers meeting or overtaking a school bus that is stopped to take on or discharge school children, and on which the red loading signals are in operation, to stop before reaching the school bus. Drivers may not proceed until the loading signals are deactivated and then they must proceed past such school bus at a speed which is reasonable and with due caution for the safety of such school children and other occupants.

Oregon—Law conforms with the Code though it adds a requirement to stop for worker transport buses. Bus must be stopped on a roadway.

Pennsylvania—Requires drivers meeting or overtaking a school bus stopped on the highway to stop at least 10 feet before reaching the school bus when the bus has red signal lights flashing. The driver cannot proceed until the flashing red lights are not actuated. The driver cannot resume motion until the school children alighting from the school bus have reached a place of safety. When the school bus has amber signal lights flashing, a driver must proceed with caution and be prepared to stop.

Rhode Island—Drivers upon meeting or overtaking a school bus from any direction must stop before reaching the bus when there are flashing red lights in operation. They may proceed after the bus resumes motion or the lights are no longer actuated. This law does not expressly require the bus to be stopped.

South Carolina—Law conforms substantially with the 1975 Code section.

South Dakota—Law requires drivers of motor vehicles meeting or overtaking a school bus on which the red signal lights are flashing to stop at least 15 feet from the bus. He must remain stopped until the lights are extinguished. This law does not apply in business and residence districts where the speed limit is less than 35 mph. Drivers approaching a bus using amber warning lights must slow to 20 mph and proceed past the bus with caution.

Tennessee—A driver meeting or overtaking a school bus from either direction must stop before reaching the bus if it has stopped to receive or discharge school children. A driver may proceed when the bus resumes motion or when the visual signals are no longer actuated. This law differs from the Code by not expressly requiring that the bus be displaying a special visual signal as notice of a driver's duty to stop. Portions of the law describing the duration of a stop are in substantial conformity with the Code. A second law requires drivers to stop for church buses if they have the same equipment used by school buses to indicate a stop.

Texas—Law conforms substantially with the 1971 Code section.

Utah—A driver meeting or overtaking a school bus must stop before reaching it when the bus displays alternately-flashing red light signals and must remain stopped until such signals cease to operate. The law differs from the Code by not permitting a driver to proceed when the bus resumes motion and by not requiring the bus to be stopped. If the bus displays flashing yellow lights, drivers must proceed with care.

Vermont—Drivers of motor vehicles meeting or approaching a bus transporting children to school must stop immediately if the bus is stopped to receive or discharge children. Drivers must remain stopped until the flashing lights are no longer in operation.

Virginia—A reckless driving law (§ 46.1-190(f)) requires a driver approaching from any direction to stop for a yellow school bus equipped

with signs and "warning devices prescribed in § 46.1-287" that is stopped to receive or discharge school children, elderly persons, or mentally or physically handicapped persons and to remain stopped until all children, elderly persons, or mentally or physically handicapped persons are clear of the highway and the bus resumes motion. This law applies also to roadways on school grounds. The law differs from the Code by not permitting a driver to proceed when a signal ceases or the school bus driver so signals; it does not require the display of a special signal on the bus; and it does not describe where the stop must be made. Failure of bus warning devices to function does not relieve the drivers of other vehicles of their duty to stop.

Washington—Law is identical to the 1968 Code but is not limited to areas outside business and residence districts and may require use of a mechanical stop signal and alternately-flashing lights. A second law (Gen. Laws 1970, ch. 100, § 8), requires stops for "private carrier buses" used in conjunction with "organized agricultural, religious or charitable purposes" when signs and flashing red lights are displayed.

West Virginia—Drivers meeting or overtaking any school bus stopped to receive or discharge school children must stop before reaching the bus when flashing warning signal lights are in operation. Provisions on the duration of a stop conform substantially with the Code.

Wisconsin—Drivers approaching any school bus from the front or rear must stop at least 20 feet away when the bus displays flashing red warning lights and must remain stopped until the lights are extinguished or the bus resumes motion. The law does not permit a driver to proceed on signal from the school bus driver.

Wyoming—Drivers must stop for a stopped school bus displaying special flashing red lights. They may proceed when the lights go off or the bus resumes motion. The law substantially conforms with the UVC.

District of Columbia—Drivers approaching a school bus from any direction must stop at least 15 feet from the bus displaying alternately-flashing red lights. There is no requirement that the bus be stopped. Drivers may proceed when the lights are no longer actuated.

Puerto Rico—Drivers in rural zones must stop when facing or overtaking a school bus stopped on the highway to receive or discharge students if the bus driver signals to that effect. Drivers shall not proceed until the bus is in movement or the bus driver has ceased to give signals or has so indicated by means of signals.

§ 11-706—Overtaking and Passing School Bus

(b) Every school bus shall be equipped with red visual signals meeting the requirements of § 12-228(a) of this act, which may be actuated by the driver of said school bus whenever but 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 designated 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. (REVISED, 1971.)

Historical Note

Provisions relating to flashing red lights on school buses were added to the Uniform Vehicle Code in 1954, as follows:

> *(b)* Every bus used for the transportation of school children shall bear upon the front and rear thereof plainly visible signs containing the words "School Bus" in letters not less than 8 inches in height *and in addition shall be equipped with visual signals meeting the requirements of sec. 12-218 of this act, which shall be actuated by the driver of said school bus whenever but only whenever such vehicle is stopped on the highway for the purpose of receiving or discharging school children.*

UVC § 11-707 (Rev. ed. 1954). Subsection (b) was amended in 1962 to provide that the school bus driver may actuate the alternately-flashing lights only when such vehicle is stopped "outside of a business or residence district." UVC § 11-707(b) (Rev. ed. 1962). Thus, this subsection in the 1968 Code provided:

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

UVC § 11-706(b) (Rev. ed. 1968).

In 1971, these significant changes were made:

(1) The sign requirement was deleted and placed in subsection (c).

(2) The requirement that flashing red lights be used whenever school children will be received or discharged was changed in favor of permissive use of the lights.

(3) The prohibition against using flashing red lights in residence districts was deleted.

(4) In addition to business districts, the revised provision would ban the use of flashing red lights on school buses stopped at intersections where traffic is controlled by signals or police officers, certain arterial streets, and designated loading areas where the bus is off the roadway. In the latter two instances, determinations about the necessity and desirability of flashing red lights to stop traffic would be made by appropriate state or local officials.

These changes are designed to provide a high degree of safety for school children without unreasonably interfering with other traffic. For instance, there is no reason to require other drivers to stop where children do not cross the roadway to reach or leave the school bus or where crossing the roadway is governed by traffic-control signals or a police officer. However, these changes also assume that drivers of school buses will be informed as to places on their routes where the flashing red lights should and should not be actuated. If they are actuated, drivers under the terms of UVC § 11-706(a) (Supp. I 1972) would be required to stop even though actuation of the signal would violate subsection (b).

Though the Code did not require flashing red lights on school buses before 1954, it should be noted that the 1952 Code did ban the use of "any flashing warning signal light on any school bus except when . . . stopped . . . for the purpose of permitting school children to board or alight from said school bus." This equipment provision was deleted from the Code in 1968 because it was unnecessary and ambiguous. UVC Act V, § 109.6(b) (Rev. ed. 1952); UVC § 12-228(b) (Rev. eds. 1954, 1956, 1962).

Statutory Annotation

UVC § 11-706(a) requires drivers approaching a *stopped* school bus displaying flashing red lights to stop. Subsection (b) provides that a school bus driver may actuate these flashing lights only *after the bus has stopped* for the purpose of receiving or discharging school children. Because of the importance of uniformity on this rule, this Annotation is designed primarily to indicate which states agree with the Code by requiring that

the school bus be stopped before its driver may actuate alternately-flashing red lights.

By way of summary, 44 jurisdictions restrict the use of special visual signals on school buses. Of these, 26 require or appear to require that the bus be stopped and 18 require or contemplate their use before the bus has stopped. States in the latter category follow one of two general rules—some require or authorize the use of these signals when the bus is stopped or about to stop, while others require their actuation at least 50 feet in advance of the place where children will be received or discharged. States in the latter category are: Arizona, Connecticut, Illinois, Louisiana, Maine (100 ft.), Maryland, Michigan, Minnesota, Nebraska, Virginia, Wisconsin and the District of Columbia.

Some states have more than one provision comparable to the portion of UVC § 11-706(b) restricting the use of special visual signals and in three of these—Alaska, Indiana, and Michigan—the laws appear to differ as to whether the bus must be stopped.

The laws of the following 26 states require a driver to actuate special visual signals only when the bus has stopped and, unless otherwise stated, only when the bus has stopped for the purpose of receiving or discharging school children:

Alaska—Under § 04.090(b), alternately-flashing red lights must be actuated when, but only when, the bus is stopped to receive or discharge school children. They need not be used at intersections and other places where traffic is controlled by a police officer or traffic-control signal, when the bus is off the roadway and no child has to cross a highway, and when the bus is stopped at school and no child is required to cross the roadway. However, under § 04.150(d), the use of special flashing red lights is prohibited "except when preparing to stop for the purpose of loading or unloading a school child on a highway."

Arkansas—Special flasher lights shall be used when loading or discharging school children but at no other time.

California—Driver must operate flashing red signal lamps when children are alighting to cross the highway or when the bus is stopped to receive children who must cross the highway. Such signals may not be operated at any other time or at any intersection or place where traffic is controlled by an officer or traffic-control signal. See also, § 25257 requiring every school bus transporting children to have a flashing red light signal system.

Colorado—Alternately-flashing lights must be used after the bus has stopped and at no other time. Use of the lights is not required when indicated in writing. Yellow lights are used 200 feet before stopping.

Delaware—Special flashing red stop lights may be used only when the bus is stopped on the roadway or shoulder to pick up or discharge pupils. They may not be used while the bus is moving. Flashing yellow lights must be used 10 seconds prior to the red ones.

Georgia—Special red and yellow lights may be used only after the bus has stopped. They may not be used at intersections where traffic is controlled by signals or a police officer nor in loading areas where the bus is off the roadway.

Hawaii—Alternately flashing lights may be used only when the bus is stopped to receive or discharge school children. The lights must be used outside business and residence districts and at other locations when required by county ordinance.

Idaho—Alternately flashing red lights may only be actuated when vehicle is stopped on the highway for the purpose of receiving or discharging school children. However, alternately flashing yellow lights must be displayed at least 200 feet before every stop at which the alternately flashing red lights will be actuated.

Illinois—Red signal lights and the stop signal arm may be used only after the bus has come to a complete stop for the purpose of loading or discharging pupils. They must be turned off before starting out again. Special flashing yellow lights must be flashed for at least 100 feet in urban areas and 200 feet elsewhere. If the bus is not equipped with yellow lights, then the red lights must be flashed for the same distances before stopping.

Iowa—Law requires actuation of flashing amber warning lights 300 to 500 feet from the stopping point. There, the driver "shall bring the bus to a stop, turn off the amber flashing warning lamps, turn on the red flashing warning lamps and extend the stop arm." Stops on highways with four or more lanes and with limited visibility are restricted. This law does not apply in business and residence districts (unless there is an ordinance) but it does apply in suburban areas of cities and towns where the speed limit is over 35 miles per hour.

Kansas—Law duplicates all portions of 1971 Code § 11-706(b) except subsection (b)(1) relating to business districts and arterial streets. That subsection was adopted and then was repealed.

Minnesota—Requires school buses with a seating capacity for 16 or more passengers to have a stop signal arm, flashing red signals, and pre-warning flashing amber signals. The stop arm and flashing red lights may be used only when the bus is stopped to receive or unload children. The law requires actuation of the flashing amber lights 100 or 300 feet before stopping for children. After stopping, the red lights and stop arm are displayed. School bus drivers may not use the amber or red signals in special loading areas off the roadway, business and residence districts of municipalities unless directed to use them by the local school administrator, when the bus is used for purposes other than transporting school children and at railroad grade crossings.

Montana—§ 32-2197 provides that alternately-flashing red lights must be actuated whenever but only whenever the bus is stopped to receive or discharge passengers. This law additionally requires actuation of amber flashing lights approximately 500 feet before the bus is stopped to receive or discharge school children on the highway. And, a law comparable to former Code § 12-228(b) bans use of flashing signal lights on a school bus except when it is stopped or preparing to stop to permit boarding or alighting by school children.

Nevada—School buses must have an approved flashing red light system under § 392.410. These signals must be actuated when the bus is stopped to load or unload pupils and in times of emergency or accident. Unlike the UVC, there is no limitation on use of the red lights, and their use is required when the bus is stopped for children. The UVC would not allow use of the lights because of an emergency or accident.

New Hampshire—Laws comparable to UVC § 11-706 do not contain provisions relating to the school bus driver's use of signals, but an equipment law (§ 263:26) makes it unlawful to operate any flashing warning signal light on a school bus unless it is stopped to permit children to board or alight. See also, § 263:38a requiring school bus drivers to refrain from opening doors or actuating flashing red lights until all overtaking motor vehicles have passed or stopped (using "common sense and good judgment"), to stop on the extreme right of the highway or, where possible, off the highway in special facilities or stopping areas, and to turn off such lights to allow traffic to proceed if he intends to remain stationary for an extended period of time.

New Jersey—§ 39:3B-1 requires school buses to have "electric identification and warning lamps" which, when the bus has stopped to receive or discharge any school child, will exhibit a flashing red light. Under § 39:4-128.1, the driver must continue to exhibit this light and not start his bus until every alighting child has reached a place of safety.

New York—Law requires any school or camp bus to have at least one flashing red signal lamp on the front and one on the rear. Section 375(20)(d) requires the use of this signal "as provided in paragraph (a) . . . at all times when such omnibus shall be engaged in transporting pupils." Paragraph (a) of § 375(20) may require that the vehicle be stopped because it requires the driver to "keep such signal lamps lighted whenever passengers are being received or discharged."

North Dakota—Law virtually duplicates the 1971 Code but subsection (b)(1) reads, "on city streets on which receiving or discharging school children is prohibited by ordinance."

Oklahoma—Law does not refer to business and residence districts but is otherwise identical to 1968 Code § 11-706(b), and a second law is identical to former Code § 12-228(b) though it refers to flashing red lights.

Pennsylvania—Requires that a school bus driver actuate the red visual signals whenever the bus is stopped on the highway to receive or discharge school children. They are not to be terminated until the alighting school children have reached a place of safety or the boarding school children have finished boarding. Amber visual signals are to be actuated not more than 300 feet nor less than 150 feet before stopping to receive or discharge school children and are to remain in operation until the red signals are actuated. Amber signals are not to be used unless red signals are used immediately following. Visual signals are not to be used in urban districts designated by the Department of Transportation or local authorities, at intersections or places where traffic is controlled by uniformed police officers or appropriately attired persons authorized to direct, control or regulate traffic, or in school bus loading areas designated by the Department of Transportation or local authorities when the bus is entirely off the roadway.

South Dakota—Requires turning off the amber lights and turning on the red flashing signal lights at the point where pupils will be received or discharged. The law also requires that where the bus is stopping to receive or discharge pupils on a roadway or in a business or residential district when the speed limit is 35 mph or more, the driver must stop the bus, turn off the amber lights and turn on the red flashing lights. If the bus is stopping off the roadway or in a business or residential district where the speed limit is less than 35 mph, the driver must stop the bus and turn off the amber lights and not activate the red flashing signal lights.

Tennessee—Law requires the driver to stop on the right side of a highway and "cause the bus to remain stationary and the visual stop signs on the bus actuated until all school children" have crossed. Although the law does not expressly require that the bus be stopped before the signs are displayed, such stop may be implied.

Utah—Alternately-flashing lights shall not be operated except when the bus is stopped for loading or unloading school children, or for any emergency purpose. Use of lights appears restricted to stops involving children who must cross the highway "or at any other time when it would be hazardous for vehicles" to pass a stopped bus.

Vermont—Law requiring buses to have alternately-flashing lights requires their use whenever children are being received or discharged and for no other purpose.

Washington—A stop arm and/or alternately-flashing lights must be actuated whenever but only whenever the bus is stopped to receive or discharge school children except when they do not have to cross the highway and the bus is off the main-traveled part of the roadway, or when the bus is at an intersection or other place where an officer or signal controls traffic, or when the bus is stopped at a school where children are not required to cross the roadway. Drivers of private carrier buses "used for organized agricultural, religious or charitable purposes must actuate lights and stop sign only when loading or unloading passengers but they can not be used at intersections where police or a signal controls traffic or when the bus is off the roadway and passengers do not have to cross.

Wyoming—Requires the use of red flashing lights when the bus has stopped to receive or discharge school children. Local school boards may prohibit the use of these lights in business districts, loading areas where the bus is off the roadway and intersections and other places where traffic is controlled by signals or officers.

The following 18 states and the District of Columbia require or allow the school bus driver to actuate flashing signals in advance of a stop:

Arizona—Flashing warning signal lamps on school buses may not be used unless the bus is stopped or within 100 feet of stopping for the purpose of receiving or discharging children.

Connecticut—A school bus operator must display flashing signal light for at least 50 feet before stopping to receive or discharge passengers and must not open the door until all approaching vehicles have stopped. Stops may not be made on the main-traveled part of the highway where shoulders, curbs, bus stops or special facilities exist.

Indiana—§ 20-9.1-5-16 provides:

> Flashing red lights shall be used on every school bus in order to give adequate warning that the bus is stopped or about to stop on the highway to load or unload passengers.

A second law (§ 9-4-1-124) provides:

> Whenever a school bus is stopped on a roadway to load or unload school children, the driver shall use an arm signal device, and the arm signal device shall be extended while the bus is stopped except that a school bus driver need not extend an arm signal device when the school bus is stopped at an intersection or other place where traffic is controlled by a traffic control device or a police officer.

Kentucky—Law requiring a folding sign with the word "Stop" in letters at least six inches high requires a school or church bus driver to open out the sign "before stopping and while loading or discharging school children." He may not make such a stop in a no-passing area where reasonable visibility is not afforded, nor may he discharge passengers who will cross a divided highway except at marked crosswalks.

Louisiana—Red flashing lights and stop signal arms may be used only when the bus is stopped or about to stop to receive or discharge school children. Yellow lights are used 100 to 500 feet before stopping. If the bus does not have the yellow lights, the red ones are used 100 to 500 feet before stopping.

Maine—All school bus operators shall activate the system of flashing red lights at least 100 feet before any stop is made to receive or discharge its passengers and these lights shall be continually displayed until after the bus has received or discharged its passengers.

Maryland—Without specifying the color, the law limits use of alternately-flashing warning signals to buses that are stopped or stopping on a roadway to receive or discharge passengers. Outside of Baltimore, the signals must be used at least 100 feet before stopping.

Michigan—Law comparable to UVC § 11-706(b) requires actuation of alternately-flashing red lights whenever, but only whenever, the bus is stopped for at least 200 feet in advance of a stop to receive or discharge school children. A second law, however, permits the use of flashing red lights by school buses only when they are "stopped" to permit boarding or alighting. These lights may not be used in incorporated cities or villages unless school bus stopping is controlled by ordinance. The bus driver is also required to signal traffic to proceed before starting and to keep the bus near the right side of the roadway to permit congested traffic to disperse. The driver may not stop to receive or discharge children when the bus is not clearly visible for a distance of 500 feet.

Missouri—School buses must have "a mechanical and electrical signaling device, which will display a signal plainly visible from the front and rear *and indicating intention to stop*." The law does not expressly require the school bus driver to actuate such signals. A bus stopped on the roadway must be visible for 300 feet, and passengers may not cross more than two lanes on four lane highways. Also, the driver must remain stopped to permit passing if there are more than three following vehicles and if prevailing conditions make it safe to do so.

Nebraska—Flashing stop warning signal lights must be turned on from 300 to 500 feet before stopping. After stopping, a stop arm is extended. The lights and arm must be deactivated before the bus resumes motion.

New Mexico—Under an equipment law comparable to former Code § 12-228(b), a flashing warning signal light on a school bus may be operated only when the bus is "stopped or is about to stop on a roadway" to permit children to board or alight.

Ohio—Red flashing lights on school buses may be used only when the bus is stopped or stopping on the roadway for school children or persons attending programs offered by community boards of mental health and mental retardation and county boards of mental retardation. They may not be used when the bus is in a loading area entirely off the roadway or at school buildings when children or persons attending the above mentioned programs are loading or unloading at curbside.

Oregon—Flashing red warning lights may be used on a school bus only when stopping or stopped to load or unload school children. They are not used in loading areas where the bus is off the roadway nor at intersections controlled by a police officer or steady traffic-control signals.

South Carolina—Driver may operate visual signals only when the bus "is stopped or preparing to stop on the highway for the purpose of receiving or discharging school children."

Texas—Equipment law comparable to former Code § 12-228(b) makes it unlawful to operate any flashing warning signal light except when the bus "is being stopped or is stopped" to permit children to board or alight. Another provision in the same law suggests that the bus must be stopped.

Virginia—A school bus must have administratively-prescribed warning devices which shall indicate when it is "stopped, is about to stop, and when it is taking on or discharging children." The driver must actuate the "warning device . . . for a distance of not less than 100 feet before any proposed stop . . . if the lawful speed limit is less than 35 miles per hour, and for a distance of at least 200 feet . . . if . . . 35 miles per hour or more."

West Virginia—Law comparable to former Code § 12-228(b) prohibits operation of any flashing warning signal light except when the school bus is "stopped or slowing down to stop" to permit children to board or alight.

Wisconsin—Driver must actuate flashing red warning lights at least 100 feet before stopping to load or unload pupils or other authorized passengers and may not discontinue such signal until all persons are safely across the highway. They may not be used in special loading areas off the roadway or in business and residence districts having sidewalks and curbs on both sides of the road unless required by local ordinance at locations where there are signals.

District of Columbia—Driver must actuate alternately-flashing red lights at least 50 feet from any stop where children will be received or discharged.

The traffic and motor vehicle equipment laws of the following seven jurisdictions have provisions expressly regulating the use of special visual signals on school buses:

Alabama	Massachusetts [1]	North Carolina	Puerto Rico
Florida	Mississippi	Rhode Island	

1. But Massachusetts does require front and rear blinker lamps to "be left flashing when children are entering or leaving."

§ 11-706—Overtaking and Passing School Bus

(c) Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school all markings thereon indicating "school bus" shall be covered or concealed. (REVISED, 1971.)

Historical Note

As noted in § 11-706(a), *supra*, the 1934 Code required drivers to reduce speed and exercise caution for stopped school buses. But this obligation would apply only when the bus displayed appropriate signs:

> This section shall be applicable only in the event the school bus shall bear upon the front and rear thereon a plainly visible sign containing the words "school bus" in letters not less than 4 inches in height which can be removed or covered when the vehicle is not in use as a school bus.

UVC Act V, § 101(b) (Rev. ed. 1934). In 1938, the Code was amended to require a driver to stop for a school bus, but the above provision was amended only to increase the height of the letters from four inches to eight inches. UVC Act V, § 119(b) (Rev. ed. 1938). Thus, the 1938 Code required a driver to stop for a school bus only when it displayed the appropriate sign.

The subsection was revised substantially in 1948 to read as follows:

> Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words "school bus" in letters not less than 8 inches in height. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school all markings thereon indicating "school bus" shall be covered or concealed.

UVC Act V, § 109.5(b) (Rev. ed. 1948). As revised, the Code required all school buses to have appropriate signs and that they be concealed when the bus was being operated for purposes other than to transport school children. The earlier Code section merely required that such distinctive signs be capable of concealment. Also, since 1948, *this* section of the Code has not expressly required the display of "school bus" signs as a condition for other drivers to stop. But see the definition of "school bus" in UVC § 1-160 requiring such vehicles to comply with the "color *and identification*" requirements in the most recent edition of *Minimum Standards for School Buses*.

When provisions for flashing red lights were added to the Code in 1954, the two sentences in this section were placed in separate subsections. UVC §§ 11-707(b) and (c) (Rev. eds. 1954, 1956, 1962); UVC §§ 11-706(b) and (c) (Rev. ed. 1968). In 1971, they were re-united in one subsection with one substantive change, substitution of "school bus" for "bus used for the transportation of school children," to avoid requiring the use of school bus signs on all non-yellow transit buses. UVC § 11-706(c) (Supp. I 1972).

Statutory Annotation

The laws of 30 jurisdictions are in verbatim or substantial conformity with the portions of UVC § 11-706(c) requiring school buses to display identifying signs and requiring the concealment of "school bus" markings when the bus is being operated for purposes other than the actual transportation of school children. Though the laws of many of these states require the letters on a "school bus" sign to be at least eight inches in height, two (Maine and Pennsylvania) permit smaller lettering *on smaller vehicles* used as school buses. The 30 jurisdictions are:

Alaska [1]	Iowa [4]	Missouri	Rhode Island
Arizona	Illinois	Montana	South Carolina [8]
Arkansas	Kansas [5]	Nebraska	South Dakota
Connecticut	Maine	New Hampshire	Vermont [9]
Delaware [2]	Maryland [2]	New Jersey [7]	West Virginia [10]
Georgia [3]	Massachusetts [6]	North Dakota	Wisconsin

Hawaii	Minnesota	Pennsylvania	Wyoming
Idaho			Puerto Rico

1. Alaska would require concealment only when a bus is being used to transport persons who are not under the supervision of a school.
2. Height of letters is not specified.
3. Letters to front must be six inches and eight inches to the rear.
4. Concealment required only as to school buses that are privately owned.
5. Concealment not required when bus is operated for school activities, repair, maintenance or storage.
6. Letters on the sign must be at least six inches in height.
7. New Jersey § 39:3B-2 requires signs, § 39:4-128.1 requires signs as a condition for stopping by other drivers, and § 39:4-128.2 requires display of "Out of Service" signs rather than concealment of "school bus" signs or markings. Such signs must comply with State Board of Education requirements and have letters at least four inches in height.
8. Concealment not required for "school related activities."
9. Letters on the "school bus" sign must be at least four inches in height and such sign is a precondition of other drivers' duty to stop.
10. Concealment is required only of signs on school buses operated under contract.

The laws of 13 jurisdictions are in verbatim or substantial conformity with the Code's mandatory school bus signing requirement but do not specifically require concealment of the signs when the vehicle is operated for purposes other than transporting school children:

California	New Mexico	Oklahoma	Utah [2]
Colorado	New York	Oregon	Washington
Florida	Ohio	Tennessee [1]	District of
Louisiana			Columbia

1. Letters must be at least six inches in height.
2. Such signs must, however, *be capable of* removal or concealment.

Laws in six states, like earlier editions of the Code (1934 to 1948), do not require "school bus" signs on all such buses but make their display necessary before other drivers are required to stop, and, unless otherwise noted, merely require that such signs be capable of concealment:

Indiana [1]	Mississippi [3]	North Carolina
Kentucky [2]	Nevada [4]	Virginia [5]

1. School bus must be in compliance with the markings required by the state school bus committee.

   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 other school-related activities, all markings thereon indicating "school bus" shall be covered or concealed.
2. Letters must be at least six inches in height.
3. Letters must be at least four inches in height.
4. Law does not describe the signs or specify that they be capable of concealment.
5. Letters must generally be at least six inches in height but may be a minimum of four inches high on certain vehicles. Virginia's rules of the road do not include a provision on concealment, but § 22-280.1 requires covering letters and warning lights on any school bus operated for the purpose of "transporting persons or commodities other than school personnel or school children."

In addition, six other states previously listed require a sign for drivers to stop: California, Florida, Minnesota, Nevada, New York and Utah.

The traffic and motor vehicle equipment laws of three states—Alabama, Michigan and Texas—do not include school bus sign provisions comparable to those in UVC § 11-706(c).

§ 11-706—Overtaking and Passing School Bus

(d) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

Historical Note

This subsection was adopted by the National Committee in 1948. UVC Act V, § 109.5(c) (Rev. eds. 1948, 1952); UVC § 11-707(d) (Rev. eds. 1954, 1956, 1962); UVC § 11-706(d) (Rev. ed. 1968).

Statutory Annotation

Seventeen jurisdictions have laws in verbatim conformity with UVC § 11-706(d):

Alaska	Montana	Oklahoma	Washington [2]
Arizona	Nebraska	Tennessee [1]	West Virginia
Georgia	New Mexico	Texas	Wyoming
Kansas	North Dakota	Vermont	Puerto Rico
Louisiana			

1. The Tennessee law is identical to the Code and defines "separate roadways" as roadways divided by an intervening space which is not suitable for vehicular traffic.
2. The Washington law refers to highways "divided into separate roadways as provided in RCW 46.61.150." That section is similar to UVC § 11-311 relating to divided highways. See § 11-311, *supra*, for a discussion of that Washington law.

Seven states have laws in verbatim conformity with the portion of UVC § 11-706(d) providing that drivers on a different roadway need not stop for a school bus. None of these states has provisions relating to drivers on a controlled-access highway approaching a school bus in a special loading zone. These seven states are:

California [1]	Connecticut	Nevada [1]	Pennsylvania
Colorado [2]	Hawaii	Oregon	

1. The California and Nevada laws refer to a bus on the *other* roadway, the Code to a bus on a *different* roadway.
2. Colorado defines "highway with separate roadways" as a highway divided into two or more roadways by a depressed, raised or painted median or any intervening space.

The laws of 24 jurisdictions having provisions comparable to the portion of UVC § 11-706(d) excepting drivers on a different, separated roadway from the duty to stop for a school bus are discussed below. Many probably achieve the same result as the Code and merely describe a specific type or extent of separation, but some (such as Delaware, Idaho, Iowa, Missouri, Ohio and South Dakota) are considerably broader and would not require a driver on the same roadway (nor one on a different roadway) to stop. Of these 24 jurisdictions, Delaware, Illinois, Maine, Missouri and Rhode Island have the Code provisions relating to buses in special loading zones on controlled-access highways, Maryland and South Carolina have provisions applicable to all loading zones, and Indiana has a provision applicable to designated loading zones. These laws provide:

Arkansas—Drivers approaching a school bus on the opposite side of a parkway or dividing strip 20 feet or more in width on any multiple-lane highway need not stop but shall proceed with due caution.

Delaware—Drivers proceeding in a direction opposite to that of the school bus on any roadway with four or more lanes need not stop. UVC § 11-706(d) would only except drivers on "a different roadway" while the Delaware law excepts drivers on the same roadway, if traveling in the opposite direction.

Florida—Drivers on any divided highway where one-way roadways are separated by an intervening space of at least five feet or by a physical barrier need not stop upon meeting or passing a school bus on a different roadway.

Idaho—The law requires drivers to stop for a stopped school bus "except when meeting a school bus on a highway having more than three lanes."

Illinois—Drivers on a highway on which "the roadways for traffic moving in opposite directions are separated by a strip of ground which is not surfaced or suitable for vehicular traffic need not stop upon meeting or passing a school bus which is on the opposite roadway." The law has a provision relating to buses in special loading zones on controlled-access highways that is in substantial conformity with the Code.

Indiana—On any highway divided into two or more roadways by leaving an intervening space which is unimproved, and not intended for vehicular travel, or by a physical barrier or by a dividing section constructed to impede vehicular traffic, and if the school bus is on the opposite side of such traffic barrier, the driver of the approaching vehicle need not

stop but shall proceed with due caution for the safety of such children. In addition, a public school governing body may authorize a school bus driver to load or unload passengers at locations off the roadway which it shall designate as special school bus loading areas. The driver need not extend the arm signal device when loading or unloading passengers in the designated areas.

Iowa—A driver on a highway with two or more lanes in each direction need not stop upon meeting a stopped school bus traveling in the opposite direction.

Kentucky—Drivers proceeding in the opposite direction need not stop for a school bus stopped on a highway having "multi-lane roadways . . . separated by a raised, depressed, mountable or non-mountable median."

Maine—Drivers need not stop when the bus is on the other side of a curbing or physical barrier nor when a bus is in a loading zone on a limited-access highway.

Maryland—Law duplicates the Code provision about divided highways. Drivers need not stop for a bus in an approved loading zone if the lights on the bus are not actuated.

Massachusetts—Drivers "approaching from the opposite direction on a divided highway" are not required to stop.

Michigan—Drivers on any highway "divided into two roadways by leaving an intervening space, or by a physical barrier, or clearly indicated dividing section so constructed as to impede vehicular traffic, need not stop upon meeting a school bus stopped in the roadway across the dividing space, barrier or section."

Minnesota—Drivers on highways with "separate roadways" need not stop upon meeting or passing a school bus upon a different roadway. The law defines "separate roadway" as a road separated from "a parallel road by a safety isle or safety zone."

Missouri—A driver on a highway with separate roadways need not stop upon "meeting *or overtaking*" a school bus on a different roadway nor upon highways with four or more lanes of traffic if the bus is proceeding in the opposite direction. The law has a provision relating to special loading zones on controlled-access highways that is in substantial conformity with the Code.

New Jersey—Drivers overtaking a stopped school bus on any highway with dual or multiple roadways separated by safety islands or physical traffic separations must stop; drivers approaching on another roadway of such a highway shall slow down to not more than 10 miles per hour and shall not resume normal speed until they have passed the bus and any school child who has alighted from, or who is about to enter, the bus. Drivers are required to slow down, but not stop, for any bus stopped at a curb to receive or discharge children at a school located on the same side of the street as the bus.

North Carolina—Drivers need not stop for buses on interstate or controlled-access highways when the bus is across the dividing space or barrier separating the roadways.

South Carolina—Driver need not stop:

1. When the bus is in a passenger loading zone completely off the main travel lanes and when pedestrians are not allowed to cross the roadway.
2. On highways where the roadways are separated by an earth or raised concrete median.

Ohio—On all highways with four or more lanes, drivers approaching from the front need not stop while drivers overtaking a stopped bus must stop.

Rhode Island—A driver meeting or passing a school bus need not stop when the highway is divided by a median strip separating opposing lanes of traffic and the bus is on the other side of the median. Drivers do not stop for buses in loading zones adjacent to limited-access highways.

South Dakota—Has a law in verbatim conformity with the Code. A second law (§ 32-32-6) does not require drivers on highways with two or more lanes in each direction to stop for a bus going in the opposite direction.

Utah—Drivers need not stop on divided highways nor on highways with a painted median over 12 feet wide when the bus is on the other roadway.

Virginia—Drivers on dual highways need not stop when the bus is on a different roadway or service road separated by a physical barrier or an unpaved area.

Wisconsin—Drivers proceeding in the opposite direction on a divided highway are not required to stop.

District of Columbia—Drivers approaching from the opposite direction on a street with a median strip divider need not stop.

The remaining four states do not have laws comparable to UVC § 11-706(d). In these states, drivers must stop for school buses stopped to receive or discharge school children on a separate roadway or in a special loading zone on a controlled-access highway:

Alabama Mississippi New Hampshire New York

Citations

Ala. Code tit. 32, § 32-5-60 (1975).
13 Alaska Adm. Code §§ 02.260, 02.235(c), 04.090, 04.150 (1971).
Ariz. Rev. Stat. Ann. §§ 28-857(A), -857(B), -930(B) (1976).
Ark. Stat. Ann. §§ 75-658(d), -658.1 (1957); §§ 75-658(a)3 (1957, Supp. 1975).
Cal. Vehicle Code §§ 22112, 22454, 27906 (1960, Supp. 1971).
Colo. Rev. Stat. Ann. § 42-4-612 (Supp. 1976).
Conn. Gen. Stat. Ann. §§ 14-275, -279, -280 (1970); § 14-277 as amended by Gen. Laws 1971, ch. 467.
Del. Code Ann. tit. 21, § 4166 (Supp. 1977).
Fla. Stat. § 316.139 (1971).
Ga. Code Ann. § 68A-706 (1975).
Hawaii Rev. Stat. § 291C-95 (Supp. 1975).
Idaho Code Ann. § 49-676, amended by H.B. 508, CCH ASLR 65 (1978).
Ill. Ann. Stat. ch. 95½, § 11-1414 (Supp. 1978).
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Mo. Ann. Stat. § 304.075 (1963); § 304.050 (Supp. 1966).
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Neb. Rev. Stat. § 39-660 (Supp. 1978).
Nev. Rev. Stat. § 484.357, § 392.410 amended by Gen. Laws 1971, ch. 242.
N.H. Rev. Stat. Ann. §§ 262-A:52, :53, 263:26, :38a (1966).
N.J. Rev. Stat. § 39:4-128.2 (1961); §§ 39:3B-1, -2, :4-128.1 (Supp. 1966).
N.M. Stat. Ann. §§ 64-7-347, -348(B), amended by H.B. 112, CCH ASLR, 161, 531-33 (1978).
N.Y. Vehicle and Traffic Law §§ 375(20) (a), (b), (d), 1174 (1960, Supp. 1966).
N.C. Gen. Stat. § 20-217 (1975).
N.D. Cent. Code § 39-10-46 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.77 (Supp. 1977); § 4511.75, amended by S.B. 389, CCH ASLR 1211, 1212-13 (1978).
Okla. Stat. Ann. tit. 47, §§ 11-705, 12-228 (1962, Supp. 1978).
Ore. Rev. Stat. § 487.445 (1977).
Pa. Stat. Ann. tit. 75, § 3345 (1977).
R.I. Gen. Laws Ann. §§ 31-20-11, -12, -13 (Supp. 1971).
S.C. Code Ann. § 56-5-2770, amended by H.B. 3137, CCH ASLR 17 (1978).
S.D. Comp. Laws §§ 32-32-2 to -7 (1976, Supp. 1978).
Tenn. Code Ann. § 59-851 (Supp. 1978).
Tex. Rev. Civ. Stat. art. 6701d, §§ 104, 105(b) (1969, Supp. 1972).
Utah Code Ann. § 41-6-100.10 (Supp. 1977).
Vt. Stat. Ann. tit. 23, § 1075 (Supp. 1977).
Va. Code Ann. §§ 46.1-190(f), -287 (1975, Supp. 1978).
Wash. Rev. Code Ann. § 46.61.370 (Supp. 1966); Gen. Laws 1970, ch. 100, § 8.
W.Va. Code Ann. §§ 17C-12-7(a), (b), (c), -8(b) (1966, Supp. 1971).
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17 D.C. Regs. §§ 50.1, 76.1 (Jan. 1971); 32 D.C. Regs. § 6.412.
P.R. Laws Ann. tit. 9, § 1138 (Supp. 1975).

ARTICLE VIII—SPEED RESTRICTIONS

§ 11-801—Basic Rule

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing

an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions. (REVISED, 1968.)

Historical Note

The Code has always contained a basic speed rule. In the 1926 and 1930 editions, it provided:

> Any person driving a vehicle on a highway shall drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the highway and of any other conditions then existing, and no person shall drive any vehicle upon a highway at such a speed as to endanger the life, limb or property of any person.

UVC Act IV, § 4(a) (1926).

> No person shall drive a vehicle upon a highway at a speed greater than is reasonable and prudent, having due regard to the traffic, surface and width of the highway and the hazard at intersections and any other conditions then existing.
>
> Nor shall any person drive at a speed which is greater than will permit the driver to exercise proper control of the vehicle and to decrease speed or to stop as may be necessary to avoid colliding with any person, vehicle or other conveyance upon or entering the highway in compliance with legal requirements and with the duty of drivers and other persons using the highway to exercise due care, provided, that this provision shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence upon the part of the defendant as the proximate cause of an accident.

UVC Act IV, § 20(a) (Rev. ed. 1930).

In 1934, the basic rule was divided into two separate paragraphs and the concluding provision about proof in civil actions was placed in what is now § 11-807(b). The basic rule provided:

> (a) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions then existing.
>
> . . . .
>
> (c) The fact that the speed of a vehicle is lower than the foregoing prima facie limits shall not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions, and speed shall be decreased as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

UVC Act V, § 51 (Rev. ed. 1934). Requirements to control speed with regard to "potential" hazards and railroad grade crossings were added in 1938, so that the rule then read as follows:

> (a) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.
>
> (c) The driver of every vehicle shall, consistent with the requirements of (a), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

Though the references to prima facie speed limits were removed in 1956, these subsections remained essentially the same until 1968 when they were consolidated and revised as follows:

> [(a)] No person shall drive a vehicle [on a highway] at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. [In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care. (b) . . . . (c) The driver of every vehicle shall, consistent] *Consistent* with the *foregoing*, [requirements of paragraph (a),] *every person shall* drive at *a safe and* [an] appropriate [reduced] speed when approaching and crossing an intersection or *railroad* [railway] grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

The main reason for this revision was that the 1962 Code treatment of the basic speed rule in two separate subsections seemed to describe two independent rules. Subsection (a) required a driver to proceed at a reasonable and prudent speed having regard to actual and potential hazards, and subsection (c) required a driver to proceed at an appropriate, reduced speed at certain places or whenever necessary because of weather, traffic or highway conditions. Taking cognizance of court decisions holding that the first rule must be read in conjunction with the second rule, the National Committee combined the language of the two. For the same reason and because it might be interpreted as making a collision unlawful, the second sentence in former subsection (a) was deleted. The phrase "on a highway" was deleted as unnecessary in view of UVC § 11-101. Material formerly in subsection (c) was amended to require a "safe and appropriate" speed, rather than an "appropriate reduced" speed when encountering certain hazards, essentially because a driver's rate of speed can be safe and appropriate without necessarily being reduced and because it is not always necessary to reduce speed at the places specified. Of course, the 1968 Code would continue to require a reduced speed whenever reasonably necessary for safe operation. See also, the introductory paragraph to the 1968 Code § 11-801.1, *infra*, which specifies maximum speed limits except when a special hazard requires a lower speed. UVC Act V, § 56(Rev. eds. 1938, 1944, 1948, 1952); UVC § 11-801 (Rev. eds. 1954, 1956, 1962, 1968).

With respect to the portions of UVC § 11-801 requiring an appropriately reduced speed at certain places (intersections, grade crossings, curves, hills and narrow roadways), it should be noted that the first two editions of the Code provided specific limits (such as 15 or 20 miles per hour) at such places. See the Historical Note to § 11-801.1, *infra*. When these limits were removed from the Code in 1934, the more general provisions requiring an appropriately reduced speed at such places were added.

Statutory Annotation

The Code's basic speed rule can be expressed in three statements:

(1) Drivers should proceed at a speed that is reasonable and prudent for conditions, including both actual and potential hazards.

(2) Drivers should proceed at a safe and appropriate speed at certain places such as intersections, grade crossings, curves, hills and narrow roadways.

(3) Drivers should proceed at a safe speed for pedestrians and traffic, and for weather or highway conditions.

As indicated in greater detail, *infra*, 22 states and the District of Columbia are in verbatim or substantial conformity with all three of the above rules and 26 states conform to only some of them and/or have various other provisions. The two remaining states—Tennessee and Vermont—do not have laws comparable to UVC § 11-801.

A summary of laws in both categories, based on the three general directives of the Code's basic speed rule, precedes the more comprehensive Annotation in order to indicate the total number and names of states that have adopted each Code rule.

(1) Drive at a speed that is reasonable and prudent for conditions, including both actual and potential hazards. The District of Columbia and the following 26 states are in verbatim or substantial conformity with the first sentence in UVC § 11-801:

Alaska	Idaho	New York	Utah
Arizona	Indiana	North Dakota	Vermont
Arkansas	Louisiana	Pennsylvania	Washington
Delaware	Maryland	Rhode Island	West Virginia
Florida	Minnesota	South Carolina	Wisconsin
Georgia	Nebraska	Texas	Wyoming
Hawaii	New Hampshire		

Though the comparable laws of the remaining 25 jurisdictions do not conform closely with this rule, particularly with reference to *potential* hazards, all *probably* require a reasonable, proper or prudent speed (Mississippi, New Jersey and New Mexico, however, do not *expressly* require a reasonable and prudent speed). Seven of these 25 jurisdictions, it should be noted, proscribe driving at a speed that endangers the safety of persons or property:

Alabama	Illinois	Montana	Pennsylvania
California	Missouri	Nevada	

See the Historical Note, *supra*, indicating that a comparable provision appeared in the 1926 edition of the Code but was deleted in 1930.

(2) Drive at a safe speed at certain places (intersections, grade crossings, curves, hills and narrow roadways). The District of Columbia and the following 28 states require an appropriate, reduced speed at all places described in UVC § 11-801:

Alaska	Idaho	New Hampshire	South Carolina
Arizona	Indiana	New Jersey	Texas
Arkansas	Kansas	New York	Utah
Delaware	Maryland *	North Dakota	Vermont
Florida	Minnesota	Oklahoma	Washington
Georgia	Montana	Pennsylvania	West Virginia
Hawaii	Nebraska	Rhode Island	Wisconsin

* Maryland substitutes "crest of a grade" for "hill."

The laws of another three states require reduced speed at all the places described in the Code except railroad grade crossings:

Illinois	Mississippi	Nevada

Connecticut, Oregon, Vermont and Puerto Rico mention intersections, Iowa mentions intersections and curves, and the remaining 15 states do not *expressly* require an appropriate speed at any of the places described in UVC § 11-801.

(3) Drive at a safe speed for pedestrians, traffic or weather or highway conditions. The laws of 29 states and the District of Columbia are in verbatim conformity with this portion of UVC § 11-801:

Alaska	Georgia	Massachusetts	Pennsylvania
Arizona	Hawaii	Minnesota	Rhode Island
Arkansas	Idaho	Montana	South Carolina
Colorado	Illinois	Nebraska	Texas
Connecticut	Indiana	Nevada	Utah
Delaware	Kansas	New Jersey	Washington
Florida	Maryland	North Dakota	West Virginia
			Wisconsin

Two more states may be in substantial conformity—see the laws of New Hampshire and New York, *infra*.

Because virtually all of the remaining 20 states generally require driving at a reasonable and prudent speed under existing conditions, they probably *impliedly* require an appropriate reduced speed under the conditions described in UVC § 11-801.

The rule that was deleted from the Code in 1968, requiring drivers to control speed as may be necessary to avoid colliding, is in effect in the District of Columbia and 20 states:

Alaska	Hawaii *	Nevada	Texas
Arizona	Idaho	New Mexico	Vermont
Arkansas	Illinois	New Hampshire	Washington
Delaware	Indiana	Rhode Island	West Virginia
Florida	Minnesota	South Carolina	Wisconsin

* Law (§ 291-12) prohibits causing a collision with any person, vehicle or property. This law is not among speed or other traffic laws.

Though the remaining states do not have this rule, five—Iowa, Michigan, Ohio, Oklahoma and Pennsylvania—do require such control of speed as will enable a driver to stop within the "assured clear distance ahead."

§ 11-801 TRAFFIC LAWS ANNOTATED

Expanding on the foregoing summary, the laws of 23 states and the District of Columbia are in verbatim or substantial conformity with UVC § 11-801:

Alaska	Hawaii	Nebraska	Texas
Arizona [1]	Idaho	New Hampshire [5]	Utah
Arkansas	Illinois [2]	North Dakota [6]	Washington [9]
Delaware	Indiana	Pennsylvania [7]	West Virginia
Florida	Kansas [3]	Rhode Island	Wisconsin [10]
Georgia	Minnesota [4]	South Carolina [8]	

1. Arizona adds that no person shall drive at a speed that is less than reasonable and prudent.

2. The law of Illinois is similar to the 1934 Code provision quoted in the Historical Note, *supra*. Thus, this law would appear to conform substantially with all three of the general duties described in the Code's basic speed rule but arranged differently: drive at a reasonable and prudent speed for conditions then existing (the Code expressly includes both actual and potential hazards); reduce speed appropriately at certain places (Illinois does not mention grade crossings); reduce speed appropriately for pedestrians, traffic, or whenever weather or highway conditions require; and decrease speed to avoid colliding in compliance with legal requirements and the duty of all persons to use due care. In addition, however, the Illinois law prohibits driving "upon any public highway . . .at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the highway, *or endanger the safety of any person or property* . . . ."

3. The first sentence of the Kansas law is identical to the 1934 Code provision quoted in the Historical Note, *supra*, but the balance is in verbatim conformity with the second sentence of UVC § 11-801. Therefore, Kansas differs from the Code only by requiring a reasonable and prudent speed "under conditions then existing" without expressly including "actual and potential hazards" as in the first sentence of UVC § 11-801.

4. The Minnesota law is virtually identical to the 1962 Code but substitutes the word "restricted" for "controlled" in the first sentence.

5. The New Hampshire law differs from UVC § 11-801 by requiring an appropriately reduced speed "when special hazard exists with respect to pedestrians or other traffic [or] by reason of weather or highway conditions." The omission of "or" in these provisions may have the effect of requiring, for instance, the existence of traffic *and* inclement weather before proceeding at an

appropriate, reduced speed while the Code would apply in either event. The New Hampshire law is otherwise identical to the Code.

6. North Dakota adds that it is careless driving to violate the basic speed rule on highways, public or private property.

7. Pennsylvania adds that a driver should not drive at a speed greater than will permit him to stop within the assured clear distance ahead.

8. The South Carolina law adds "narrow bridge" to the places where reduced speed would be appropriate.

9. The basic speed rule for Washington, §§ 46.61.400(1) and (3), is in verbatim conformity with the 1962 Code. But see also, § 46.61.445 providing additionally that compliance with all provisions of law relating to speed "shall not relieve the operator of any vehicle from the further exercise of due care and caution as further circumstances shall require."

10. The Wisconsin law provides: "(2) Reasonable and prudent limit. No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. The speed of a vehicle shall be so controlled as may be necessary to avoid colliding with any *object*, person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and using due care. (3) Conditions requiring reduced speed. The operator of every vehicle shall, consistent with the requirements of sub. (2), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway, *when passing school children, highway construction, or maintenance workers* or other pedestrians, and when special hazard exists with regard to other traffic or by reason of weather or highway conditions." (Emphasis added.)

Because variations in the wording of the remaining 27 jurisdictions' laws preclude any meaningful categorization based on the Code's basic speed rule, the laws are quoted or discussed individually below. The absence of similarity in wording, however, does not necessarily indicate the absence of substantial agreement with all or portions of the Code's basic speed rule. The extent of conformity can be determined only by careful analysis of the language and context of the laws and interpretations given by the courts in each state.

Alabama—Law is identical to the 1926 Code provision quoted in the Historical Note, *supra*. It requires a reasonable speed with regard to traffic, surface and width of the highway and any other conditions then existing, and does not expressly require a speed reasonable for *potential* hazards or control of speed for compliance with legal requirements. Though it does not describe all of the places or conditions of special hazards mentioned in the Code that require a reduced speed, the law does require due regard for "traffic" and "any other conditions" and therefore would probably cover most of the areas or conditions specified in UVC § 11-801.

California—§ 22350 provides:

> No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property.

This law differs from UVC § 11-801 by not including potential hazards. An appropriate reduced speed under the conditions described in UVC § 11-801 is implied, but not at the places specified therein.

Colorado—Bans driving at a speed greater than is reasonable and prudent under conditions then existing. There is no reference to "actual or potential hazards." The fact that a driver's speed is lower than specified limits does not relieve him from the duty to decrease speed when a special hazard exists with respect to pedestrians, other traffic, or weather or highway conditions. A safe and appropriate speed at the places specified in the Code is not specifically required by the law.

Connecticut—§ 14-218(a) provides, in part:

> No person shall operate a motor vehicle upon any public highway of the state, or road of any specially chartered municipal association or any district organized under the provisions of chapter 105 . . . or on any parking area as defined in section 14-219a, or upon a private road on which a speed limit has been established in accordance with this subsection, or upon any school property, at a rate of speed greater than is reasonable, having regard to the width, traffic and use of highway, road or parking area, the intersection of streets and weather conditions.

Iowa—§ 321.285 provides:

> Any person driving a motor vehicle on a highway shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the highway and of any other conditions then existing, and no person shall drive any vehicle upon a highway at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said highway will observe the law.

Another law (§ 321.288) provides:

> The person operating a motor vehicle or motorcycle shall have the same under control and shall reduce the speed to a reasonable and proper rate:
>
> 1. When approaching and passing a person walking in the traveled portion of the public highway.
>
> 2. When approaching and passing an animal which is being led, ridden, or driven upon a public highway.
>
> 3. When approaching and traversing a crossing or intersection of public highways, or a bridge, or a sharp turn, or a curve, or a steep descent, in a public highway.
>
> 4. When approaching and passing a fusee, flares, red reflector electric lanterns, red reflector or red flags displayed in accordance with section 321.448.
>
> 5. When approaching and passing an emergency vehicle displaying a revolving or flashing light.

Kentucky—§ 189.390(1) provides:

> No operator of a vehicle upon a highway shall drive at a greater speed than is reasonable and prudent, having regard for the traffic and for the condition and use of the highway.

Louisiana—§ 32:64A provides:

> No person shall drive a vehicle on the highway within this state at a speed greater than is reasonable and prudent under the conditions and potential hazards then existing, having due regard for the traffic on, and the surface and width of, the highway, and the condition of the weather, and in no event at a speed in excess of the maximum speeds established. . . .

Maine—§ 1252 provides:

> Any person driving a vehicle on a way or in any other place shall drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the way or place, and of any other conditions then existing.

Maryland—Law duplicates former UVC subsections (a) and (c) with one exception—it does not require an appropriately reduced speed at intersections where devices require cross traffic to stop.

Massachusetts—§ 17 provides, in part:

> No person operating a motor vehicle on any way shall run it at a rate of speed greater than is reasonable and proper, having regard to traffic and the use of the way and the safety of the public . . . every person operating a motor vehicle shall decrease the speed of the same when a special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions.

A second law (ch. 90, § 14) requires slowing down for bicyclists and passing them at a reasonable and proper speed.

Michigan—§ 9.2327 provides:

> A person driving a vehicle on a highway shall drive at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the highway and of any other condition then existing, and a person shall not drive a vehicle upon a highway at a speed greater than will permit him to bring it to a stop within the assured, clear distance ahead.

Mississippi—§ 63-3-505 provides:

> The driver or operator of any motor vehicle must decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazard exists with respect to pedestrians or other traffic.

Missouri—§ 304.010 provides:

> Every person operating a motor vehicle on the highways of this state shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care.

Montana—Law is in verbatim conformity with the second Code sentence but the one comparable to the first provides:

> Every person operating or driving a vehicle of any character on a public highway of this state shall drive the same in a careful and prudent manner, and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account amount and character of traffic, condition of brakes, weight of vehicle, grade and width of highway, condition of surface, and freedom of obstruction to view ahead, and so as not to unduly or unreasonably endanger the life, limb, property, or other rights of any person entitled to the use of the street or highway.

Nevada—Law provides:

> 484.361 Basic rule. It is unlawful for any person to drive or operate a vehicle of any kind or character at:
>
> 1. A rate of speed greater than is reasonable or proper, having due regard for the traffic, surface and width of the highway; or
>
> 2. Such a rate of speed as to endanger the life, limb or property of any person; or
>
> 3. A rate of speed greater than that posted by a public authority for the particular portion of highway being traversed.
>
> 484.363 Duty of driver to decrease speed under certain circumstances. The fact that the speed of a vehicle is lower than the prescribed limits does not relieve a driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding highway, or when special hazards exist or may exist with respect to pedestrians or other traffic, or by reason of weather or other highway conditions, and speed shall be decreased as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering a highway in compliance with legal requirements and of the duty of all persons to use due care.

New Jersey—The law conforms to the second sentence in the Code but contains no provisions directly comparable to the first. However, the portions of the law enumerating speed limits are made subject to laws proscribing careless or reckless driving.

New Mexico—§ 64-18-1.1(c) provides:

> In every event, speed shall be so controlled as may be necessary:
>
> (1) To avoid colliding with any persons, vehicle or other conveyance on, or entering the highway; and
>
> (2) To comply with legal requirements as may be established by the New Mexico highway department or the New Mexico state police department, and the duty of all persons to use due care.

New York—Law duplicates the first sentence but omits "or" before "by reason of . . ." in the second. A second provision (N.Y. Railroad Law § 53-a) requires drivers at posted crossings "to reduce speed to a safe limit upon passing such sign and to proceed cautiously and carefully with the vehicle under complete control."

North Carolina—Law provides that no person may drive on a highway or public vehicular area at a speed greater than is reasonable and prudent under existing conditions.

Ohio—§ 4511.21 provides:

> No person shall operate a motor vehicle, trackless trolley, or streetcar at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface, and width of the street or highway and any other conditions, and no person shall drive any motor vehicle, trackless trolley, or streetcar in and upon any street or highway at a greater speed than will permit him to bring it to a stop within the assured clear distance ahead.

Oklahoma—§ 11-801(a) provides:

> Any person driving a vehicle on a highway shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the highway and any other conditions then existing, and no person shall drive any vehicle upon a highway at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead.

Subsection (d) of this Oklahoma law is in verbatim conformity with the second sentence in the UVC.

Oregon—Law provides:

> (1) A person commits the offense of violating the basic speed rule if he drives a vehicle upon a highway at a speed greater than is reasonable and prudent, having due regard to the traffic, surface and width of the highway, the hazard at intersections, weather, visibility and any other conditions then existing.
>
> (2) As used in this section, unless the context requires otherwise, "highway" includes, but is not limited to, an alley.
>
> (3) Violating the basic speed rule is a Class B traffic infraction.

South Dakota—Law provides:

> It shall be unlawful for any person to drive a motor vehicle on a highway located in this state at a speed greater than is reasonable and prudent under the conditions then existing. . . .

Vermont—Virtually duplicates the 1962 Code section. It omits the concluding phrase, "with respect to pedestrians or other traffic or by reason of weather on highway conditions." A second law (§ 1046(c)3) comparable to UVC § 11-401 provides that all "intersecting highways shall be approached and entered slowly, with due care to avoid accidents."

Virginia—§ 46.1-189 provides:

> Irrespective of the maximum speeds herein provided, any person who drives a vehicle upon a highway recklessly or at a speed or in a manner so as to endanger life, limb or property of any person shall be guilty of reckless driving; provided that the driving of a motor vehicle in violation of any speed limit provision of § 46.1-193 shall not of itself constitute ground for prosecution for reckless driving under this section.

Section 46.1-190 provides, in part:

> A person shall be guilty of reckless driving who shall:
>
> (a) Drive a vehicle when not under proper control . . .;
>
> . . . .
>
> (h) Exceed a reasonable speed under the circumstances and traffic conditions existing at the time regardless of any posted speed limit;

Wyoming—Duplicates the first sentence in the Code but has none of the remaining provisions.

Puerto Rico—Law provides:

> The speed of a motor vehicle shall be regulated with due care, taking into account the width, volume of traffic, use, and condition of the public highway. No one should drive at a higher

speed than would enable him to have proper control of the vehicle, and to slow down or stop when necessary to avoid an accident. Drivers should drive at a safe and adequate speed on approaching and passing through an intersection or grade crossing, on approaching the summit of a slope, or driving on a narrow or winding road, or when there is special danger to pedestrians or other traffic because of weather or public highway conditions.

One state (Tennessee) does not have a law comparable to the Code's basic speed rule.

Citations

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§ 11-801.1—Maximum Limits

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

1. Thirty miles per hour in any urban district;
2. Fifty-five miles per hour in other locations.

The maximum speed limits set forth in this section may be altered as authorized in §§ 11-802 and 11-803. (Section Revised, 1975).

Prefatory Note

Uniformity in state speed regulations is desirable so that drivers from all states and countries will know the limits applicable on highways located inside or outside urban areas. Within the context of the basic speed rule of UVC § 11-801, this section provides the general limits applicable in such areas, unless a reduced speed is reasonable and prudent or unless a different limit is indicated by signs erected by appropriate state and local authorities under UVC §§ 11-802 and 11-803.

The Historical Note to this section quotes portions of the first two editions of the Code, which specified a reduced speed limit of 15 miles per hour for driving in school zones and at places where the view was obstructed such as intersections, grade crossings, hills and curves.

Recognizing the practical difficulty and inflexibility of a legislative enumeration of reduced speed limits for specific places, and the corresponding advantages of an administrative determination of both the speed and the extent of the restricted area, including proper identification of the latter, the National Committee in 1934 extensively revised the Code provisions on speed and deleted these special, reduced limits. In their place, the Committee expanded the portions of the basic speed rule now in UVC § 11-801 to require driving at an appropriate speed when approaching or crossing an intersection or grade crossing, approaching a hill crest, approaching or driving on any curve or narrow or winding roadway, and when any special hazard exists with respect to pedestrians, traffic, or by reason of weather or highway conditions.

Simultaneously with the deletion of these special speed limits, the National Committee adopted provisions generally authorizing either a state agency or local officials to lower the general speed limits whenever such limits were found to be greater than would be reasonable and safe. See UVC §§ 11-802 and 11-803. These sections of the Code allow sufficient discretion and flexibility to take into account all factors bearing on what constitutes a safe and reasonable general speed limit on all highways. Any stated or posted limit must, of course, be subject to the basic rule requiring a driver to proceed at such a lesser, reasonable and prudent speed as may be necessary because of special hazards that can not be legislatively or administratively predetermined.

The Annotations in UVC §§ 11-801.1, 11-802 and 11-803 concentrate on fundamental principles embodied in these Code sections, rather than on points of similarity or dissimilarity arising either from differences in wording or the number of miles per hour stated in the laws. Complete information on the speed limits in effect in the states is contained in a number of publications that are periodically revised. One of these is *Digest of Motor Laws*, American Automobile Association, Falls Church, Virginia.

Historical Note

All editions of the Code have contained provisions stating maximum speed limits. The prima facie speed limits of the 1926 Code were as follows:

(b) Subject to the provisions of subdivision (a) of this section and except in those instances where a lower speed is specified in this act, it shall be prima facie lawful for the driver of a vehicle to drive the same at a speed not exceeding the following, but in any case when such speed would be unsafe it shall not be lawful.

1. Fifteen miles an hour when approaching within fifty feet of a grade crossing of any steam, electric or street railway when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last two hundred feet of his approach to such crossing he does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet in each direction from such crossing;

2. Fifteen miles an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours;

3. Fifteen miles an hour when approaching within fifty feet and in traversing an intersection of highways when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last fifty feet of his approach to such intersection, he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet from such intersection;

4. Fifteen miles an hour in traversing or going around curves or traversing a grade upon a highway when the driver's view is obstructed within a distance of one hundred feet along such highway in the direction in which he is proceeding;

5. Twenty miles an hour on any highway in a business district, as defined herein, when traffic on such highway is controlled at intersections by traffic officers or stop-and-go signals;

6. Fifteen miles an hour on all other highways in a business district, as defined herein;

7. Twenty miles an hour in a residence district, as defined herein, and in public parks unless a different speed is fixed by local authorities and duly posted;

8. Thirty-five miles an hour under all other conditions.

It shall be prima facie unlawful for any person to exceed any of the foregoing speed limitations, except as provided in subdivision (c) of this section. In every charge of violation of this section the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the speed which this section declares shall be prima facie lawful at the time and place of such alleged violation.

UVC Act IV, § 4(b) (1926). Note that, in this edition only, the limit in a business district was dependent upon the presence or absence of traffic officers or stop-and-go signals at intersections.

In 1930, the section was revised to provide:

(b) Application of Indicated Speeds.

Any person who drives a vehicle upon a highway at a speed in excess of that indicated as follows for the particular district or location, and who, while so driving, violates the basic rule set forth in subdivision (a) or any provision of Articles VII to XII, both inclusive, shall upon conviction be punished as provided in subdivision (b) of Section 19 of this Act.

Said indicated speeds are as follows:

1. Fifteen miles per hour:

a. When passing a school building or the grounds thereof during school recess or while children are going to or leaving school during opening or closing hours, or

b. When approaching within one hundred feet of a grade crossing of a steam, electric or street railway where the driver's view of such crossing or of any traffic on such railway within a distance of four hundred feet in either direction is obstructed.

2.Twenty miles per hour:

a. In any business district as defined herein, or

b. Upon approaching within fifty feet and in traversing an intersection of highways where the driver's view in either direction along any intersecting highway within a distance of two hundred feet is obstructed, except that when traveling upon a through street or at traffic controlled intersections the district speed shall apply.

3. Twenty-five miles per hour:

a. In any residence district as defined herein, or

b. At any railway grade crossing where the view is not obstructed, or

c. In public parks within cities, unless a different speed is indicated by local authorities and duly posted.

4. Forty-five miles per hour:

Outside of business or residence district, except as otherwise limited by this Act.

Note to subdivision (b).

It is recommended that local authorities erect appropriate signs giving notice of the speed as above stated at the approach to railway crossings where the view is obstructed, and as may be practicable and needed at intersections where the view is obstructed, and at the entrances to business and residential districts.

UVC Act IV, § 20(b) (Rev. ed. 1930). Under these provisions, driving a vehicle in excess of the prima facie speed limit, in and of itself, was not an offense. It became an offense only if such speed were not reasonable and prudent under all the circumstances (§ 20(a)), or if a violation of some provision of Articles VII through XII occurred. Those articles were entitled "Regulations Applicable to Driving on Right Side of Highway, Overtaking and Passing and Other Rules of the Road," "Turns and Signals for Same," "Right of Way," "Pedestrians' Rights and Duties," "Street Cars and Safety Zones," and "Special Stops Required."

The 1934 Code clearly provided that proof of speed above the stated limit was prima facie evidence of an offense. It read:

Where no special hazard exists the following speeds shall be lawful but any speed in excess of said limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

1. Twenty miles per hour in any business district;

2. Twenty-five miles per hour in any residence district;

3. Forty-five miles per hour under other conditions.

UVC Act V, § 51(b) (Rev. ed. 1934).

The 1938 Code retained the terms "business district" and "residence district" from previous editions, but the stated limits became the same in both areas. Differing daytime and nighttime limits on rural highways were added, together with a definition of the terms "daytime" and "nighttime," as follows:

Where no special hazard exists the following speeds shall be lawful but any speed in excess of said limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

1. Twenty-five miles per hour in any business or residence district;

2. Fifty miles per hour in other locations during the daytime;

3. Forty-five miles per hour in such other locations during the nighttime.

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

UVC Act V, § 56 (Rev. ed. 1938). The footnote to that subsection provided:

A prima facie speed higher than 50 miles per hour for daytime travel on rural highways may be proper for certain States where such higher speeds are safe over a very large percent of the rural mileage because of favorable physical and traffic conditions. Any prima facie speed limitation greater than 45 miles per hour is not recommended for night travel on unlighted highways.

No fundamental changes were made in these provisions in 1944, but the language was altered to better state the relation to the basic speed rule. Also, mention was made for the first time of limits subject to alteration by state and local authorities as authorized by other Code sections:

Where no special hazard exists that requires lower speed for compliance with *(a)* of this section the speed of any vehicle not in excess of the limits specified in this section or established as hereinafter authorized shall be lawful, but any speed in excess of the limits specified in this section or established as hereinafter authorized shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

1. Twenty-five miles per hour in any business or residence district;

2. Fifty miles per hour in other locations during the daytime;

3. Forty-five miles per hour in such other locations during the nighttime.

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

The prima facie speed limits set forth in this section may be altered as authorized in sections 57 and 58.

UVC Act V, § 56(b) (Rev. ed. 1944).

No substantive changes were made in the 1948 and 1952 editions, but the word "paragraph" was inserted before the letter "(a)." UVC Act V, § 56(b) (Rev. eds. 1948, 1952).

In the 1954 edition, no limit was stated for a "business or residence district"; rather, a specific limit was provided for "any urban district." Also, the section number and caption were changed. UVC § 11-801(b) (Rev. ed. 1954).

Prima facie speed limits were replaced by absolute limits in 1956 and the numerical limits were increased from 25 to 30 in urban areas and from 50 to 60 in other areas during the daytime and from 45 to 55 in other areas at night. UVC § 11-801(b) (Rev. eds. 1956, 1962). In 1968, the section was renumbered and the following minor changes in wording were made:

§ *11-801.1* [11-801]—[Basic Rule and] Maximum Limits—

[«b)] Except when a special hazard exists that requires lower speed for compliance with [paragraph (a) of this] § *11-801*, the limits *hereinafter* specified [in this section] or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle [on a highway] at a speed in excess of such maximum limits.

1. Thirty miles per hour in any urban district;

2. Sixty miles per hour in other locations during the daytime;

3. Fifty-five miles per hour in such other locations during the nighttime.

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

The maximum speed limits set forth in this section may be altered as authorized in §§ 11-802 and 11-803.

UVC § 11-801.1 (Rev. ed. 1968). Although virtually all 1968 changes in the introductory portion of this section involved its transfer from subsection (b) of the 1962 Code § 11-801, the addition of "hereinafter" and the deletion of the phrase "in this section" incorporate the special maximum limits for certain vehicles specified in UVC §§ 11-805 and 11-806(a) and (b). The phrase "on a highway" was deleted as unnecessary in view of UVC § 11-101.

This section was revised in 1975 so it now provides only two general speed limits, 30 in urban areas and 55 elsewhere. Other limits may be indicated by signs. This reduction in the speed limit from 60 to 55 was undertaken to conserve energy and lives and was approved by the National Committee which believes that the limit of 55 will be applicable for a long time. The part of the section that was revised in 1975 is:

2. *Fifty-five* [Sixty] miles per hour in other locations [during the daytime;

3. Fifty-five miles per hour in such other locations during the nighttime.

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

Statutory Annotation

This Annotation is divided into five parts:

I. Absolute-prima facie speed limits.
II. Speed limits in urban areas.
III. Speed limits based on type or use of vehicle.
IV. Speed limits for designated highways.
V. Speed limits for school zones.

I. Absolute-prima facie speed limits.

Since 1956, the Code has provided what is generally known as the "absolute speed limit" rule. The essence of this rule is the establishment of specific statutory or administratively-posted speed limits which may not be exceeded, though a lesser speed may be required for compliance with the basic speed rule.

Prior to 1956, the Code provided what is called the "*prima facie* speed limit" rule, under which operating in excess of specified or posted limits is *prima facie* evidence of "speeding" unless the driver can establish that his speed, even though in excess of any applicable limit, was nevertheless reasonable under the circumstances.

Thirty-six jurisdictions conform to the Code by providing maximum speed limits that are absolute:

Alaska [1]	Kentucky	New Mexico	Vermont
Delaware	Louisiana	New York	Virginia
Florida	Maine	North Carolina	Washington
Georgia	Maryland	North Dakota	West Virginia
Hawaii [2]	Mississippi	Oklahoma	Wisconsin
Idaho	Missouri	Pennsylvania	Wyoming
Illinois	Montana [3]	South Carolina	District of
Indiana	Nebraska	South Dakota	Columbia
Iowa	Nevada [4]	Tennessee	Puerto Rico
Kansas			

1. Alaska allows exceeding any speed limit to pass a vehicle proceeding at less than the legal limit. The speed and duration of the exception is only for a distance necessary to complete the pass with a reasonable margin of safety. Washington has a similar law described in § 11-804, *infra*.

2. Hawaii does not have any statewide speed limits. Its law prohibits driving in excess of posted limits and limits established by county ordinance.

3. In urban areas and at night, limits specified are absolute. Outside urban areas during the daytime, no limits are specified by statute. However, the attorney general may declare limits when necessary to receive federal funds.

4. Nevada prohibits driving in excess of the national maximum limit specified in "section 114 of P.L. 93-643 (23 U.S.C. § 154). Except for drivers of school buses, Nevada laws do not specify maximum limits. Posted limits are absolute.

The speed limit statute in New Jersey is confusing and ambiguous:

. . . it shall be prima facie lawful for the driver of a vehicle to drive it at a speed not exceeding the following:

a. 25 m.p.h. when passing through a school zone . . .;

b. 25 m.p.h. in any business or residence district;

c. 50 m.p.h. in all other locations.

Similarly, if a speed zone has been determined and its limit posted, any such limit is "prima facie lawful." Part of the problem with this statute is that it does not indicate the consequences of exceeding a given limit. If it is prima facie lawful to be under the limit, it could be assumed that driving over the limit would be prima facie unlawful. However, courts in New Jersey reportedly have construed this law as establishing maximum limits. If that is true, the law may conform substantially with the Code even though it is not clear and does not specifically describe a violation.

The laws of four states provide, as did the Code prior to 1956, that driving in excess of any speed limit specified in the law shall be prima facie evidence that the speed is not reasonable and that it is unlawful:

Massachusetts Rhode Island Texas Uta

The laws of 11 other states contain some limits that appear to be absolute and others that are prima facie:

Alabama—Virtually all stated limits are prima facie, but limits of 60, 50 or those established by the Governor as well as those posted on bridges are absolute.

Arizona—Statewide maximum limit of 55 is absolute. If the Governor

increases this limit, the increased limit is also absolute. All other limits are prima facie.

Arkansas—Speed limits are absolute, but limits altered and posted by local authorities are prima facie under § 75-602.

California—Virtually all stated limits are prima facie, but the limit of 55 miles per hour in § 22349 appears absolute. An alteration of that limit, or of any other limit, would probably be prima facie under § 22351(b), although § 22356 mentions increased "maximum speed limits of 70 miles per hour" on freeways.

Colorado—The maximum limit of 55 is not prima facie but all lower limits are. If the federal law is repealed, the former prima facie limits would automatically be reinstated. All other limits are still prima facie.

Connecticut—Limits of 60 and 70 miles per hour specified in § 14-219(a) are probably absolute, but all other limits, which are determined and posted by state and local authorities, are prima facie under § 14-219(b).

Michigan—Stated limits are generally prima facie, but those applicable to drivers of school buses, trucks and combinations of vehicles, established on state trunk line and county highways, and a special limit in construction areas appear to be absolute. So does the 55 mph limit. Limits for parks and business or residence districts are prima facie.

Minnesota—Absolute limits apply inside municipalities and prima facie limits apply on all other highways. However, limits established to conserve fuel are absolute, not prima facie.

New Hampshire—Limits on interstate highways and turnpikes and limits for motor-driven cycles, vehicles towing house trailers, solid-tire vehicles, and bridges are absolute. Law authorizes establishing "temporary prima facie speed limits" to conserve fuel or conform with other national policy.

Ohio—The maximum limit of 55 is absolute but lower limits are prima facie.

Oregon—Most limits specified by statute are prima facie though limits for trucks and buses may be absolute. If the Oregon Transportation Commission determines that any prima facie limit (including the prima facie limit of 55) should be absolute to conserve fuel, it may establish absolute limits.

II. Speed limits in urban areas.

UVC § 11-801.1 provides general speed limits on the basis of area and makes two such designations—"urban districts" and any other location. Prior to 1954, the Code stated limits for "business districts" and "residence districts." See the definitions of these three terms in UVC §§ 1-183, 1-154 and 1-106.

The categorization of states in this part indicates only whether the state employs the Code concept of a general limit applicable in all "urban districts." It does not attempt to indicate other methods used in the laws of some states to stratify speed limits; for example, basing them on whether the highway lies within a city or town.

Fifteen jurisdictions conform to the Code in that they specify a maximum speed limit in "*urban* districts" (see definition of this term in UVC § 1-183):

Arkansas	Indiana	Pennsylvania	Utah
Georgia *	Kansas	South Carolina	Wyoming
Idaho	Minnesota	South Dakota	Puerto Rico
Illinois	Montana	Texas	

* Urban and residence districts.

North Carolina provides a limit of 35 inside municipalities and 55 elsewhere.

Eighteen states provide separate maximum limits in business districts and residence districts, as did the Code until 1954:

Alabama *	Florida	Michigan	North Dakota
Arizona	Iowa *	Nebraska *	Oregon
California	Kentucky	New Jersey	Rhode Island
Colorado *	Maine	New Mexico	Virginia
Delaware			West Virginia

* In these states, the limits specified for business districts are different than those specified for residence districts. The other states in this category impose the same limit in both areas.

Four more states provide separate limits for business and residence districts, but in the following manner:

Maryland—Law provides a limit of 30 miles per hour for "all highways in a business district" and "undivided highways in a residential district." A limit of 35 miles per hour applies on divided highways in residential districts.

Massachusetts—Law provides that a rate of speed will not be reasonable and proper, *inter alia:*

> (1) if a motor vehicle is operated on a divided highway outside a thickly settled or business district at a rate of speed exceeding fifty miles per hour for a distance of a quarter of a mile, or (2) on any other way outside a thickly settled or business district at a rate of speed exceeding forty miles per hour for a distance of a quarter of a mile, or (3) inside a thickly settled or business district at a rate of speed exceeding thirty miles per hour for a distance of one eighth of a mile. . . .

New Hampshire—Law provides: "(b) Thirty miles per hour in any business or *urban residence district;* (c) Thirty-five miles per hour in any rural residence district. . . ."

Wisconsin—Law applies in the following manner:

> (e) 25 miles per hour on any highway within the corporate limits of a city or village, other than on highways in outlying districts in such city or village. (f) 35 miles per hour in any outlying district within the corporate limits of a city or village. (g) 35 miles per hour on any highway in a semi-urban district outside the corporate limits of a city or village. . . . (j) 35 miles per hour on any town road where on either side of the highway within any 1,000 feet along such highway the buildings in use for business, industrial or residential purposes fronting thereon average less than 150 feet apart, provided the town board has adopted an ordinance. . . .

Fourteen jurisdictions do not provide for separate maximum limits specifically applicable to urban, or business and residence, districts:

Alaska [1]	Missouri	Tennessee
Connecticut	Nevada	Vermont
Hawaii	New York	Washington
Louisiana	Ohio [2]	District of
Mississippi	Oklahoma	Columbia [3]

1. Alaska has limits for city streets and highways in "suburban districts."
2. The Ohio law generally establishes limits based on whether the highway is inside or outside a municipal corporation. See Ohio § 4511.21, particularly subsection (f) which utilizes "urban districts" in establishing a limit for state routes within municipal corporations.
3. The District of Columbia regulation provides one statutory limit throughout its jurisdiction, unless otherwise posted. However, much of that territory is comprised of business or residence districts.

III. Speed limits based on type or use of vehicle.

UVC § 11-801.1 provides a general limit of 30 miles per hour in urban districts, and 55 miles per hour for all areas outside such districts. The Code does not generally specify limits based on the type, size or use of the vehicle, leaving such differentiation to administrative determination and posting by state and local authorities under UVC §§ 11-802 and 11-803. (See Prefatory Note to this section, *supra.*) The exceptions to this general rule, covered by UVC §§ 11-805 and 11-806(a) and (b), are provided in the Code only as to certain motor-driven cycles, solid-tire vehicles, and vehicles towing house trailers.

Nonetheless, the laws of 30 jurisdictions contain one or more lower statutory speed limit applicable to vehicles that exceed a certain size or

weight, all or certain combinations of vehicles, buses, and/or vehicles in use for a particular purpose. The 35 states are:

Alabama	Kentucky	Montana	South Dakota
Arkansas	Louisiana	Nebraska	Tennessee
California	Maine	Nevada	Texas
Connecticut	Michigan	New Jersey	Virginia
Florida	Minnesota	Ohio	West Virginia
Illinois	Mississippi	Oklahoma	Wisconsin
Iowa	Missouri	Oregon	Wyoming
Kansas			Puerto Rico

IV. Speed limits for designated highways.

UVC § 11-801.1 provides general speed limits based on two area designations—highways in "urban districts" and highways outside "urban districts." The Code does not further stratify its limits according to the type of highway; it leaves any such special designation of a speed limit to the administrative determination of state and local authorities based on an engineering and traffic investigation under UVC §§ 11-802 and 11-803. And, under those sections, any such designation for all or any part of a highway must be indicated on fixed or variable signs.

However, the laws of 25 states establish speed limits for designated types of highways, such as those where access is limited or those that have more than a specified number of lanes:

Alaska *	Indiana	Michigan	South Carolina
Arkansas	Iowa	Montana	South Dakota
Colorado	Kansas	Nebraska	Tennessee
Connecticut	Louisiana	New Hampshire	Virginia
Delaware	Maryland	Ohio	West Virginia
Florida	Massachusetts	Oklahoma	Wyoming
Illinois			

* Alaska also has different limits for paved and unpaved highways.

The laws of the remaining 25 states do not establish speed limits for special types of highways and would appear to be in closer conformity with the Code in this respect.

V. Speed limits for school zones.

Unlike any edition of the Code since 1934, the laws of 29 jurisdictions establish a maximum limit applicable in areas near schools:

Alabama	Maine	Ohio	Virginia
Alaska	Massachusetts	Oklahoma	Washington
Arizona	Mississippi	Oregon	West Virginia
California	New Hampshire	Rhode Island	Wisconsin
Delaware	New Jersey	South Dakota	Wyoming
Illinois	New Mexico	Tennessee	District of Columbia
Iowa	North Dakota	Utah	
Kentucky			Puerto Rico

The remaining 23 states take the same approach as the Code as far as the regulation of vehicle speeds in school areas is concerned. They authorize state and local authorities to determine and post a reasonable and safe speed limit applicable during the time special hazards may exist with respect to school children. This is done either through specific provisions relating to school zones or, more commonly, through general provisions comparable to UVC §§ 11-802 and 11-803. The Code contemplates a traffic and engineering survey, as it does for any other speed zone, to further assure the establishment and adequate posting of a speed that is safe for the particular area.

Citations

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13 Alaska Adm. Code §§ 02.275, 02.310 (1971).
Ariz. Rev. Stat. Ann. §§ 28-701, -702.01 (1976).
Ark. Stat. Ann. §§ 75-601, -602 (Supp. 1965).
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Colo. Rev. Stat. Ann. § 42-4-1001 (Supp. 1976).
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La. Rev. Stat. Ann. §§ 32:61, :62 (1963, Supp. 1978).
Me. Rev. Stat. Ann. tit. 29, § 1252 (1965, Supp. 1970).
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Mass. Ann. Laws ch. 90, § 17 (Supp. 1977).
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Minn. Stat. Ann. §§ 169.14, .141 (Supp. 1978).
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Neb. Rev. Stat. §§ 39-662, -666 (Supp. 1978).
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N.H. Rev. Stat. Ann. §§ 262-A:54, :56, :58, :59 (1977).
N.J. Rev. Stat. § 39:4-98 (1973).
N.M. Stat. Ann. § 64-18-1.1 (1972, Supp. 1975).
N.Y. Vehicle and Traffic Law § 1180 (1970).
N.C. Gen. Stat. § 20-141 (1975).
N.D. Cent. Code § 39-09-02 (Supp. 1965).
Ohio Rev. Code Ann. § 4511.21 (Supp. 1978).
Okla. Stat. Ann. tit. 47, § 11-801 (Supp. 1970).
Ore. Rev. Stat. §§ 487.470, .475, .510 (1977).
Pa. Stat. Ann. tit. 75, § 3362 (1977).
R.I. Gen. Laws Ann. § 31-14-2 (Supp. 1966).
S.C. Code Ann. § 56-5-1520 (1976).
S.D. Comp. Laws §§ 32-25-1, *et seq.* (1967, Supp. 1971).
Tenn. Code Ann. § 59-852 (Supp. 1966).
Tex. Rev. Civ. Stat. art. 6701d, §§ 166, 169B (1977).
Utah Code Ann. § 41-6-46 (Supp. 1978).
Vt. Stat. Ann. tit. 23, § 1081(b) (Supp. 1977).
Va. Code Ann. § 46.1-193 (Supp. 1979).
Wash. Rev. Code Ann. §§ 46.61.400, .440 (1970).
W. Va. Code Ann. § 17C-6-1 (1966).
Wis. Stat. Ann. § 346.57 (1958, Supp. 1967).
Wyo. Stat. Ann. § 31-5-301 (1977).
17 D.C. Regs. § 22 (1970).
P.R. Laws Ann. tit. 9, § 841 (Supp. 1975).

§ 11-802—Establishment of State Speed Zones

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

Historical Note

As discussed briefly in the Prefatory Note to § 11-801.1, *supra*, express authority for the alteration of general speed limits by a state agency was added to the Code in 1934, as follows:

> Whenever the (State highway commission) shall determine upon the basis of an engineering and traffic investigation that any prima facie speed hereinbefore set forth is greater than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a highway, said (commission) shall determine and declare a reasonable and safe prima facie speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the highway.

UVC Act V, § 51(d) (Rev. ed. 1934). The 1934 Code authorized decreasing general limits, but the power to increase them based on an engineering and traffic investigation was added in 1938. UVC Act V, § 57 (Rev. ed. 1938).

As revised in 1944 to expressly authorize differing limits for different times of the day, the Code provided:

> Whenever the (State highway commission) shall determine upon the basis of an engineering and traffic investigation that any prima facie speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a highway, said (commission) may determine and declare a reasonable and safe prima facie speed limit thereat which shall be effective at all times or during hours of daylight or darkness or at such other times as may be determined when appropriate signs giving notice thereof are erected at such intersection or other place or part of the highway.

UVC Act V, § 57 (Rev. eds. 1944, 1948, 1952).

A 1954 revision substituted the phrase "the State highway system" for the word "highway" and, in 1956, the references to "prima facie speed" were changed to "maximum speed" and "maximum limit" when the National Committee adopted the concept of "absolute" speed limits. The difference between absolute and prima facie speed limits is discussed in Part I of the Annotation in § 11-801.1, *supra*.

This section was amended in 1962 to accommodate both the determination and posting of speed limits that vary according to the types of vehicles, weather conditions, and any other factors related to safe speeds. The revisions made in this section in 1962 were as follows:

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

UVC § 11-802 (Rev. eds. 1962, 1968).

Statutory Annotation

This section authorizes a state agency to alter statutory maximum speed limits and provides that:

(1) All such general limits may be either raised or lowered.

(2) Such alterations in speed limits must be based on an engineering and traffic investigation.

(3) The authority extends to all or any part of any highway in the state system.

(4) Signs giving notice of the altered limits are required.

(5) Limits may vary according to the time of day.

(6) The limits may also be varied based upon any factor relating to safe speed, including type of vehicle and weather conditions.

Using all six of the above provisions as a guide, ten jurisdictions—Arizona, Delaware, Idaho, Indiana, Kansas, Nebraska, Pennsylvania, South Carolina, Wyoming and Puerto Rico—are in verbatim conformity with UVC § 11-802.

The laws of another 18 jurisdictions conform substantially with the Code in that they: grant express authority to a state agency for both raising and lowering general speed limits; require an engineering and traffic investigation; apply this authority to any part of the state highway system; make the posting of signs a condition precedent to the effectiveness of the altered limits; and, except where otherwise indicated, authorize differing limits for different times of day:

Alabama [1]	Louisiana [1]	North Dakota [5]	Utah [2]
Colorado [2]	Minnesota [2]	Ohio [2]	Vermont [7]
Georgia [3]	Montana [1]	Oklahoma [1]	West Virginia [1]
Iowa [2,4]	New Jersey [1]	Oregon [2,6]	District of Columbia [1,8]
	New Mexico [1]	Rhode Island [1]	

1. The laws of these jurisdictions conform in substance to the 1944-1956 Code section. See the Historical Note, *supra*.
2. These laws conform to the 1938 Code, in that there is no express provision for differing limits at different times of day.
3. Georgia omits reference to different types of vehicles.
4. Authority applies throughout the "primary system."
5. North Dakota allows alteration of any limit after an engineering and traffic investigation and a hearing with emphasis on safe speeds, highway conditions, enforcement and general welfare. Signs are required and this law duplicates the second sentence in the UVC.
6. Oregon does not provide for raising or lowering bus or truck limits.
7. Vermont has the second sentence of the UVC section. The law authorizes a traffic committee to alter limits based on an investigation. Signs are required. On interstate highways, the committee may regulate limits but only a public hearing is required.
8. The District of Columbia regulation does not delegate the power to alter the limit to an executive agency.

The laws of 22 states make some provision for administrative alteration of maximum speed limits, but with restrictions on such authority that are not in the Code, as indicated. Alterations must be based on engineering and traffic investigations and signs must be erected as a prerequisite to the effectiveness of the altered limits, unless otherwise noted.

Alaska [1,2]	Kentucky [5]	Mississippi [1,5]	South Dakota [1,2,15]
Arkansas [3]	Maine [2,5,7]	Missouri [2,11]	Tennessee [1,16]
California [4]	Maryland [8]	New Hampshire [12]	Texas [5,17]
Connecticut [2,5,6]	Massachusetts [2,9]	New York [2,13]	Virginia [18]
Florida [5]	Michigan [5,10]	North Carolina [5,14]	Washington [5,19]
Illinois [5]			Wisconsin [5,20]

1. May generally lower but not raise the statutory limits. Alaska allows increase of limits only on city streets.
2. Engineering and traffic investigations are not expressly required prior to determination of altered limits.
3. The commission establishes all maximum speed limits on controlled-access highways. Limits for trucks of 1½ ton or more capacity must be 10 miles per hour below that fixed for automobiles. A new law (Ark. Gen. Laws 1971, ch. 61), however, requires the commission to determine maximum and minimum speeds for the entire state highway system. These limits are to be based upon studies of engineering and traffic characteristics and become effective when signs have been erected.
4. The commission may lower the 65 mile-per-hour limit applicable on all state highways, but must choose from 60, 55, 50, 45, 40, 35, 30 or 25 mile-per-hour rates. The limit of 65 may only be increased on limited-access highways. Radar may not be used to enforce any limit established by state or local authorities unless it has been justified by a study within the last five years.
5. The commission may not set a maximum speed limit above a ceiling set by statute.
6. The installation of signs is perhaps not a prerequisite to the effectiveness of the altered limit set by the commission. Connecticut expressly allows different limits for different types of vehicles.
7. Signs are required on town, unimproved and interstate highways.
8. Baltimore has exclusive local jurisdiction to alter statutory maximum speed limits. No investigation is required for any limit posted before January 1, 1975.
9. The Massachusetts law authorizes "special regulations as to the speed of motor vehicles and as to the use of such vehicles upon particular ways," but does not expressly refer to increasing or decreasing general limits, an engineering and traffic investigation, or variance of limits based on factors relating to safe speed as in the Code. Signing *and publication* giving notice of any such regulations are required.
10. An engineering and traffic investigation is required except for alterations of limits on state trunk line highways outside business districts and within cities and villages.
11. The highway commission has authority only to raise statutory limits, and only from 65 to 70 miles per hour on divided highways and from 60 to 65 miles per hour on undivided highways.
12. Authority to alter the statutory maximum speed limits applies only "outside the compact part of cities or towns."
13. The commission may not determine and post a maximum speed limit below a minimum set by statute. Also, cities with a population over 1,000,000 have exclusive jurisdiction within their boundaries.
14. Authority does not apply to state highways within municipalities unless they are a part of the interstate highway system or other controlled-access highway. Alteration of limits on other state highways within municipalities is initiated by local authorities subject to state approval.

15. The term "state trunk highway" is employed.
16. An engineering and traffic investigation is not required prior to lowering limits in urban districts or at any dangerous area or intersection, but is required otherwise.
17. May only increase maximum speed limits for passenger vehicles.
18. May increase or decrease only certain statutory limits. May not alter the statutory maximum speed limit for school buses.
19. Washington adds special provisions for "auto stages." Special limits become effective upon mailing such carriers a notice.
20. The commission: may exceed the statutory ceiling in setting maximum speed limits on limited-access highways; may not modify statutory limits for safety zones; may not modify the special speed limits for vehicles equipped with metal or solid rubber tires; and may modify the limit on not more than 2,000 miles of state trunk highways.

The Nevada laws do not establish general speed limits, and the law (§ 484.090) comparable to UVC § 11-802 authorizes the department to:

> . . . prescribe speed zones and . . . install appropriate speed signs controlling vehicular traffic on the state highway system through hazardous areas, after necessary studies have been made to determine the need therefore, and to eliminate speed zones and remove the signs therefrom whenever the need therefore ceases to exist.

Hawaii also does not have statewide, general speed limits. The director of transportation may place signs establishing maximum speed limits on highways under his jurisdiction.

National speed limit of 55. Laws in some states provide broad authority to establish limits to accord with national policy or to conserve energy. Some of these states are:

Delaware—Changing speed limits may be based on an investigation or on a federal law or directive.

Florida—The Department may set a limit of 55 mph and increase it to 70 if Congress approves.

Maine—Any speed limit may be reduced if it will reduce the danger of accidents, promote free flow of traffic, conserve fuel or respond to changes in federal laws.

Washington—Allows reducing limits to conserve energy on any or all highways and to fix speed limits for such special occasions as local parades and special events.

See also, additional laws discussed in § 11-801, *supra* and *Traffic Speech Limits in the United States*, 7 Traffic Laws Commentary No. 1 (Jan. 1978;119 pages).

Citations

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13 Alaska Adm. Code § 02.280 (1971).
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Del. Code Ann. tit. 21, § 4169 (Supp. 1970).
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Ill. Ann. Stat. ch. 95½, § 11-602 (Supp. 1972).
Ind. Stat. Ann. § 9-4-1-57 (1973).
Iowa Code Ann. § 321.290 (1966).
Kans. Stat. Ann. § 8-1559 (1974).
Ky. Rev. Stat. Ann. § 189.390 (1977).
La. Rev. Stat. Ann. § 32:63 (1963).
Me. Rev. Stat. Ann. tit. 29, § 1251 (Supp. 1970).
Md. Transp. Code art. 66½, §§ 21-802, -803 (1977).
Mass. Ann. Laws ch. 90, § 18 (Supp. 1966).
Mich. Stat. Ann. § 9.2328 (Supp. 1965).
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Miss. Code Ann. § 63-3-503 (1972).
Mo. Ann. Stat. § 304.010 (Supp. 1966).
Mont. Rev. Codes Ann. § 32-2145 (1961).
Neb. Rev. Stat. §§ 39-663, -666(13) (1974).
Nev. Rev. Stat. § 484.369 (1975).
N.H. Rev. Stat. Ann. § 262-A:56 (1966).
N.J. Rev. Stat. § 39:4-98 (1961).
N.M. Stat. Ann. § 64-18-2.1 (Supp. 1965).
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Okla. Stat. Ann. tit. 47, § 11-802 (1962).
Ore. Rev. Stat. § 487.480 (1977).
Pa. Stat. Ann. tit. 75, § 3363 (1977).
R.I. Gen. Laws Ann. § 31-14-4 (1957).
S.C. Code Ann. § 56-5-1530 (1976).
S.D. Comp. Laws §§ 32-25-7 to -9 (1967).
Tenn. Code Ann. § 59-853 (Supp. 1966).
Tex. Rev. Civ. Stat. art. 6701d, § 167 (Supp. 1972).
Utah Code Ann. § 41-6-47 (1960).
Vt. Stat. Ann. tit. 23, § 1003 (Supp. 1977).
Va. Code Ann. § 46.1-193 (1967).
Wash. Rev. Code Ann. §§ 46.61.405, .410, .430 (Supp. 1978).
W. Va. Code Ann. § 17C-6-2 (1966).
Wis. Stat. Ann. §§ 346.57, 349.11 (1958, Supp. 1979).
Wyo. Stat. Ann. § 31-5-302 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 23 (1966).
P.R. Laws Ann. tit. 9, § 843 (Supp. 1975).

§ 11-803—When Local Authorities May and Shall Alter Maximum Limits

(a) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under this article is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which

1. Decreases the limit at intersections; or
2. Increases the limit within an urban district but not to more than 55 miles per hour; or
3. Decreases the limit outside an urban district, but not to less than 35 miles per hour. (REVISED, 1975.)

(b) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this act for an urban district.

(c) Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

(d) Any alteration of maximum limits on State highways or extensions thereof in a municipality by local authorities shall not be effective until such alteration has been approved by the (State highway commission).

(e) Not more than six such alterations as hereinabove authorized shall be made per mile along a street or highway, except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than 10 miles per hour.

Historical Note

The 1926 Code provided municipal authority to increase speed limits on through highways:

> Local authorities in their respective jurisdictions are hereby authorized in their discretion to increase the speed which shall be prima facie lawful upon through highways at the entrances to which vehicles are by ordinance of such local authorities required to stop before entering or crossing such through highways. Local authorities shall place and maintain upon all through highways upon which the permissible speed is increased adequate signs giving notice of such special regulations and shall also place and maintain upon each and every highway intersecting any said through highway, appropriate stop signs which shall be illuminated at night or so placed as to be illuminated by the headlights of an approaching vehicle or by street lights.

UVC Act IV, § 4(c) (1926). In 1930, the power to increase limits was extended to include other highways but a ceiling of 45 miles per hour was placed on any increase:

> Local authorities in their respective jurisdictions are hereby authorized in their discretion to indicate by ordinance higher speeds than those indicated in subdivision (b) of Section 20 upon through highways or upon highways or portions thereof where there are no intersections or between widely spaced intersections if signs are erected giving notice of the indicated speed, but local authorities shall not have authority to modify or alter the basic rule set forth in subdivision (a) of Section 20, or in any event to indicate by ordinance a speed in excess of 45 miles per hour.

UVC Act IV, § 21 (Rev. ed. 1930). Authority to decrease limits at intersections based on an engineering and traffic investigation was added to the Code in 1934:

> *(a)* Whenever local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that the prima facie speed permitted under this act at any intersection is greater than is reasonable or safe under the conditions found to exist at such intersection, such local authority shall determine and declare a reasonable and safe prima facie speed limit thereat, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or upon the approaches thereto.
>
> *(b)* Local authorities in their respective jurisdictions may in their discretion authorize by ordinance higher prima facie speeds than those stated in section 51 upon through highways or upon highways or portions thereof where there are no intersections or between widely spaced intersections provided signs are erected giving notice of the authorized speed, but local authorities shall not have authority to modify or alter the basic rule set forth in subdivision *(a)* of section 51 or in any event to authorize by ordinance a speed in excess of 45 miles per hour.

UVC Act V, § 52 (Rev. ed. 1934). In 1938, the Code provided that municipalities could increase general speed limits to 50 miles per hour during the day and 45 during the night and added provisions prohibiting the alteration of limits on state highways without approval of the state highway commission. UVC Act V, § 58 (Rev. ed. 1938).

In 1944, authority to decrease the limits of 50/45 applicable outside business and residence districts was added to the Code. As had been true of decreased limits at intersections, any lowering of such limits would require an engineering and traffic investigation. Provisions relating to the time such altered limits would be applicable were also added in 1944. As amended, the section provided:

> *(a) At intersections.*—Whenever local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that the prima facie speed permitted under this act at any intersection is greater than is reasonable or safe under the conditions found to exist at such intersection, such local authority subject to subsection *(d)* of this section shall determine and declare a reasonable and safe prima facie speed limit thereat, which shall be effective at all times or during hours of daylight or darkness or at such other times as may be determined when appropriate signs giving notice thereof are erected at such intersection or upon the approaches thereto.
>
> *(b) Authority to increase 25 mile limit.*—Local authorities in their respective jurisdictions may in their discretion, but subject to subsection *(d)* of this section, authorize by ordinance higher prima facie speeds than those stated in section 56 upon through highways or upon highways or portions thereof where there are no intersections or between widely spaced intersections, which higher prima facie speed shall be effective at all times or during hours of daylight or at such other times as may be determined when signs are erected giving notice of the authorized speed, but local authorities shall not have authority to modify or alter the basic rule set forth in subdivision *(a)* of section 56 or in any event to authorize by ordinance a speed in excess of 50 miles per hour during the daytime or 45 miles per hour during nighttime.
>
> *(c) Authority to decrease 45-50 mile limits.*—Whenever local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that the prima facie speed permitted under this act upon any street or highway outside a business or residence district is greater than is reasonable or safe under the conditions found to exist upon such street or highway, the local authority may determine and declare a reasonable and safe prima facie limit thereon but in no event less than 35 miles per hour and subject to subsection *(d)* of this section, which reduced prima facie 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)* Alteration of prima facie 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).

UVC Act V, § 58 (Rev. eds. 1944, 1948, 1952).

The above provisions were extensively revised and the Code section arranged in its present format in 1954. Several changes in substance were made and some of the more significant of these included:

(1) Increases (as well as decreases) in general speed limits made by local authorities must be based on an engineering and traffic investigation. See § 11-803(a).

(2) UVC § 11-803(b) requiring the determination of appropriate speeds on all "arterial streets" was added. See the definition in UVC § 1-102.

(3) UVC § 11-803(e) limiting the number of, and differences between, speed zones was added.

(4) Previous references to the general limits applicable in business and residence districts (25 miles per hour), or other locations outside such areas, were deleted and replaced by "urban district" in UVC §§ 11-803(a) 2 and 3.

Two amendments were made in this section in 1956. The first deleted all references to "prima facie" limits and replaced them with "maximum" limits to accommodate, and achieve consistency with, the decision to adopt the "absolute" speed limit concept. The difference between "prima facie" and "absolute" speed limits is discussed in Part I of the Annotation in § 11-801.1, *supra*. Thus, since 1956, all general speed limits stated in UVC § 11-801.1 have been "absolute," as have all limits altered by state authorities under UVC § 11-802 and by local authorities under UVC § 11-803.

The second 1956 amendment in § 11-803 raised the ceiling by 10 miles per hour for any limit increased by a local authority within an urban district. Prior to 1956, any such increased limit could not exceed 50 miles per hour during the day or 45 at night. Between 1956 and 1975, the Code authorized an increase in any such limit to 60 during the day or 55 at night.

In 1975, subsection (a)(2) was amended to refer to one limit, 55 miles per hour.

Statutory Annotation

This Annotation concentrates on the law in each state that is most comparable to UVC § 11-803. A complete evaluation of similarities in each state would require consideration of all pertinent laws establishing speed limits and the express or inherent powers of all categories of "local

authorities" in each state. See the definition of "local authorities" in UVC § 1-130 and UVC Chapter 15 defining the respective powers of state and local authorities.

State laws relating to municipally-established speed limits are discussed and compared with UVC § 11-803 in nine parts:

I. General summary.
II. Engineering and traffic investigation—UVC § 11-803(a).
III. Decreased limits at intersections—UVC § 11-803(a)1.
IV. Increased limits in urban districts—UVC § 11-803(a)2.
V. Decreased limits outside urban districts—UVC § 11-803(a)3.
VI. Limits for arterial streets—UVC § 11-803(b).
VII. Signs required—UVC § 11-803(c).
VIII. Approval required on state highways—UVC § 11-803(d).
IX. Restrictions on number of and differences between zones—UVC § 11-803(e).

I. General summary.

The laws of all 50 states contain provisions comparable to those in UVC § 11-803. The District of Columbia does not have a comparable law. Only 17 states, however, appear to have been closely patterned on this Code section as it was revised in 1954:

Arizona	Indiana	Nebraska	South Carolina
Colorado	Kansas	New Hampshire	Utah
Georgia	Maryland	North Dakota	Washington
Idaho	Montana	Oklahoma	Wyoming
Illinois			

All variations from the Code in these laws are noted in the ensuing parts of this Annotation. The majority of the other laws appear generally to be used on pre-1954 Code provisions.

One Code principle that is reflected in virtually all of the state laws, however, is the requirement that appropriate signs be erected indicating the established speed limit. See Part VII, *infra*. See also, UVC § 11-201(b).

The basic Code principle of granting local authorities the power to increase or decrease a legislatively-established general limit (which, for urban areas, is 30 miles per hour under UVC § 11-801.1) has not been so widely adopted. Twelve states, for example, do not provide for legislatively-established limits in urban areas (although some do state limits for cities and towns. See Part II of the Annotation in § 11-801.1, *supra*). Therefore, the laws of several of these states—Connecticut, Louisiana, Mississippi, New York, Oklahoma and Tennessee—are addressed to the *creation* of limits in such areas, rather than to their alteration. Connecticut authorizes localities to establish limits on private roads.

In three states, all or certain municipalities are granted full and complete power to regulate speed limits: Maryland (Baltimore), Massachusetts and New York (New York City). In Hawaii, counties establish speed limits; there are none in state laws.

Several states, on the other hand, severely restrict the authority given to municipalities: Connecticut, Maine, Minnesota and New Jersey apparently require approval by a state agency before any limit altered or established by local authorities will be effective. In Ohio, such approval must be secured for any decrease in limits and, in Illinois and New Mexico, approval is required for all alterations made by county boards. In Oregon, a State Speed Control Board appears to have exclusive jurisdiction of alterations of limits in cities and counties except as to prima facie limits established because of temporary conditions under § 483.532(2). Except on through highways in South Dakota, municipalities can not alter speed limits.

II. Engineering and traffic investigation—UVC § 11-803(a).

The laws of 31 states, like the Code, require local authorities to conduct an engineering and traffic investigation prior to increasing, decreasing or establishing a limit:

Arizona	Iowa [2]	New Hampshire	South Carolina
California	Kansas	New Jersey	Texas [3]
Colorado	Kentucky	New Mexico	Utah
Florida [1]	Maryland	North Carolina	Vermont
Georgia	Minnesota	North Dakota	Virginia
Idaho	Montana	Oklahoma	Washington
Illinois	Nebraska	Oregon	Wisconsin
Indiana		Pennsylvania	Wyoming

1. Florida refers simply to an "investigation."
2. The requirement applies only in cities with a population over 50,000.
3. But see art. 670lg, § 2, applicable to counties.

Six states require, as did the Code prior to 1954, that local authorities must conduct an engineering and traffic investigation before decreasing limits, but not before increasing them:

Arkansas	Mississippi [1]	Rhode Island
Delaware	Ohio	West Virginia

1. Local authorities have no express power to increase limits.

Twelve states do not require local authorities to conduct an engineering and traffic investigation prior to altering or determining a speed limit:

Alaska	Louisiana	Michigan	New York
Connecticut	Maine	Missouri	South Dakota
Hawaii	Massachusetts	Nevada	Tennessee

In Alabama, local authorities may increase limits on through highways, but an engineering and traffic investigation is not required. See the 1926 Code section quoted in the Historical Note, *supra*.

III. Decreased limits at intersections—UVC § 11-803(a)1.

Twenty states conform to the Code by expressly permitting local authorities to declare decreased speed limits at intersections:

Alaska	Iowa	New Hampshire	South Carolina
Arizona	Kansas	New Jersey	Utah
Arkansas	Maryland	North Dakota	Washington
Colorado	Mississippi	Oklahoma	West Virginia
Georgia	Montana	Rhode Island	Wyoming

Local authorities in many of the remaining states have express power to decrease limits upon "any part of a highway" (which would include intersections) or have other broad delegations of authority that would cover such places.

Of the 17 states noted in Part I, *supra*, as having laws patterned after this Code section, three (Illinois, Nebraska and Indiana) do not include subsection (a)1 of the Code, but substitute for it a provision authorizing decreasing the limit for urban districts, but not to less than 20 miles per hour. Idaho similarly substitutes a provision granting broad authority to decrease limits in "urban districts" without adding a restriction on the amount of any such decrease. The Code allows *increases* in urban districts, but permits *decreases* only at intersections and outside urban districts.

IV. Increased limits in urban districts—UVC § 11-803(a)2.

The laws of 12 states conform to this Code subsection, granting express power to local authorities to increase speed limits in *urban* districts and specifying a ceiling for any such increase:

Arizona [1]	Indiana	Montana [4]	Oklahoma [6]
Idaho	Kansas	New Hampshire [5]	South Carolina
Illinois [2]	Maryland [3]	North Dakota	Wyoming [7]

1. Arizona provides for increasing the limit in business and residence districts to 65 miles per hour.
2. Illinois authorizes increasing such limits to 65 miles per hour and does not refer to differing limits during the day or night.
3. Maryland and allows an increase to 50 miles per hour.

4. Montana authorizes an increase to 55 miles per hour during the nighttime, but does not provide for increases in daytime limits. The law comparable to UVC § 11-801.1 does not establish a maximum limit for daytime driving.
5. New Hampshire authorizes an increase to 60 miles per hour and no distinction is made as to day or night limits.
6. In Oklahoma, an increase to 65 miles per hour during the day or 55 at night is authorized.
7. Wyoming authorizes an increase to not more than 65 miles per hour and makes no distinction between daytime and nighttime limits.

Many other states, of course, grant local authorities some power—either broader or more limited—to increase limits. At least four (Alaska, Florida, Vermont and Washington) expressly authorize municipalities to increase *any* stated limit without reference to a particular district or area. Utah provides no ceiling.

In a few states, authority to increase limits might be implied from laws generally authorizing municipalities to *regulate* speed limits or to *establish* limits for urban areas when such limits are not established by law.

Virtually all of the remaining states have laws similar to those appearing in the 1926, 1934 or 1944 editions of the Code. These earlier provisions are quoted in the Historical Note, *supra*. Among these states, 12 expressly restrict the upper limit of any such increase made by a local authority: Arkansas, California, Colorado, Florida, Iowa, Kentucky, North Carolina, Rhode Island, Texas, Washington, West Virginia and Wisconsin.

V. Decreased limits outside urban districts—UVC § 11-803(a)3.

The law of 15 states conform to subsection (a)3 of the Code by expressly stating that local authorities may decrease speed limits outside of *urban* areas but to not less than 35 miles per hour:

Arizona [1]	Indiana	Nebraska [5]	South Carolina
Georgia [2]	Kansas [3]	New Hampshire [2]	Utah
Idaho	Maryland [4]	North Dakota	Wyoming
Illinois	Montana	Oklahoma	

1. Arizona does not limit the level to which a limit may be decreased.
2. Such decrease may be to 30 mph.
3. Such decrease may be to 20 mph.
4. Such decrease may be to 25 mph.
5. Counties may not decrease limit below 35 but a similar restriction is not placed on cities and villages.

Vermont authorizes decreasing any limit but not to less than 25 mph.

Although none of the remaining state laws refers specifically to highways outside *urban* districts, many do authorize reducing limits on some or all highways within a municipal jurisdiction and six of these specify a minimum limit for such reductions: California, Mississippi, New York, North Carolina, Rhode Island, and West Virginia.

The Alaska and Washington laws patterned after UVC § 11-803 permit local authorities to decrease any limit but to not less than 20 miles per hour.

VI. Limits for arterial streets—UVC § 11-803(b).

Local authorities in 13 states are required to determine and declare proper maximum limits for arterial streets:

Arizona	Kansas	North Dakota	Utah
Colorado	Montana	Oklahoma	Washington
Georgia	New Hampshire	South Carolina	Wyoming
Idaho			

Indiana and Maryland require local authorities to determine the proper limit for all streets.

The Illinois and Nebraska laws patterned after the Code section do not have this provision.

VII. Signs required—UVC § 11-803(c).

Forty-five states require the erection of signs giving notice as a condition precedent to the effectiveness of limits established by local authorities. Hawaii and Louisiana do not appear to impose this condition, and, in Connecticut, only such signs as the State Traffic Commission directs are prerequisite.

VIII. Approval required on state highways—UVC § 11-803(d).

Sixteen states conform to this Code subsection by expressly requiring that any local alteration of speed limits "on state highways or extensions thereof" in a municipality must be approved by the appropriate state agency in order to be effective:

Alaska [1]	Idaho	New Hampshire	Utah
Arizona	Kansas	North Dakota	Washington [1]
Colorado	Maryland [3]	Rhode Island	West Virginia
Delaware [2]	Nebraska [4]	South Carolina	Wyoming

1. Refers to "state highways within incorporated cities or towns."
2. Refers to "state-maintained highways in any municipality."
3. Except in Baltimore.
4. In Nebraska, cities under 40,000 population must obtain approval.

The laws of five states—Alabama, Mississippi, Nevada, Vermont and Tennessee—are silent on this point.

In the remaining states, some are probably in substantial conformity with the Code because state approval is required for some or all alterations made by a local authority (and such provisions could include state highways), and many reserve the power to alter limits on state highways within municipalities exclusively to state authorities (as in Indiana, for instance). The single exception in this latter category is Michigan, which gives local authorities exclusive power to alter limits on portions of state trunk line highways that lie within business districts.

Of the 17 states with laws patterned after the Code section, four (Georgia, Illinois, Oklahoma and Utah) do not have this subsection. Oklahoma substitutes a provision granting joint authority to state and local authorities with respect to altering limits on highways constructed or reconstructed with state or federal funds. No such limit may be less than 35 miles per hour or less than is justified by design, capacity and volume factors. Montana substitutes a provision giving the highway commission exclusive jurisdiction on federal aid highways. Utah has a provision giving the department of transportation exclusive jurisdiction "to determine and declare prima facie evidence of a lawful speed" on state highways within or without the corporate limits of any city.

IX. Restrictions on number of and differences between zones—UVC § 11-803(e).

The laws of eight states permit no more than six alterations per mile other than at intersections and do not allow differences between adjacent limits to exceed 10 miles per hour:

Arizona	Illinois [2]	Nebraska [3]	South Carolina
Georgia [1]	Oklahoma	North Dakota	Wyoming

1. "Except for reductions for school speed zones which may be not more than 20 miles per hour when a warning sign is placed 700 feet in advance of the point at which the speed reduction is required.
2. Apparently includes any reductions at intersections in computing the six alterations per mile.
3. Difference between zones may not exceed 20 mph.

The Idaho, Indiana, Maryland, Montana, New Hampshire and Washington laws, noted in Part I, *supra*, as generally patterned on UVC § 11-803, do not contain this subsection.

Utah requires advance notice of any drop in the limit of 10 mph or more but does not have subsection (e).

Citations

Ala. Code tit. 32, § 32-5-91 (1975).
13 Alaska Adm. Code § 02.285 (1971).
Ariz. Rev. Stat. Ann. § 28-703 (1976).
Ark. Stat. Ann. § 75-602 (1957); Gen. Laws 1971, ch. 61, § 3.
Cal. Vehicle Code §§ 22357, 22358, 22358.3 (1960, Supp. 1971).
Colo. Rev. Stat. Ann. § 42-4-1002 (Supp. 1976).
Conn. Gen. Stat. Ann. § 14-219 (1970).
Del. Code Ann. tit. 21, § 4170 (Supp. 1966).
Fla. Stat. §§ 316.182, .202 (1971).
Ga. Code Ann. § 68A-804 (1975), amended by S.B. 412, CCH ASLR 2287 (1978).
Hawaii Rev. Stat. § 291C-102 (Supp. 1971).
Idaho Code Ann. § 49-683, as amended by H.B. 197, CCH ASLR 520 (1977).
Ill. Ann. Stat. ch. 95½, § 11-604 (Supp. 1978).
Ind. Ann. Stat. § 9-4-1-58 (1973).

Iowa Code Ann. §§ 321.290, .293 (1966, Supp. 1972).
Kans. Stat. Ann. § 8-1560 (1975), amended by H.B. 2586, CCH ASLR 409 (1978).
Ky. Rev. Stat. Ann. § 189.390.
La. Rev. Stat. Ann. § 32:41 (1963); § 32:42 (Supp. 1966).
Me. Rev. Stat. Ann. tit. 29, § 1256 (1965, Supp. 1970).
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Mass. Ann. Laws ch. 90, § 18 (Supp. 1966).
Mich. Stat. Ann. § 9.2329 (1960).
Minn. Stat. Ann. § 169.14 (Supp. 1966).
Miss. Code Ann. § 63-3-511 (1972).
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Mont. Rev. Codes Ann. § 32-2146 (1961, Supp. 1971).
Neb. Rev. Stat. § 39-663 (1974).
Nev. Rev. Stat. § 484.367 (1975).
N.H. Rev. Stat. Ann. § 262-A:56a (1966).
N.J. Rev. Stat. § 39:4-98 (1961).
N.M. Stat. Ann. § 64-18-2.1 (1972).
N.Y. Vehicle and Traffic Law §§ 1600, 1604 (1960); §§ 1622, 1625, 1642 (Supp. 1966).
N.C. Gen. Stat. § 20-141 (Supp. 1965).
N.D. Cent. Code § 39-09-03 (1960).
Ohio Rev. Code Ann. § 4511.21 (1965).
Okla. Stat. Ann. tit. 47, § 11-803 (1962).
Ore. Rev. Stat. § 483.108.
Pa. Stat. Ann. tit. 75, § 3363 (1977).
R.I. Gen. Laws Ann. §§ 31-14-5, -6, -7, -8 (1957).
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S.D. Comp. Laws §§ 32-14-3, 32-25-16, -8, -9 (1967).
Tenn. Code Ann. § 59-853 (Supp. 1966).
Tex. Rev. Civ. Stat. art. 6701d, § 169 (Supp. 1966).
Utah Code Ann. § 41-6-48 (Supp. 1979).
Vt. Stat. Ann. tit. 23, § 1007 (Supp. 1977).
Va. Code Ann. §§ 46.1-180, -193 (1967).
Wash. Rev. Code Ann. §§ 46.61.415, .430 (Supp. 1978).
W.Va. Code Ann. § 17C-6-3 (1966).
Wis. Stat. Ann. §§ 346.57, 349.11 (1958, Supp. 1967).
Wyo. Stat. Ann. § 31-5-303 (1977).

§ 11-804—Minimum Speed Regulation

(a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(b) Whenever the (State highway commission) or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway impede the normal and reasonable movement of traffic, the (commission) or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law and that limit shall be effective when posted upon appropriate fixed or variable signs. (REVISED, 1971.)

Historical Note

A comparable section was first added to the Code in 1930:

> It shall be unlawful for any person unnecessarily to drive at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or because upon a grade or when the vehicle is a truck or truck and trailer necessarily or in compliance with law proceeding at reduced speed.
>
> Traffic and police officers are hereby authorized to enforce this provision by directions to drivers and in the event of apparent wilful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith the continued slow operation by a driver shall be unlawful and constitute a misdemeanor.

UVC Act IV, § 22 (Rev. ed. 1930). The 1934 revision substantially amended the first paragraph:

> No person shall drive a motor vehicle at such slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

UVC Act V, § 53 (Rev. ed. 1934); UVC Act V, § 59 (Rev. eds. 1938, 1944, 1948, 1952). No further changes took place until 1954, at which time the second paragraph, dealing with enforcement by police officers, was deleted and replaced with the present subsection (b) authorizing a state agency or local authorities to declare minimum speed limits after appropriate investigation. The phrase "impede or block" as it appeared in the 1934 and later editions was also amended, making it unlawful simply to "impede" the normal and reasonable movement of traffic. UVC § 11-804 (Rev. eds. 1954, 1956, 1962, 1968).

The concluding words in subsection (b) requiring signs were added in 1971. UVC § 11-804(b) (Supp. I 1972).

Statutory Annotation

Subsection (a).

The following 41 jurisdictions are in verbatim or substantial conformity with UVC § 11-804(a):

Alabama [1]	Indiana [1,4]	New Hampshire	Tennessee
Alaska	Iowa [1,5]	New Jersey [1]	Texas
Arizona [1]	Kansas	New Mexico	Utah [1,7]
Arkansas	Kentucky [1]	New York	Virginia
Colorado	Maine	North Dakota	Washington [8]
Connecticut [2]	Minnesota [1,6]	Oklahoma [5]	West Virginia
Delaware	Missouri [1]	Pennsylvania	Wisconsin [9]
Florida [1]	Montana	Rhode Island [1]	Wyoming
Georgia [3]	Nebraska	South Carolina	District of Columbia
Idaho	Nevada	South Dakota	
Illinois			Puerto Rico

1. These states are in verbatim conformity with the 1952 or earlier editions of the Code and therefore use the phrase "impede or block." The remaining states are in conformity with the 1968 edition. Arizona's basic rule (§ 28-701(E)) prohibits driving at a speed that is less than is reasonable and prudent.

2. The Connecticut law provides: "No person shall operate a motor vehicle at a speed lower than forty miles per hour on any limited access divided highway and no person shall operate a motor vehicle on any other highway at such a slow speed as to impede or block the normal and reasonable movement of traffic except, in either case, when reduced speed is necessary for safe operation or in an emergency, or in compliance with the law or the direction of an officer. The provisions of this section shall not apply to (1) maintenance vehicles or equipment of the state or any municipal highway department, or to such vehicles or equipment of a contractor under contract with any such department while engaged in maintenance operations; (2) any commercial motor vehicle which while travelling on any limited access divided highway is unable to maintain the minimum speed limit of forty miles per hour due to the gradient, or to any such vehicle which while travelling on any other highway is being driven at such a slow speed as to obstruct or endanger following traffic, provided the operator thereof employs flashing lights on such commercial motor vehicle." For UVC provisions on the use of four-way flashers, see UVC §§ 12-220, 12-215 and 12-408.

3. Georgia (§ 68-1633(d)) prohibits two vehicles from intentionally impeding the normal traffic flow by traveling side by side at the same time in adjacent lanes. This law does not apply when traffic is congested. It omits the words "or in compliance with law."

4. Indiana adds the following: "Any person who is driving at such slow speed and under such circumstances that three or more other vehicles are blocked and cannot pass on the left around this vehicle, shall give right of way to such vehicle by pulling off to the right of the right lane at the earliest reasonable opportunity and allowing the blocked vehicle to pass."

5. In addition to having laws in verbatim or substantial conformity with UVC § 11-804(a), the Iowa and Oklahoma basic speed rules quoted in § 11-801, *supra*, require a "careful and prudent speed not greater *nor less than* is reasonable and proper, having due regard to the traffic, surface and width of the highway and any other conditions then existing . . . ." As noted elsewhere in this Annotation, the basic speed rules of four other states (Arizona, Michigan, Ohio and Pennsylvania) have the same provision.

6. Minnesota excepts any "vehicle temporarily unable to maintain a greater speed due to a combination of weight of the vehicle and the grade of the highway."

7. Utah adds that the operation of a motor vehicle on a limited access highway at less than the maximum speed in the left lane next to a vehicle in the right lane traveling at the same speed shall constitute evidence of impeding or blocking normal movement of traffic, except when reduced speed is necessary because the left lane is the approach lane of an exit ramp or because of congested traffic, bad weather or compliance with official traffic-control devices. Another law (§ 41-21-3) provides that none of the provisions relating to minimum speed apply to specially registered antique vehicles "driven to or from an assembly, convention, or other meeting where the vehicles and their ownership are of primary interest or . . . on . . . national tours held primarily for . . . exhibition and enjoyment of the vehicles by their owners . . . so long as the vehicle or group of vehicles are not operated in a manner which would constitute a public nuisance or create a hazard to other automobiles or persons."

8. Washington adds permission for a driver to pass a vehicle proceeding at less than the maximum speed even though he may exceed the maximum limit. This provision applies only on two-lane, two-way roadways and only at such speed and for such time as is necessary to complete the pass.

9. The Wisconsin law contains an additional provision: "(2) The operator of a vehicle moving at a speed so slow as to impede the normal and reasonable movement of traffic shall, if practicable,

yield the roadway to an overtaking vehicle whenever the operator of the overtaking vehicle gives audible warning with a warning device and shall move at a reasonably increased speed or yield the roadway to overtaking vehicles when directed to do so by a traffic officer."

Seven more states are probably in substantial conformity with UVC § 11-804(a):

California—§ 22400(a) states:

> No person shall drive upon a highway at such slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or because upon a grade or in compliance with law.

This law omits the Code reference to "motor vehicle" and adds "upon a highway" and the phrase "or because upon a grade."

Louisiana—§ 32:64(B) states:

> Except when a special hazard exists that requires lower speed for compliance with paragraph A . . . no person shall operate or drive a motor vehicle upon the highways of this state at such a slow speed as to impede the normal and reasonable movement of traffic.

This law adds "upon the highways," "*Operate or* drive," and omits the Code reference to reduced speed "in compliance with law," referring instead to a "*special hazard* . . . that requires lower speed for compliance with paragraph A." That paragraph is Louisiana's basic speed rule (see § 11-801, *supra*) and requires a speed not greater than is reasonable and prudent "under the conditions and potential hazards then existing, having due regard for . . . traffic . . . the highway, and the condition of the weather."

Maryland—§ 21-804 provides:

> Unless reduced speed is necessary for the safe operation of the vehicle or otherwise is in compliance with law, a person may not willfully drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic.

Michigan—Does not have a law comparable to UVC § 11-804(a), but its basic speed rule comparable to UVC § 11-801 provides:

> A person driving a vehicle on a highway shall drive at a careful and prudent speed not greater than *nor less* than is reasonable and proper, having due regard to the traffic, surface and width of the highway and of any other condition then existing . . . .

North Carolina—§ 20-141(h) provides:

> No person shall operate a motor vehicle on the highway at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation because of mechanical failure or in compliance with law; provided, this provision shall not apply to farm tractors and other motor vehicles operating at reasonable speeds for the type and nature of such vehicles.

Ohio—§ 4511.22 applies to anyone who operates a "vehicle, trackless trolley, or street car" and restricts impeding *or blocking* traffic but is otherwise identical to the Code. In addition the Ohio basic speed rule quoted in § 11-801, *supra*, requires a "careful and prudent speed that is not greater *or less* than is reasonable and proper . . . ."

Oregon—Law, which probably is in substantial conformity with the UVC, reads:

> (1) A person commits the offense of impeding traffic if he drives a motor vehicle, or combination of motor vehicles, at such a slow speed as to impede or block the normal and reasonable movement of traffic except when he must proceed at a reduced speed for safe operation or in compliance with law or because of emergency.
>
> (2) Impeding traffic is a Class C traffic infraction.

Four states—Hawaii, Massachusetts, Mississippi and Vermont—do not have provisions comparable to UVC § 11-804(a).

Disobedience to instructions of police officer. As discussed in the Historical Note, *supra*, the Code prior to 1954 authorized police officers to enforce the proscription in subsection (a) against unreasonably slow speeds and provided that a driver's apparent wilful disobedience to an officer's instructions by continuing such slow operation would be unlawful. Among the 48 jurisdictions shown above as having laws comparable to UVC § 11-804(a), six have this provision:

Alabama	Iowa	Rhode Island
Georgia	Missouri	Utah

Mississippi, though not having a law comparable to UVC § 11-804(a), applies the former Code provision to minimum speed limits of 30 miles per hour on "federal designated highways."

For the Code provision requiring all persons to comply with orders and directions of a police officer, see § 11-103, *supra*.

Subsection (b).

This Annotation indicates that 23 states have the current Code requirement for signs before a minimum speed limit becomes effective: Alabama, Alaska, California, Georgia, Idaho, Illinois, Indiana, Kansas, Louisiana, Maryland, Michigan, Minnesota, Nebraska, Nevada, New York (applies to limits established by local authorities), North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, Texas, Virginia and Washington.

Laws in eight states conform to the 1971 section:

Georgia	Kansas	Nebraska [1]	Pennsylvania
Idaho	Maryland	North Dakota	Virginia

1. Nebraska has subsection (b) and a law which provides:

> On a freeway no motor vehicle, except emergency vehicles, shall be operated at a speed of less than forty miles per hour or at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for the safe operation of the motor vehicle because of weather, roadway, or traffic conditions. All vehicles entering or leaving such freeway from an acceleration or deceleration lane shall conform with the minimum speed regulations so long as they are within the main-traveled lanes of the freeway. The minimum speed of forty miles per hour may be altered by the Department of Roads or local authorities on freeways under their respective jurisdictions.

Laws duplicating subsection (b) prior to its revision in 1971 have been adopted by 11 jurisdictions:

Arizona	Montana	Tennessee	Wyoming
Arkansas	New Mexico	Utah *	Puerto Rico
Colorado	Oklahoma	West Virginia	

* See the antique vehicle law discussed in subsection (a), *supra*.

Thus, the only difference between these 11 laws and the UVC is that they do not expressly require signs for a minimum limit to be effective.

The comparable laws of 21 other states are quoted or discussed below. Of these, nine are like the Code in that power to establish minimum speed limits is expressly granted to local authorities: Alaska, Hawaii, Illinois, Indiana, New York, North Carolina, Ohio, Texas and Washington. Note should also be made that two state laws except drivers of certain types of vehicles: California and North Carolina.

Alabama—Law provides:

> Whenever the director of public safety and the highway director, with the approval of the governor shall determine upon the bases of engineering and traffic investigations that a minimum prima facie speed limit is desirable, they may declare a reasonable and safe prima facie minimum speed limit which shall be effective at all times or during such times as may be determined when appropriate signs giving notice thereof are erected at sufficient intervals as to inform the public, and when posted it shall not be necessary for a police officer to direct a driver to increase his speed, as a prerequisite to arresting such driver.

Alaska—Regulation provides:

> When the state Department of Highways or local authority, within their respective jurisdictions, determine that a slow speed

on a part of a highway or city street unreasonably impedes the normal movement of traffic, the Department of Highways or local authority may declare a minimum speed limit for that part of the highway or city street which is effective when an appropriate sign giving notice of it is erected. A person may not drive a vehicle slower than the minimum speed limit except when necessary for safe operation or in compliance with traffic regulations or other law.

California—Law provides:

Whenever the Department of Public Works determines on the basis of an engineering and traffic survey that slow speeds on any part of a *state highway* consistently impede the normal and reasonable movement of traffic, the department may determine and declare a minimum speed limit below which no person shall drive a vehicle, except when necessary for safe operation or in compliance with law, when appropriate signs giving notice thereof are erected along the part of the highway for which a minimum speed limit is established.

This subsection is declared applicable only to "vehicles subject to registration."

Delaware—Law provides:

A minimum speed limit, below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law, may be displayed on appropriate traffic-control devices.

Florida—§ 316.181(2) authorizes the Department of Transportation to set such maximum "and minimum speed limits . . . as it deems safe and advisable." Neither signs nor a study is required. Local authorities are allowed to establish minimum limits after an investigation and after erecting signs.

Hawaii—Prohibits driving at a speed less than the minimum speed established by county ordinance or posted by the Director of Transportation.

Illinois—Law requires that action by state or local authorities be executed "by proper regulation or ordinance." The law is otherwise in substantial conformity with the Code.

Indiana—Law provides:

Whenever the state highway commission, local authorities, or the Indiana toll road commission determines, upon the basis of an engineering and traffic investigation of a highway or street under its jurisdiction, that slow vehicle speeds along any part or zone of such highway or street consistently impede or block the normal and reasonable movement of traffic, the state highway commission or the Indiana toll road commission may determine and declare by proper regulation or rule a minimum speed limit below which no person shall drive except when necessary for safe operation of his vehicle or in compliance with law. A limit so determined and declared by appropriate resolution, regulation or ordinance becomes effective when appropriate signs or signals giving notice of the limit of speed are erected along such part or zone of the highway or street.

Louisiana—Law provides:

Whenever the department determines on the basis of an engineering and traffic investigation that slow speeds on any highway of this state, or part thereof, consistently impede the normal and reasonable movement of traffic, the department may determine and declare a minimum speed limit thereat, below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law. Minimum speeds so determined shall become effective upon the erecting of signs giving notice thereof.

Maine—§ 1253 provides that "the State Highway Commission with the consent and approval of the Chief of the Maine State Police may establish minimum speed limits" and is otherwise identical to the 1968 Code.

Michigan—§ 9.2328 provides:

Whenever the state highway commission or county road commission, with respect to highways under its jurisdiction, and the director of the department of state police shall jointly determine upon the basis of an engineering and traffic investigation that the speed of vehicular traffic *on a state trunk line or county highway* is greater or less than is reasonable or safe under the conditions found to exist at an intersection or other place or upon a part of the highway, the officials acting jointly may determine and declare a reasonable and safe maximum or minimum speed limit thereat which shall be effective at the times determined when appropriate signs giving notice of the speed limit are erected at the intersection or other place or part of the highway. (Emphasis added.)

Minnesota—§ 169.14(8) states:

Where the commissioner determines upon the basis of an engineering and traffic investigation that a speed at least as great as, or in excess of, a specified and determined minimum is necessary to the reasonable and safe use of any trunk highway or portion thereof, he may erect appropriate signs specifying the minimum speed on such highway or portion thereof. The minimum speed shall be effective when such signs are erected. Any speeds less than the posted minimum speeds shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.

Nevada—Law is patterned closely after the Code. It requires signing and refers to "a public authority" instead of the department and local authorities.

New Hampshire—Law refers to "the commissioner of public works and highways" only, and authorizes him to declare "a minimum prima facie speed limit" in place of the concluding phrase in the Code, "a minimum speed limit below which no person shall drive except when necessary for safe operation or in compliance with law." A minimum limit of 45 miles per hour applies on interstate highways.

New York—Several laws appear to be applicable. Section 1181(b) states:

Whenever a minimum speed limit has been established as authorized in sections 1620 or 1642, no person shall drive at a speed less than such minimum speed limit except when entering upon or preparing to exit from the highway upon which such a minimum speed limit has been established, when preparing to stop or when necessary for safe operation or in compliance with law.

Section 1620(b) provides:

The state traffic commission, whenever it determines on the basis of an engineering and traffic investigation that slow speeds on any part of a *controlled-access state highway* maintained by the state outside of cities having a population in excess of one million consistently impede the normal and reasonable flow of traffic, may establish minimum speed limits below which vehicles may not proceed on or along such highway. (Emphasis added.)

Section 1642(a)5 authorizes New York City to establish minimum speed limits but does not require a traffic and engineering study. See also, § 1683(a)15 providing that no regulation made by a "local authority" shall be effective until signs are posted if the effect of the regulation is to establish minimum speed limits.

North Carolina—§ 20-141(h1) states:

Whenever the State Highway Commission or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway considerably impede the normal and reasonable movement of traffic, the Commission or such local authority may determine and declare a minimum speed below which no person

shall operate a motor vehicle except when necessary for safe operation because of mechanical failure or in compliance with law. Such minimum speed limit shall be effective when appropriate signs giving notice thereof are erected on said part of the highway. Provided, such minimum speed limit shall be effective as to those highways and streets within the corporate limits of a municipality which are on the State highway system only when ordinances adopting the minimum speed limit are passed and concurred in by both the State Highway Commission and the local authorities. The provisions of this subsection shall not apply to farm tractors and other motor vehicles operating at reasonable speeds for the type and nature of such vehicles.

Ohio—§ 4511.22(B) states:

> Whenever the director of highways or local authorities determine on the basis of an engineering and traffic investigation that slow speeds on any part of a *controlled-access highway* consistently impede the normal and reasonable movement of traffic, the director of highways or such local authority may declare a minimum speed limit below which no person shall operate a motor vehicle, trackless trolley, or street car except when necessary for safe operation or in compliance with law. No minimum speed limit established hereunder shall be less than thirty miles per hour nor more than 50 mph nor effective until the provisions of section 4511.21 of the Revised Code, relating to appropriate signs, have been fulfilled and local authorities have obtained the approval of the director of highways. (Emphasis added.)

South Carolina—Law is identical to the Code but gives authority only to the "department."

South Dakota—Law duplicates the 1968 Code except that it omits any reference to local authorities.

Texas—§ 170(b) gives authority to the State Highway Commission, Turnpike Authority, "County Commissioners Court or the governing body of any incorporated city, town, or village, within their respective jurisdictions . . . ." The law is otherwise identical to the Code.

Washington—§ 46.61.425(2) provides:

> Whenever the secretary of transportation or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway unreasonably impede the normal movement of traffic, the secretary or such local authority may determine and declare a minimum speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected. No person shall drive a vehicle slower than such minimum speed limit except when necessary for safe operation or in compliance with law.

This law uses "unreasonably" rather than the Code's "consistently."

The remaining 12 jurisdictions do not have laws comparable to UVC § 11-804(b), though several of these, as well as some of the 40 listed above, may have provisions granting such powers to turnpike or similar authorities having jurisdiction over controlled-access highways. Also, the legislatures of some states have adopted laws specifying minimum speed limits for all or certain controlled-access or divided highways. See also, § 11-313, *supra*. The 12 jurisdictions are:

Connecticut	Massachusetts	New Jersey	Vermont
Iowa	Mississippi	Oregon	Wisconsin
Kentucky	Missouri	Rhode Island	District of Columbia

Citations

Ala. Code tit. 32, § 32-5-95 (1975).
13 Alaska Adm. Code § 02.295 (1971).
Ariz. Rev. Stat. Ann. § 28-704 (supp. 1970).
Ark. Stat. Ann. § 75-604 (Supp. 1965).
Cal. Vehicle Code § 22400 (1960).
Colo. Rev. Stat. Ann. § 42-4-1003 (1973).
Conn. Gen. Stat. Ann. § 14-220 (Supp. 1972).
Del. Code Ann. tit. 21, § 4171 (1974, Supp. 1978).
Fla. Stat. §§ 316.183(5), .182 (1971).
Ga. Code Ann. § 68A-605 (1975).
Hawaii Rev. Stat. § 291C-102 (Supp. 1971).
Idaho Code Ann. § 49-684, as amended by H.B. 197, CCH ASLR 521 (1977).
Ill. Ann. Stat. ch. 95½, § 11-606 (1971).
Ind. Stat. Ann. § 9-4-1-59 (Supp. 1978).
Iowa Code Ann. § 321.294 (1966).
Kans. Stat. Ann. § 8-534 (1974).
Ky. Rev. Stat. Ann. § 189.390(5) (1977).
La. Rev. Stat. Ann. §§ 32:63(b), :64(b) (1963).
Me. Rev. Stat. Ann. tit. 29, § 1253 (1965, Supp. 1970).
Md. Transp. Code § 21-804 (1977).
Mich. Stat. Ann. §§ 9.2327(a), .2328(a) (Supp. 1965), amended by H.B. 6507, CCH ASLR 1309, 1315 (1978).
Minn. Stat. Ann. §§ 169.14(8), .15 (1960, Supp. 1972).
Miss. Code Ann. § 63-3-509 (1972).
Mo. Ann. Stat. § 304.011 (1953).
Mont. Rev. Codes Ann. § 32-2147 (Supp. 1977).
Neb. Rev. Stat. § 39-665 (1974).
Nev. Rev. Stat. § 484.371 (1975).
N.H. Rev. Stat. Ann. § 262-A:57 (1966, Supp. 1971).
N.J. Rev. Stat. § 39:4-97 (1961).
N.M. Stat. Ann. § 64-7-305, amended by H.B. 112, CCH ASLR 161, 507-508 (1978).
N.Y. Vehicle and Traffic Law §§ 1181, 1620(b), 1630, 1642, 1683 (Supp. 1966).
N.C. Gen. Stat. § 20-141(h) (1965).
N.D. Cent. Code § 39-09-09 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.22 (Supp. 1977).
Okla. Stat. Ann. tit. 47, § 11-804 (1962).
Ore. Rev. Stat. § 487.505 (1977).
Pa. Stat. Ann. tit. 75, § 3364 (1977).
R.I. Gen. Laws Ann. § 31-14-9 (1957).
S.C. Code Ann. § 56-5-1560 (1976).
S.D. Comp. Laws §§ 32-25-5.1, -5.2 (Supp. 1971).
Tenn. Code Ann. § 59-854 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 170 (1969, Supp. 1972).
Utah Code Ann. § 41-6-49(a) (1970).
Va. Code Ann. § 46.1-193(2) (1975).
Wash. Rev. Code Ann. § 46.61.425 (Supp. 1978).
W.Va. Code Ann. § 17C-6-3a (1966).
Wis. Stat. Ann. § 346.59 (1971, Supp. 1979).
Wyo. Stat. Ann. § 31-5-304 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 24 (1966).
P.R. Laws Ann. tit. 9, § 842 (Supp. 1975).

§ 11-805—Special Speed Limitation on Motor-driven Cycles

No person shall operate any motor-driven cycle at any time mentioned in § 12-201 at a speed greater than 35 miles per hour unless such motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of 300 feet ahead.

Historical Note

This section was added to the Code in 1948 and has not been amended except to change the reference from "section 124" to "§ 12-201" in 1954. UVC Act V, § 60 (Rev. eds. 1948, 1952); UVC § 11-805 (Rev. eds. 1954, 1956, 1962, 1968). Section 12-201 provides:

> 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 500 feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles, and further that stop lights, turn signals and other signaling devices shall be lighted as prescribed for the use of such devices.

See UVC § 1-136 defining "motor-driven cycle." See also, UVC § 12-224.

Statutory Annotation

Thirteen states have provisions in verbatim conformity with this section of the Code:

Arizona	Kansas	Rhode Island
Arkansas	Maine	South Carolina
Delaware	Montana	Texas
Florida	New Hampshire	Wyoming
Idaho		

Seven other jurisdictions have enacted the following variations:

Alabama—§ 32-12-25 provides: "No person shall operate at *nighttime* . . . ." The required visibility distance is 200 feet, but otherwise the Alabama law is similar to the Code provision.

Alaska—Bans operation of a motor scooter at night at a speed greater than allowed by the intensity of its headlamps.

Michigan—§ 9.2330 states:

> No person shall operate any motor-driven cycle on the highways during the night hours unless the cycle is equipped with lights meeting the requirements and limitations set forth in this chapter, the person has received written approval from the chief of police officer of the city, township or county in which he resides and the cycle is operated at a speed not to exceed 35 miles per hour, or as fixed by local ordinance, whichever is lesser.

Section 9.2402 of the equipment laws states that the headlamp on every motor-driven cycle must be of sufficient intensity to reveal a person or a vehicle at a distance of not less than 100 feet when it is operated under 25 miles per hour, and a distance of not less than 200 feet when operated at a speed of 25 miles per hour or more.

Nebraska—Duplicates the Code and adds:

> If the headlamp cannot reveal a person or vehicle 200 feet ahead, the motor-driven cycle is restricted to 25 m.p.h. If 100 feet, 20 m.p.h. If the headlamp does not reveal a person or vehicle 100 feet ahead, its operation at night is prohibited.

Oklahoma—§ 11-805 provides:

> No person shall operate any motor-driven cycle or any motor scooter, at any time, at a speed greater than thirty-five miles per hour. However, all motor-driven cycles and motor scooters shall at all times conform to paragraph (a) of section 11-801. [See § 11-801, *supra*.]
>
> As used in this article, motor-driven cycle shall mean every bicycle with motor attached, and every motor scooter with wheel diameters twelve inches or less, measured from one side of the rim to the other.

Section 40-104 prohibits persons under 16 from operating a motorcycle or motor scooter at more than 35 miles per hour.

Tennessee—§ 59-855 states:

> No person shall operate any motor-driven cycle *at any time* at a speed greater than thirty-five 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 three hundred feet ahead. (Emphasis added.)

Puerto Rico—Law like the UVC section applies to motor scooters.

Jurisdictions with no comparable provisions in their speed laws are:

California	Kentucky *	New Jersey	South Dakota
Colorado	Louisiana	New Mexico	Utah
Connecticut	Maryland	New York	Vermont
Georgia	Massachusetts	North Carolina	Virginia
Hawaii	Minnesota	North Dakota	Washington
Illinois	Mississippi	Ohio	West Virginia
Indiana	Missouri	Oregon	Wisconsin
Iowa	Nevada	Pennsylvania	District of Columbia

* See, however, Ky. Rev. Stat. § 189.390(2) imposing a maximum, day or night, limit of 35 miles per hour on all motor vehicles of five or less horsepower.

Citations

Ala. Code tit. 32, § 32-12-25 (1975).
13 Alaska Adm. Code § 02.320 (1971).
Ariz. Rev. Stat. Ann. § 28-705 (1956).
Ark. Stat. Ann. § 75-601(f) (1957).
Del. Code Ann. tit. 21, § 4172 (Supp. 1966).
Fla. Stat. § 316.183(6) (1971).
Idaho Code Ann. § 49-705 (1957).
Kans. Stat. § 8-1562 (1974).
Me. Rev. Stat. Ann. tit. 29, § 1252(2)(H) (1965).
Mich. Stat. Ann. §§ 9.2330, .2402 (1960).
Mont. Rev. Codes Ann. § 32-2148(b) (Supp. 1971).
Neb. Rev. Stat. § 39-668 (1974).
N.H. Rev. Stat. Ann. § 262-A:58 (1966).
Okla. Stat. Ann. tit. 47, § 11-805 (1962).
R.I. Gen. Laws Ann. § 31-14-10 (1957).
S.C. Code Ann. § 46-364 (1962).
Tenn. Code Ann. § 59-855 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 169A(a) (Supp. 1972).
Wyo. Stat. Ann. § 31-5-305 (1977).
P.R. Laws Ann. tit. 9, § 844 (Supp. 1975).

§ 11-806—Special Speed Limitations

(a) No person shall drive a vehicle which is towing a house trailer at a speed greater than a maximum of 45 miles per hour.

(b) **This subsection was deleted from the UVC in 1975.**

(c) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section.

(d) The (State highway commission) 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 determine and declare the maximum speed of vehicles which such structure can safely withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained before each end of such structure. (REVISED, 1971.)

(e) Upon the trial of any person charged with a violation of this section, proof of said determination of the maximum speed by said (commission) and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

Historical Note

Subsection (a) was added to the Code in 1956 and subsection (b) in 1948. A reference to "cushion" tires was deleted from subsection (b) in 1971. UVC Act V, § 61 (Rev. eds. 1948, 1952); UVC § 11-806 (Rev. eds. 1954, 1956, 1962, 1968, Supp. I 1972).

The history of provisions for special speed limitations on bridges or other elevated structures (subsections (c), (d) and (e)) dates from 1926. UVC Act IV, § 8 (1926) and UVC Act IV, § 25 (Rev. ed. 1930) provided:

> It shall be unlawful to drive any vehicle upon any public bridge, causeway or viaduct at a speed which is greater than the maximum speed which can with safety to such structure be maintained thereon, when such structure is signposted as provided in this section.
>
> The State Highway Commission (or other proper state body) upon request from any local authorities shall, or upon its own initiative may, conduct an investigation of any public bridge, causeway or viaduct, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this act, the Commission

shall determine and declare the maximum speed of vehicles which such structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of one hundred feet before each end of such structure. The findings and determination of the Commission shall be conclusive evidence of the maximum speed which can with safety to any structure be maintained thereon.

In 1934, these provisions were revised into the present three subsections and subsection (d) was amended in 1962 to require erection of signs giving notice of the speed limitation *at* each end of the structure rather than 100 feet from each end. UVC Act V, § 54 (Rev. ed. 1934); UVC Act V, § 60 (Rev. eds. 1938, 1944); UVC Act V, § 61 (Rev. eds. 1948, 1952); UVC § 11-806 (Rev. eds. 1954, 1956, 1962, 1968).

In 1971, subsection (d) was changed to permit local authorities to establish limits on their bridges without obtaining state approval. UVC § 11-806(d) (Supp. I 1972).

In 1975, subsection (b) was deleted. It imposed a limit of 10 mph on vehicles with solid rubber or cushion tires. A special limit for solid tires is no longer meaningful and would unnecessarily restrict bicycles and trucks with foam filled tires.

Statutory Annotation

Subsection (a).

The laws of five states conform to the Code statement of a special speed limit for vehicles towing house trailers:

Arkansas	Montana [2]	New Hampshire
Kansas [1]		South Carolina

1. The limit is 55 miles per hour, not 45 as in the UVC
2. The Montana special speed limit for a vehicle towing a house trailer is 50 miles per hour. The Code and other states listed specify 45 miles per hour.

The laws of 12 additional states expressly provide a special speed limit for some or all vehicles towing house trailers, but express the limit in a different manner than the Code:

Alaska	Louisiana	Nebraska	South Dakota
California	Maine	North Carolina	Texas
Iowa	Michigan	Pennsylvania	Virginia

Many of the states noted in Part III of the Annotation in § 11-801.1, *supra*, have special speed limits for combinations of vehicles which would apply to all or certain vehicles towing house trailers. See the definition of "house trailer" in UVC § 1-123.

Subsections (c), (d) and (e).

Of 39 states having laws providing for the establishment of special speed limits on bridges or other elevated structures, seven—Colorado, Georgia, Idaho, Illinois, Nebraska, Pennsylvania and South Carolina—are in verbatim conformity with §§ 11-806(c), (d) and (e) of the 1968 Code. One state, Utah, duplicates subsection (c), and is in substantial conformity with (d) and (e). The following 16 states conform to the 1956 Code subsections (which differ from the 1968 Code only by requiring erection of signs giving notice of the speed limitation 100 feet from each end of the structure rather than *at* each end):

Arizona [1]	Minnesota	New Hampshire	South Dakota [6]
Arkansas [2]	Mississippi	New Mexico [4]	Tennessee
Indiana	Montana [3]	Ohio	West Virginia
Kansas	Nevada	Oklahoma [5]	Wyoming

1. Signs are to be erected *300* feet from the end of the structure.
2. A second Arkansas law bans violating any posted limit or restriction governing the use of a bridge.
3. Montana provides: "The board upon request from any local authority *may*, or upon its own initiative *shall* . . . ." (Emphasis added.)
4. Signs are to be placed "at a minimum distance of 300 feet before each end" of the structure.
5. Law is in verbatim conformity with subsection (c) and differs from (d) by providing for joint determinations of such limits with local authorities. The law adds a paragraph not in the Code dealing with reduced limits for highway construction areas, which is followed by a provision in substantial conformity with subsection (e) of the Code.
6. Does not have subsection (e).

Four states have laws similar to the 1926 and 1930 sections:

Alabama [1]	Michigan [2]	North Dakota [2]	Rhode Island

1. Signs apparently need not be erected if the structure lies within a municipality.
2. Michigan and North Dakota additionally provide that local authorities may establish such special limits on structures under their jurisdiction.

The remaining 10 of the 39 states have the following variations:

Alaska—Regulation omits subsections (d) and (e). Subsection (c) prohibits driving over a bridge or elevated structure or through a tunnel or underpass at a speed with a weight or size greater than permitted by an official traffic-control device.

California—§ 22402 provides:

> The Department of Public Works may, in the manner provided in Section 22404 determine the maximum speed, not less than five miles per hour, which can be maintained with safety to any bridge, elevated structure, tube, or tunnel on a state highway. Said department may also make a determination with reference to any other highway upon receiving a request therefor from the board of supervisors or road commissioner of the county, the governing body or the local authority having jurisdiction over the bridge, elevated structure, tube, or tunnel.

Section 22403 provides:

> Any local authority may, in the manner provided in Section 22404, determine the maximum speed, not less than five miles per hour, which can be maintained with safety to any bridge, elevated structure, tube, or tunnel under its jurisdiction, or may request the Department of Public Works to make such determination.

And § 22404 provides:

> The Department of Public Works or local authority making a determination of the maximum safe speed upon a bridge, elevated structure, tube, or tunnel shall first make an engineering investigation and shall hold a public hearing.
>
> Notice of the time and place of the public hearing shall be posted upon the bridge, elevated structure, tube, or tunnel at least five days before the date fixed for the hearing. Upon the basis of the investigation and all evidence presented at the hearing, said department or local authority shall determine by order in writing the maximum speed which can be maintained with safety to the bridge, elevated structure, tube or tunnel. Thereupon, the authority having jurisdiction over the bridge, elevated structure, tube, or tunnel shall erect and maintain suitable signs specifying the maxjmum speed so determined at a distance of not more than 500 feet from each end of the bridge, elevated structure, tube, tunnel, or any approach thereto.

Delaware—Law is virtually identical to subsection (c) differing only by referring to traffic control devices instead of signs. Law comparable to (e) provides that the existence of these devices is conclusive evidence of the maximum speed or weight which can be safely carried on a bridge or elevated structure.

Iowa—§ 321.295 provides:

> No person shall drive a vehicle on any public bridge or elevated structure at a speed which is greater than the maximum speed permitted under this chapter on the street or highway at a point where said street or highway joins said bridge or elevated structure, provided that if the maximum speed permitted on said street or highway differs from the maximum speed on any other street or highway joining said bridge or elevated structure, then the

lowest of said speeds shall be the maximum speed limit on said bridge or elevated structure, subject to the following:

The state highway commission upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this chapter, the commission shall determine and declare the maximum speed of vehicles which such structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of two hundred feet before each end of such structure.

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.

Upon the trial of any person charged with driving a vehicle at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, proof of such determination of the maximum speed by said commission and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

Maryland—Law duplicates subsections (d) and (e) but does not have (c).

New York—Laws provide:

§ 1626—Special speed limits on bridges and other elevated structures.—The state superintendent of public works may determine the maximum speed which may be maintained without structural damage to bridges and elevated structures that are a part of any state highway maintained by the state, and, if such maximum speed is lower than the maximum speed limit otherwise applicable, may by order, rule or regulation establish such lower maximum speed limit at which vehicles may proceed on any such bridge or structure.

§ 1663—Special speed limits on bridges and other elevated structures.—The town board of any town may determine the maximum speed which may be maintained without structural damage to bridges and elevated structures that are a part of any town highway in such town and, if such maximum speed is lower than the maximum speed limit otherwise applicable, may by order, rule or regulation establish such lower maximum speed limit at which vehicles may proceed on any such bridge or structure.

§ 1663—Application of article.—This article shall not apply with respect to state highways maintained by the state which are controlled access highways, nor to highways under the jurisdiction of the New York state thruway authority, a regional state park commission, a county park commission, a parkway authority, a bridge authority, or a bridge and tunnel authority.

§ 1644—Special speed limits on bridges and other elevated structures in cities and villages.—The legislative body of any city or village may determine the maximum speed which may be maintained without structural damage on bridges and elevated structures in such city or village, and if such maximum speed is lower than the maximum speed limit otherwise applicable, subject to the limitations imposed by section sixteen hundred eighty-four, may by local law, ordinance, order, rule or regulation establish such lower maximum speed limits at which vehicles may proceed on such bridge or structure.

Texas—Law nearly duplicates subsections (c) and (d) but does not have (e). Signs must be before each end of a bridge.

Vermont—Laws are substantially like subsections (c) and (d) of the Code. Subsection (c) has an added sentence allowing local legislative bodies to erect notices 100 feet in both directions stating the maximum limit. The law comparable to subsection (d) authorizes only the state traffic committee to determine special bridge speed limits.

Virginia—§ 46.1-196 provides:

(a) It shall be unlawful to drive any motor vehicle, trailer or semitrailer upon any public bridge, causeway, viaduct or in any tunnel at a speed exceeding that indicated as a maximum by signs posted thereon or at its approach by or upon the authority of the State Highway and Transportation Commissioner.

(b) The State Highway and Transportation Commissioner upon request or upon his own initiative may conduct an investigation of any public bridge, causeway, viaduct or tunnel and shall thereupon determine and declare the maximum speed of vehicles which such structure can withstand or which is necessitated in consideration of the benefit and safety of the traveling public and the safety of the structure. The Commissioner is expressly authorized to establish and indicate variable speed limits upon such structures to be effective under such conditions as would in his judgment, warrant such variable limits, including but not limited to darkness, traffic conditions, atmospheric conditions, weather, emergencies, and like conditions which may affect driving safety. Any speed limits, whether fixed or variable, shall be prominently posted in such proximity to such structure as deemed appropriate by the Commissioner. The findings and determination of the Commissioner shall be conclusive evidence of the maximum speed which can with safety to any such structure and the traveling public be maintained thereon.

Washington—§ 46.61.450 provides:

It shall be unlawful for any person to operate a vehicle or any combination of vehicles over any bridge or other elevated structure or through any tunnel or underpass constituting a part of any public highway at a rate of speed or with a gross weight or of a size which is greater at any time than the maximum speed or maximum weight or size which can be maintained or carried with safety over any such bridge or structure or through any such tunnel or underpass when such bridge, structure, tunnel or underpass is sign posted as hereinafter provided. The secretary of transportation, if it be a bridge, structure, tunnel or underpass upon a state highway, or the governing body or authorities of any county, city or town, if it be upon roads or streets under their jurisdiction, may restrict the speed which may be maintained or the gross weight or size which may be operated upon or over any such bridge or elevated structure or through any such tunnel or underpass with safety thereto. The secretary or the governing body or authorities of any county, city or town having jurisdiction shall determine and declare the maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel or underpass can withstand or accommodate and shall cause suitable signs stating such maximum speed or maximum gross weight, or size, or either, to be erected and maintained on the right hand side of such highway, road or street and at a distance of not less than one hundred feet from each end of such bridge, structure, tunnel or underpass and on the approach thereto: *Provided*, That in the event that any such bridge, elevated structure, tunnel or underpass is upon a city street designated by the transportation commission as forming a part of the route of any state highway through any such incorporated city or town the determination of any maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel or underpass can withstand or accommodate shall not be enforceable at any speed, weight or size less than the maximum allowed by law,

unless with the approval in writing of the secretary. Upon the trial of any person charged with a violation of this section, proof of either violation of maximum speed or maximum weight, or size, or either, and the distance and location of such signs as are required, shall constitute conclusive evidence of the maximum speed or maximum weight, or size, or either, which can be maintained or carried with safety over such bridge or elevated structure or through such tunnel or underpass.

Citations

Ala. Code tit. 32, § 32-5-92 (1975).
13 Alaska Adm. Code §§ 02.315, .325 (1971).
Ariz. Rev. Stat. Ann. § 28-706 (1956).
Ark. Stat. Ann. § 75-605 (Supp. 1965); Gen. Laws 1971, ch. 249, § 2.
Cal. Vehicle Code §§ 22402, 22403, 22404, 22409 (1960).
Colo. Rev. Stat. Ann. § 42-4-1004 (1973).
Del. Code Ann. tit. 21, § 4173 (Supp. 1978).
Ga. Code Ann. § 68A-806 (1977).
Idaho Code Ann. § 49-685, amended by H.B. 197, CCH ASLR 521 (1977).
Ill. Ann. Stat. ch. 95½, § 11-608 (1971).
Ind. Stat. Ann. § 9-4-1-60 (1973).
Iowa Code Ann. §§ 321.285, .286, .295 (1966, Supp. 1972).
Kans. Stat. Ann. § 8-1563 (Supp. 1977).
Ky. Rev. Stat. Ann. § 189.390 (1977).
La. Rev. Stat. Ann. § 32:62 (1963, Supp. 1972).
Me. Rev. Stat. Ann. tit. 29, § 1252 (1965).
Md. Trans. Code § 21-806 (1977).
Mich. Stat. Ann. §§ 9.2327, .2331 (Supp. 1965).
Minn. Stat. Ann. § 169.16 (1960).
Miss. Code Ann. § 63-3-513 (1972).
Mont. Rev. Codes Ann. §§ 32-2148, -2149 (1961).
Neb. Rev. Stat. §§ 39-662, -666(10) to (12) (1974).
Nev. Rev. Stat. § 484.375 (1975).
N.H. Rev. Stat. Ann. § 262-A:59 (1966).
N.M. Stat. Ann. § 64-7-306, amended by H.B. 112, CCH ASLR 161, 508-509 (1978).
N.Y. Vehicle and Traffic Law §§ 1626, 1663, 1644 (1960, Supp. 1966).
N.C. Gen. Stat. § 20-141 (Supp. 1965).
N.D. Cent. Code §§ 39-09-04, -05 (1960).
Ohio Rev. Code Ann. § 4511.23 (1965).
Okla. Stat. Ann. tit. 47, §§ 11-801, -806 (1962).
Pa. Stat. Ann. tit. 75, § 3365 (1977).
R.I. Gen. Laws Ann. §§ 31-14-11, -12 (1957).
S.C. Code Ann. § 56-5-1570 (1976).
S.D. Comp. Laws §§ 32-25-6.1, -6.2, -18, -19 (1967, Supp. 1971).
Tenn. Code Ann. § 59-856 (1955).
Tex. Rev. Civ. Stat. art. 6701d, §§ 166(a) (5) (a), 169A (Supp. 1972).
Utah Code Ann. § 41-6-50 (Supp. 1979).
Vt. Stat. Ann. tit. 23, § 1083 (Supp. 1977).
Va. Code Ann. §§ 46.1-193, -196 (Supp. 1979).
Wash. Rev. Code Ann. §§ 46.61.450, .455 (Supp. 1978).
W. Va. Code Ann. § 17C-6-5 (1966).
Wis. Stat. Ann. § 346.58 (1958).
Wyo. Stat. Ann. § 31-5-306 (1977).

§ 11-807—Charging Violations and Rule in Civil Actions

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

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

Historical Note

The Code has contained provisions comparable to subsection (a) since 1926. Significant changes therein have concerned only the last phrase. In the 1926 edition, it read: "also the speed which this section declares shall be prima facie lawful at the time and place of such alleged violation." UVC Act IV, § 4(b) (1926).

In the 1930 edition, the phrase was changed to: "also the speed indicated in this section for the district or location. . . ." UVC Act IV, § 20(c) (Rev. ed. 1930).

From 1934 until 1956 the phrase read: "also the prima facie speed applicable within the district or at the location." UVC Act V, § 51(e) (Rev. ed. 1934); UVC Act V, § 62(a) (Rev. eds. 1938, 1944, 1948, 1952); UVC § 11-807(a) (Rev. ed. 1954).

The final change was made in the 1956 edition, and reflected the Code change from prima facie to absolute speed limits. UVC § 11-807(a) (Rev. ed. 1956).

The Code has contained provisions comparable to subsection (b) since 1934. Significant changes in this subsection have concerned only the first phrase. In the 1934 edition it read: "The foregoing provisions of this section shall not be construed. . . ." UVC Act V, § 51(f) (Rev. ed. 1934).

In the 1938 through 1954 editions, the phrase read: "The provisions of this act declaring prima facie speed limitations shall not be construed . . . ." Also, prior to the 1954 edition the provisions had referred to "any *civil* action"; the word "civil" was deleted in 1954. UVC Act V, § 62(b) (Rev. eds. 1938, 1944, 1948, 1952); UVC § 11-807(b) (Rev. ed. 1954).

The final change was made in the 1956 edition of the Code, again reflecting the change from prima facie to absolute speed limits. UVC § 11-807(b) (Rev. ed. 1956).

Statutory Annotation

Subsection (a).

Laws in eight states are in verbatim conformity with the UVC:

Georgia	Kansas	North Dakota	Washington
Illinois	Nebraska	Oklahoma	Wyoming

Fifteen states have provisions that are in substantial conformity with the subsection. Differences which affect the substance of these provisions are noted below:

Arizona	Iowa [2]	Mississippi [2]	Tennessee
Arkansas [1]	Maryland	Montana [2]	Utah [1]
Colorado [1]	Michigan	New Mexico	West Virginia [2]
Indiana [2]	Minnesota [2]	South Carolina	

1. Provisions in these states differ only in that they use the phrase "prima facie speed applicable" rather than "maximum speed applicable." They are thus in conformity with the 1934-1956 Code subsection. Colorado has a special provision for its 55 limit.
2. Provisions in these states omit the word "maximum" from the phrase "maximum speed applicable."

Thirteen other jurisdictions have comparable provisions which differ in some notable respect from the Code subsection. Only those differences which appear to affect the substance of the provision are noted:

Alabama [1,2]	Kentucky [1,3,7]	New Jersey [1,2]	South Dakota [12]
California [3,4]	Maine [8]	Ohio [1,2,10]	Texas [5]
Delaware [3,5]	New Hampshire [9]	Pennsylvania [11]	Puerto Rico [13]
Idaho [1,6]			

1. Provisions in these states omit the word "maximum" from the phrase "maximum speed applicable."
2. These states use language similar to that of the 1926 Code, requiring a statement of the lawful speed "at the time and place of the alleged violation."
3. Provisions in these states refer to the "location" or "place" only, they do no refer to the speed limt "within the district."
4. California requires the approximate alleged speed and the maximum or prima facie limit applicable to the highway to be shown in the notice of violation, notice to appear, complaint or information.
5. Delaware and Texas use the phrase "maximum or minimum speed applicable." Delaware excepts certain speeding violations from its complaint requirements.
6. The Idaho law provides, "the complaint or citation shall specify the speed at which the defendant is alleged to have been driving . . . ."
7. The Kentucky provision requires the specification of speed in the "warrant or citation."
8. Maine does not require a statement of the applicable speed limit.
9. The New Hampshire law provides: "In every charge of violation of any speed regulation in this chapter the complaint shall set forth the manner in which the alleged speed was unreasonable and imprudent or shall specify the speed at which the defendant is alleged to have driven and the prima facie speed applicable within the district or at the location."
10. The comparable Ohio law is inapplicable if the alleged offense is driving at a speed which would not permit a stop within the assured clear distance.
11. Pennsylvania requires the specification of speed only in the "information" or "complaint" and not also in the "summons or notice to appear" as in the Code.
12. South Dakota requires the citation to show the section of the law that was violated and not the limit applicable in the area.
13. Refers to the arraignment or accusation.

The remaining jurisdictions do not have provisions comparable to UVC § 11-807(a).

Subsection (b).

Eight states (Arizona, Illinois, Kansas, Nebraska, North Dakota, Oklahoma, Washington and Wyoming) have provisions in verbatim conformity with UVC § 11-807(b). Idaho refers to "civil" action but is otherwise identical to the Code.

Fourteen additional states have comparable provisions which omit the word "maximum" from the phrase "maximum speed limitations." Indiana, Michigan, Minnesota, and West Virginia are included in this group. Three of the 14 states differ also by using language similar to the first phrase of the 1934 Code subsection: "The foregoing provisions of this section shall not be construed . . . ." These states are Arkansas, Colorado and Iowa.

Four of the 14 states use language similar to the initial phrase of the 1938-1954 Code subsection: "The provisions of this act declaring prima facie speed limitations shall not be construed . . . ." These states are New Hampshire, New Mexico, Rhode Island and Utah.

Three states provide:

California—Proof of speed in excess of any prima facie limit does not establish negligence as a matter of law so that one must establish that operation in excess of the limit constituted negligence.

Missouri—Law provides:

> Violation of the provisions of this section specifying speed limitations shall not be construed to relieve the parties in any civil action on any claim or counterclaim from the burden of proving negligence or contributory negligence as the proximate cause of an accident or as the defense to a negligence action.

North Carolina—Law provides:

> In all civil actions, violations of this subsection relating to minimum speeds shall not constitute negligence per se.
>
> . . . .
>
> (e) The foregoing provisions of this section shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence upon the part of the defendant as the proximate cause of an accident: Provided, that the failure or inability of a motor vehicle operator who is operating such vehicle within the maximum speed limits prescribed by G.S. 20-141 (b) to stop such vehicle within the radius of the lights thereof or within the range of his vision shall not be considered negligence per se or contributory negligence per se in any civil action, but the facts relating thereto may be considered with other facts in such action in determining the negligence or contributory negligence of such operator.

The remaining jurisdictions do not have provisions comparable to UVC § 11-807(b) in their traffic and motor vehicle laws.

Citations

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Ariz. Rev. Stat. Ann. § 28-707 (Supp. 1970).
Ark. Stat. Ann. §§ 75-601(e), (g) (1957).
Cal. Vehicle Code §§ 40503, 40831 (1972).
Colo. Rev. Stat. Ann. § 42-4-1001(5) (1973).
Del. Code Ann. tit. 21, § 4174 (Supp. 1977).
Ga. Code Ann. § 68A-807 (1975).
Idaho Code Ann. § 49-686, amended by H.B. 197, CCH ASLR 522 (1977).
Ill. Ann. Stat. ch. 95½, § 11-610 (Supp. 1977).
Ind. Stat. Ann. § 9-4-1-62 (1973).
Iowa Code Ann. §§ 321.291, .292 (1966).
Kans. Stat. Ann. § 8-1564 (1975).
Ky. Rev. Stat. Ann. § 189.390 (1977).
Me. Rev. Stat. Ann. tit. 29, § 1252(2)(h) (1965).
Md. Ann. Code § 11-807 (1970).
Mich. Stat. Ann. § 9.2333 (1960), amended by H.B. 6507, CCH ASLR 1309, 1316 (1978).
Minn. Stat. Ann. §§ 169.14(6), (7) (1960).
Miss. Code Ann. § 63-3-507 (1972).
Mo. Ann. Stat. § 304.010(7) (1963).
Mont. Rev. Codes Ann. § 32-2150 (1961).
Neb. Rev. Stat. § 39-667 (1974).
N.H. Rev. Stat. Ann. § 262-A:60 (1966).
N.J. Rev. Stat. § 39:4-99 (1961).
N.M. Stat. Ann. § 64-18-7 (1972).
N.C. Gen. Stat. § 20-141 (Supp. 1965).
N.D. Cent. Code § 39-10-69 (Supp. 1977).
Ohio Rev. Code. Ann. § 4511.21 (Supp. 1966).
Okla. Stat. Ann. tit. 47, § 11-807 (1962).
Pa. Stat. Ann. tit. 75, § 3366 (1977).
R.I. Gen. Laws Ann. § 31-14-13 (1957).
S.C. Code Ann. § 56-5-1580 (1976).
S.D. Comp. Laws § 32-25-21 (1967).
Tenn. Code Ann. § 59-857 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 171 (Supp. 1966).
Utah Code Ann. § 41-6-52 (1960).
Wash. Rev. Code Ann. § 46.61.475 (Supp. 1966).
W.Va. Code Ann. § 17C-6-6 (1966).
Wyo. Stat. Ann. § 31-5-307 (1977).
P.R. Laws Ann. tit. 9, § 846 (Supp. 1975).

§ 11-808—Racing on Highways

(a) No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test, or exhibition.

(b) Drag race is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.

(c) Racing is defined as the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes.

(d) Any person convicted of violating this section shall be punished as provided in § 17-101(c). (New section, 1968.)

Historical Note

This section, establishing the offense of racing, defining the terms "drag race" and "racing," and providing a penalty, was added to the Code by the National Committee in 1968. See also, UVC §§ 6-206(a)8 and 16-105(a)7.

Statutory Annotation

Forty-four jurisdictions have laws prohibiting racing on the highways.

Alaska	Illinois	New Hampshire	South Dakota
Arziona	Indiana	New Jersey	Tennessee
Arkansas	Iowa	New Mexico	Texas
California	Kansas	New York	Utah
Colorado	Kentucky	North Carolina	Vermont
Connecticut	Louisiana	North Dakota	Virginia
Delaware	Maryland	Ohio	Washington
Florida	Massachusetts	Oregon	West Virginia
Georgia	Michigan	Pennsylvania	Wisconsin
Hawaii	Montana	Rhode Island	Wyoming
Idaho	Nebraska	South Carolina	Puerto Rico

These laws are compared below with each of the four subsections of UVC § 11-808.

Subsection (a)—Nature and Extent of Prohibition.

Because they incorporate all of the Code's specific types of racing, fourteen states conform with the UVC:

Arizona	Idaho	New Mexico	Pennsylvania
Florida	Kansas	North Dakota	South Dakota
Georgia	Louisiana	Oregon	Texas
Hawaii	Nebraska		

Delaware duplicates the Code but omits any reference to making a speed record. It also bans accelerating so as to cause the drive wheels to spin or slip except during inclement weather.

Alaska, Arkansas, Virginia, and Washington simply prohibit driving in any "race." The Alaska and Washington laws appear to require simultaneous operation of the competing vehicles before the offense is recognized and therefore might exclude some types of drag races or races against time. The Alaska regulation specifically exempts certain official highway contests which call for observance of all traffic rules, provided there is at least a three-minute interval between the starting time of each contestant.

Puerto Rico bans "car racing" on the highways and includes tests of physical endurance through long distances. It also bans match races and speed or acceleration contests.

South Carolina prohibits any "race or speed contest." Indiana also prohibits a "speed contest" but describes this term as "any unnecessary rapid acceleration."

Prohibitions against any "speed contest or exhibition of speed" have been enacted in the following states:

California	Montana	Utah
Iowa	New York	

The New York law adds "race" before "speed contest," and the Montana law additionally prohibits "drag racing."

Five states prohibit driving in a race, "or for the purpose of making a record, bet or wager":

Connecticut	New Hampshire	Vermont
Massachusetts	New Jersey	

A Maryland law similarly prohibits driving in any "speed contest or on a bet or wager" on a highway or on private property used by the public in general.

Michigan prohibits operating a vehicle in a speed contest "or for the purpose of making a speed record, including that commonly known as a drag race, whether from a standing start or otherwise over a measured distance, the object of which is to better or defeat one or more contestants on the basis of elapsed time, superior performance or speed."

Four states—Illinois, Ohio, Rhode Island and Tennessee—prohibit "drag racing" and define this term as indicated under subsection (b) below.

The remaining states have enacted these variations:

Colorado—A speed or acceleration contest or exhibition of speed or acceleration.

Kentucky—Any race, drag race, or other form of motor vehicle competition.

North Carolina—Any pre-arranged speed competition.

West Virginia—Any speed race.

Wisconsin—Any speed or endurance contest.

Wyoming—A speed or acceleration contest or exhibition of speed or acceleration.

The Code prohibits driving in a race and any form of participation in a race, thereby extending the scope of the offense to persons other than the driver of the vehicle. Twenty-nine states have laws conforming with the Code in this respect:

Arizona	Indiana	New Mexico	South Carolina
California	Iowa	New York	Tennessee
Colorado	Kansas	North Dakota	Texas
Delaware	Louisiana	Ohio	Utah
Florida	Montana	Oregon	Virginia
Georgia	Nebraska	Pennsylvania	Washington
Idaho	New Hampshire	Rhode Island	West Virginia
			Wyoming

In addition, the Alaska regulation prohibits "promoting" a race, the South Carolina law prohibits owners from using their vehicles in a race; the California, Colorado, Indiana, Utah and Wyoming statutes prohibit obstructing a highway for the purpose of facilitating a race; and the West Virginia law prohibits persons from being timekeepers in a race. North Carolina makes it unlawful for a person to "authorize or knowingly permit" his motor vehicle or one under his control to participate in a race. Maryland provides that "no person shall participate as a timekeeper or flagman" in any race. See also, UVC §§ 16-101 and 16-102.

Subsection (b)—Drag Racing Defined.

Fourteen states duplicate the Code:

Arizona	Idaho	Nebraska	Oregon
Florida	Kansas	New Mexico	Pennsylvania
Georgia	Louisiana	North Dakota	South Dakota
Hawaii			Texas

Another five states have the following laws:

Illinois—Law defines "drag racing" as:

> The act of two or more individuals competing or racing on any street or highway in this state in a situation in which one of the motor vehicles is beside or to the rear of a motor vehicle operated by a competing driver and the one driver attempts to prevent the competing driver from passing or overtaking him, either by acceleration or maneuver, or one or more individuals competing in a race against time on any street or highway in this state.

Michigan—§ 9.2326(1) prohibits racing "including that commonly known as a drag race, whether from a standing start or otherwise over a measured or unmeasured distance, the object of which is to better or defeat one or more contestants on the basis of elapsed time, superior performance or speed."

Montana—The law contains the following definition:

> (2) "Drag racing" is: (a) That use of any motor vehicle for the purpose of ascertaining the maximum speed obtainable by said vehicle;
>
> (b) The use of any motor vehicle for the purpose of ascertaining the highest obtainable speed of said vehicle within a certain distance or within a certain time limit;
>
> (c) The use of any one or more motor vehicles for the purpose of comparing the relative speeds of such vehicle or vehicles within a certain distance or within a certain time limit;
>
> (d) The use of one or more motor vehicles in an attempt to outgain, outdistance or to arrive at a given destination simultaneously with or prior to that of any other motor vehicle;
>
> (e) The use of any motor vehicle for the purpose of accepting of, or the carrying out of any challenge made orally, in writing or otherwise, made or received with reference to the performance abilities of one or more motor vehicles.

Rhode Island—§ 31-27-4 is virtually identical to the Illinois definition quoted, *supra*, but omits the phrase "either by acceleration or maneuver."

Tennessee—§ 59-1040(a) provides:

> "Drag Racing" is that use of any motor vehicle for the purpose of ascertaining the maximum speed obtainable by said vehicle; the use of any motor vehicle for the purpose of ascertaining the highest obtainable speed of said vehicle within a certain distance or within a certain time limit; the use of any one or more motor vehicles for the purpose of comparing the relative speeds of such vehicle or vehicles within a certain distance or within a certain time limit; the use of one or more motor vehicles in an attempt to outgain, outdistance or to arrive at a given destination simultaneous with or prior to that of any other motor vehicle; the use of any motor vehicle for the purpose of the accepting of, or the carrying out of any challenge, made orally, in writing, or

otherwise, made or received with reference to the performance abilities of one or more motor vehicles.

Subsection (c)—Racing Defined.

Fourteen states duplicate the Code:

Arizona	Idaho	New Mexico	Pennsylvania
Florida	Kansas	North Dakota	South Dakota
Georgia	Louisiana	Oregon	Texas
Hawaii	Nebraska		

Four jurisdictions provide as follows:

Indiana—§ 9-4-6-1 defines a "speed contest" as "any unnecessary rapid acceleration by two or more vehicles which creates a hazard to pedestrians, passengers, vehicles or other property."

Iowa—§ 321.284 defines "speed contest or exhibition of speed" as the act of "one or more persons competing in speed in excess of the applicable speed limit in vehicles on the public streets or highways."

West Virginia—"Speed race" is defined as:

(1) The operation of a motor vehicle in speed acceleration competition with another motor vehicle or motor vehicles; or

(2) The operation of a motor vehicle in speed acceleration competition against time; or

(3) The operation of a motor vehicle in speed competition with another motor vehicle or motor vehicles where the speed exceeds the lawful speed limit.

Puerto Rico—Law prohibits "car racing" and defines that term as the unauthorized use of one or more vehicles to overtake another vehicle or prevent it from passing and arriving at a certain place ahead of another vehicle or vehicles.

See also, the Michigan, Montana, Nebraska, Pennsylvania and Tennessee definitions of "drag race," quoted or discussed in connection with subsection (b), *supra*.

Subsection (d)—Penalties.

The Code penalty specified for any type of racing is the one in § 17-101(c)—a fine of up to $500 and/or six months imprisonment.

The accompanying table shows generally how penalties in the states compare with the Code penalty. States marked with an asterisk are discussed in greater detail in the Appendix to the table.

RACING PENALTIES (FIRST CONVICTION)

UVC	$ — to	$ 500	&/or	—days to	6 months
Alaska	—	200	X	—	3
Arizona *	—	—	—	—	—
Arkansas	50	500	X	10	1
California	—	250	X	—	3
Colorado	—	250	X	—	3
Connecticut *	50	100	X	—	12
Delaware *	25	200	X	10	1
Florida *	—	100	X	—	10 days
Hawaii	—	500	X	—	6
Illinois	50	500	X	5	3
Indiana	—	250	X	—	3
Iowa	—	100	or	—	1
Kansas *	—	100	X	—	10 days
Kentucky	50	200	X	30	—
Louisiana *	—	100	X	—	1
Maryland	—	500	—	—	—
Massachusetts	20	200	X	14	24
Michigan *	—	100	X	—	3
Montana	50	500	X	—	6
New Hampshire *	—	200	X	—	6
New Jersey *	25	200	—	—	—
New Mexico *					
New York *	—	100	X	—	1
North Carolina *	500	—	X	60	—
Ohio	—	1,000	X	—	6
Pennsylvania	—	200	—	—	—
Rhode Island	—	500	X	—	12
South Carolina *	200	600	X	60	6
South Dakota	—	500	X	—	6
Tennessee *	50	500	X	—	6
Texas *	—	—	—	—	—
Utah	—	300	X	—	6
Vermont *	—	300	X	—	3
Virginia *	—	1,000	X	—	12
Washington *	—	200	or	—	3
West Virginia *	50	100	—	—	—
Wisconsin	10	200	X	—	1
Wyoming	10	100	X	—	10 days
Puerto Rico *	—	100	or	—	10 days

* See Appendix.

Arizona—Violation is a class 2 misdemeanor. No probation or suspension of sentence is allowed for a second or subsequent violation within 24 months. However, release from jail to work is authorized. See UVC § 17-103(b) (Supp. II 1976) authorizing work release for all offenses.

Connecticut—A person convicted of a second or subsequent violation is subject to a fine of $100-$200 and/or imprisonment for up to one year.

Delaware—A person convicted of a second or subsequent violation is subject to a fine of $50-$400 and/or imprisonment for 15-60 days.

Florida—Second conviction, $200 and/or 20 days. Third or subsequent conviction, $500 and/or 60 days. These are general misdemeanor penalties.

Illinois—A person convicted of a second or subsequent violation is subject to a fine of $100-$300 and/or imprisonment for 10 days to six months.

Kansas—Second conviction, $200 and/or 20 days. Third or subsequent conviction, $500 and/or six months. These are general penalties.

Louisiana—Second conviction: $500 and/or 90 days is the maximum penalty.

Michigan—Sentencing to a "house of correction" rather than imprisonment is an alternative.

New Mexico—A person violating the provision is guilty of a misdemeanor.

New Hampshire—Racing violators may be charged under two sections, a "road racing" section or a "reckless operation" section, each with separate penalty provisions. The penalties shown in the table are for violations of the "road racing" section. Penalties for violation of the "reckless operation" section are, for a first offense, a maximum of $100 and/or six months imprisonment and, for a second offense, one to 12 months imprisonment. If death results, these penalties are replaced by those of up to $1,000 and/or five years—see UVC § 11-903.

New Jersey—A person convicted of a second or subsequent violation is subject to a fine of $100-$200.

New York—For second offenses, penalties are a maximum of $200 and/or 180 days imprisonment. Second offenses must be committed within 12 months of the first offense before the increased penalties are applicable.

North Carolina—The penalties shown in the table are *minimum* penalties for persons convicted of *driving* in a *prearranged* race. No maximum

penalty is provided. In addition, the arresting officer must seize the motor vehicle operated in the prearranged competition and deliver it to the county sheriff, who must hold it, pending the outcome of the trial, unless sufficient bond is posted. If the trial ends in acquittal, the bond or motor vehicle is returned; if in conviction, it is confiscated. If the owner can establish that his vehicle was operated without his knowledge or consent and that he had no reasonable grounds to believe it would be used for that purpose, it is returned to him. But if the owner cannot be found and does not appear after two weeks of publication in the county where the motor vehicle was seized, it is confiscated. If the vehicle has been specially equipped or modified for racing, the court may, upon conviction, either order it to be "restored to its original manufactured condition" prior to sale, or order it to be turned over to a governmental agency or public official within its jurisdiction for use "in the performance of public duties only, and not for resale, transfer, or disposition other than junk," providing the rights of lienholders and other claimants are not adversely affected. Persons may also be convicted of *driving in other* than a prearranged race, which carries a penalty of *at least* a $50 fine (no maximum fine is provided) and/or up to two years imprisonment. Finally, persons may be convicted of *participating* in a *prearranged* race, which carries a penalty of "a fine" (no maximum or minimum specified) and/or a maximum imprisonment of two years.

South Carolina—The penalties shown in the table are for persons convicted of *driving* in a race. Persons convicted of *"acquiescing"* in a race are subject to maximum penalties of $100 and/or 30 days imprisonment.

Tennessee—If a person is convicted of a second or subsequent offense within 10 years of the first offense, he apparently must be *both* fined $100-$1,000 *and* imprisoned from 30 days to one year.

Texas—No penalty is specified in the Texas Vehicle Code.

Vermont—The penalties for racing are the same as those for "careless" or "negligent" operation (see TLA § 11-901(b)). For second or subsequent offenses, penalties are a maximum of $500 and/or six months imprisonment. If death results, an *additional* sentence if up to $2,000 and/or up to five years imprisonment may be imposed.

Virginia—The penalties shown in the table are for persons convicted of *engaging* in a race, which conduct is made subject to penalties for reckless driving. For second or third offenses of engaging in a race, within one year of another reckless driving conviction, penalties are $100-$500 and/or 10 days-one year. For a fourth or subsequent conviction within 10 years of a first conviction of reckless driving, an additional fine of $100-$1,000 *and* imprisonment for three-12 months is required. Persons convicted of *aiding or abetting* in a race are subject to the following penalties: first offense, $10-$100 and/or one-10 days; second offense within one year of the first, $20-$200 and/or one-20 days; third or subsequent offenses within one year of the first, $50-$500 and/or 10 days-six months. A vehicle driven in a race may be seized and sold under § 46.1-191.2.

Washington—A violator of the racing provision is guilty of reckless driving. However, it is not clear whether the offense of reckless driving is subject to penalties for a misdemeanor (as shown in the chart), a gross misdemeanor (maximum of $1,000 and/or one year) or a felony (maximum of $5,000 and/or 10 years).

West Virginia—For a second offense, penalties are $50-$100 and/or six-60 days. For a third or subsequent offense, penalties are $100-$1,000 and/or 60 days to four months.

Puerto Rico—Second violation within a year; $200 and/or 20 days. Third violation within a year; $500 and/or six months.

Citations

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ARTICLE IX—SERIOUS TRAFFIC OFFENSES

Prefatory Note

This Article of the Uniform Vehicle Code covers what are generally regarded as relatively serious traffic offenses. The penalties that may be imposed upon conviction of any of these offenses are far more severe than those that may be imposed for violations of other rules of the road and, in this connection, the Code follows the practice of expressing the penalty for each offense in or adjoining the section defining the offense. Although the Annotations in this book do not generally include penalty provisions, they are compared briefly with the Code penalties in this Article.

A point to be kept in mind throughout this Article is that its provisions apply not only upon the highways but elsewhere throughout the enacting state under UVC § 11-101(2).

Prior to 1968, this Article bore the caption, "Reckless Driving, Driving While Intoxicated and Homicide by Vehicle." Because of the addition of a new section (§ 11-904 on fleeing from police officers), a new caption was developed in preference to enlarging the former one. The new caption, "Serious Traffic Offenses," should not be construed as an indication that other traffic offenses are not serious.

§ 11-901—Reckless Driving

(a) Any person who drives any vehicle in wilful or wanton disregard for the safety of persons or property is guilty of reckless driving.

Historical Note

A provision proscribing the reckless operation of a vehicle appeared in the 1926 Code as follows:

> Any person who drives any vehicle upon a highway carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property shall be guilty of reckless driving. . . .

UVC Act IV, § 3(1926); UVC Act IV, § 19(a) (Rev. ed. 1930). This provision was intended to proscribe any wilful or wanton driving that endangered life, limb or property, [1] even though its wording appears to allow an alternative interpretation encompassing a second offense based on lesser degree of driving misconduct. [2]

The 1934 revision clarified this section by deleting the references to "carelessly and heedlessly" and driving "without due caution and circumspection *and* at a speed *or* in a manner so as to endanger or be likely to endanger any person or property." As revised in 1934, this section provided:

> Any person who drives any vehicle in such a manner as to indicate either a wilful or a wanton disregard for the safety of persons or property is guilty of reckless driving.

UVC Act V, § 50(a) (Rev. ed. 1934). Note that the 1934 revision deleted the earlier references to such driving "upon a highway" because UVC § 11-101(2), which was added to the Code in 1934, provided for the application of this section to driving upon the highways "and elsewhere throughout the state."

In 1938, the Code section was revised, as follows, into its present form:

> Any person who drives any vehicle in [such a manner as to indicate either a] wilful or [a] wanton disregard for the safety of persons or property is guilty of reckless driving.

UVC Act V, § 55(a) (Rev. eds. 1938, 1944, 1948, 1952); UVC § 11-901(a) (Rev. eds. 1954, 1956, 1962, 1968).

1. The "Notes to Uniform Act Regulating the Operation of Vehicles on Highways," UVC Act IV, at page 104 (1926) stated:

Note to Sec. 3.

Motor vehicle statutes define reckless driving differently according to two theories not always clearly distinguished.

First. Wilfully and wantonly driving a vehicle recklessly and thereby endangering life, limb or property. Such provisions carry severe minimum and maximum penalties.

Second. Reckless driving broadly defined to include simple negligence and practically every violation of any of the rules of the road. Actually as well as theoretically such provisions carry lower penalties. When thus defined it frequently occurs that a charge of reckless driving is made in a large percentage of traffic violations which do not involve actual danger to life, limb or property.

2. Fisher, *Vehicle Traffic Law* 324, 326 (1961). The Traffic Institute, Northwestern University, Evanston, Illinois. For a comprehensive treatment of reckless driving laws and their interpretation, see pages 323-43.

Statutory Annotation

The comparative material in this Annotation is divided into two sections. Part I summarizes some broad areas of similarity among state laws in the context of the Code's reckless driving provision. Part II accommodates the textual variety of the laws and shows which prohibit driving in "wilful or wanton disregard" of persons or property. Part II should be consulted for areas of particular and general interest uoted in the summaries in Part I.

Prohibitions against racing, "drag racing" and speed exhibitions, often found among reckless driving or speed laws, are not included in this Annotation. See § 11-808, *supra*.

Part I

All states have laws comparable to UVC § 11-901(a), which defines the serious offense of reckless driving.

Though all of these laws would probably prohibit driving in "wilful or wanton disregard for the safety of persons or property," a substantial number may include acts that are considerably less serious in terms of the driver's behavior or danger to persons or property. For instance, Part II of this Annotation lists 23 states that have laws like the Code, proscribing driving in a manner that constitutes "wilful or wanton disregard for the safety of persons or property"; however, some of these contain additional provisions that may affect the Code's concept of reckless driving as a serious offense. The other 29 jurisdictions do not employ this description and although a few seem to define an offense of similar gravity, even this assumption is at best speculative because of differences in the language used to define the offense. Court decisions may have resolved some of the apparent textual differences among the laws, but the probability of similar interpretations and application would be improved materially by uniformity among the laws themselves.

The following 18 states either have laws in verbatim conformity with UVC § 11-901(a) or laws that appear to describe a reasonably similar, serious offense:

Arizona	Iowa	Rhode Island	Utah
Arkansas	Kansas	South Carolina	West Virginia
California	Mississippi	Tennessee	Wisconsin
Georgia	Montana	Texas	Wyoming
Illinois	New Hampshire		

The comparable laws of 17 states proscribe a very serious offense in substantial conformity with the Code, but additionally describe a lesser offense that either expressly or apparently is tantamount to ordinary negligence, carelessness, or improper driving:

Alaska	Louisiana	Minnesota	New York
Colorado	Maryland	Nevada	North Dakota
Delaware	Massachusetts	New Jersey	Oregon
Florida	Michigan	New Mexico	Vermont
Hawaii			

See also, the laws of Alabama, Maine, South Dakota and the District of Columbia.

The laws of several other states define a very serious offense and then enumerate specific offenses that may be relatively minor in comparison with the generally-accepted seriousness of conventional reckless driving laws. See Connecticut and Indiana in Part II of this Annotation.

Five other states describe a serious offense that is reckless driving, provide a lesser offense based on careless, negligent or improper driving, and enumerate one or more relatively minor offenses: Idaho, Nebraska, Oklahoma, Virginia, and Washington. North Carolina does this but also includes drunk driving.

In five jurisdictions, the only gravamen of the offense is negligent or careless driving: Kentucky, Missouri, Ohio, Pennsylvania and Puerto Rico.

The Prefatory Note to this section indicates that the Code's reckless driving provisions would apply upon the highways and elsewhere throughout the enacting state by virtue of UVC § 11-101(2). Thus, UVC § 11-901(a) does not refer to reckless driving "upon a highway." The reckless driving laws of 28 states are like the Code in that they do not limit their geographic place of application, and the laws of seven—Connecticut, Maine, Massachusetts, Michigan, North Carolina, Pennsylvania and Virginia—are expressly made applicable to many off-highway locations. In the remaining 14 jurisdictions, however, the reckless driving laws expressly apply only upon the highways:

Alabama	Missouri	New York	Vermont
California	Nevada	Oregon	District of Columbia
Idaho	New Hampshire	Rhode Island	
Kentucky	New Jersey	South Dakota	

In all 50 jurisdictions, laws comparable to UVC§ 11-101(2) should be consulted to determine whether reckless driving provisions are expressly made to apply upon the highways "and elsewhere throughout the State" as contemplated by the Code.

The laws of 12 jurisdictions appear to require expressly that the reckless operation of a vehicle constitutes a danger to the rights or safety only *of others:*

Alabama	Kentucky	North Carolina	South Dakota
Connecticut	Missouri	North Dakota	Texas
Hawaii	New Mexico	Oregon	District of Columbia

Part II

Laws in 23 states define reckless driving in terms of "wilful or wanton disregard for the safety of persons or property." Minor variations, or additional provisions that may affect the concept of reckless driving as a serious offense, are noted. The 23 states are:

Arkansas [1]	Iowa [6]	Montana	Utah
California [2]	Kansas	Nebraska [10]	Vermont
Colorado [3]	Maryland [7]	Nevada [11]	Washington [14]
Delaware [4]	Michigan [8]	South Carolina [6]	West Virginia
Florida [5]	Minnesota [9]	Tennessee [12]	Wyoming
Illinois	Mississippi [6]	Texas [13]	

1. Arkansas proscribes driving "in such a manner as to indicate a wanton disregard for the safety of persons or property."

2. The California law applies "upon a highway."

3. One Colorado law is identical to the 1934 Code provision but refers to "*motor* vehicle or bicycle." A second law (§ 13-5-32) defines "careless driving" as driving any motor vehicle in a "careless and imprudent manner" without due regard for attending circumstances.

4. A second Delaware law on careless driving bans driving a motor vehicle on a highway in a careless or imprudent manner or without due regard for road, weather or traffic conditions. Delaware also defines "inattentive driving" as operation of a motor vehicle on a highway without giving full time and attention or without maintaining a proper lookout. A third law bans "malicious mischief by motor vehicle" which is operating a motor vehicle so as to cause wilful, wanton or reckless damage to property.

5. Florida defines "careless driving" as not driving "in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic and all other attendant circumstances, so as to endanger the life, limb or property of any person." This provision applies only on highways.

6. The laws of these three states are identical to the 1934 Code provision quoted in the Historical Note, *supra*.

7. Law applies to motor vehicles. A second provision on negligent driving bans operation in a careless or imprudent manner so as to endanger any property or the life or person of any individual. Another bans operation "in any intentional improper manner so as to cause skidding, spinning of wheels, or excessive noise." See UVC §§ 11-801 (1968) and 12-402 (Supp. I 1972).

8. Michigan § 9.2326(a) is identical to the quoted phrase in the Code and differs only as to place of application: highways, places open to the public (including parking areas), and frozen lakes, streams or ponds. A second law (§ 9.2326(2)) defines "careless or negligent driving" as driving at such places in a "careless or negligent manner likely to endanger any person or property, but without wantonness or recklessness."

9. Minnesota § 169.13(1) is identical to the 1934 Code provision, but § 169.13(3) defines "careless driving" as any operation or halting of a vehicle on the highways "carelessly or needlessly in disregard of the rights or safety of others, or in a manner so as to endanger, or be likely to endanger, any person or property." Both are misdemeanors.

10. Nebraska has two laws: § 39-7,107 proscribes driving a motor vehicle in such manner as to indicate "an *indifferent or* wanton disregard" for the safety of persons or property; § 39-7,107.02 defines "*willful* reckless driving" as driving a motor vehicle in a manner indicating a "*willful* disregard for the safety of persons or property." See also, § 39-7,108.01 prohibiting operation on highways in a manner that endangers the safety of others or causes immoderate wear on damage to the highway. Violation of rules of the Department of Roads governing use of state highways is made prima facie evidence of such "careless operation." Another law (§ 39-669) defines "careless driving" as operating in a manner as to endanger or likely to endanger any person or property.

11. Nevada duplicates the Code and has a second provision which prohibits driving "at such a rate of speed as to endanger the life, limb or property of any person." Both provisions apply on "highways" to which the public has a right of access or to which persons have access as invitees or licensees.

12. Tennessee § 59-858(a) is in verbatim conformity with the Code. See also, § 59-852(e) making any person who violates a school zone speed limit "prima facie guilty of reckless driving."

13. Texas Penal Code art. 1149 defines "Assault with motor vehicle" to cover drivers who "wilfully or with negligence" as defined in negligent homicide laws "collide with or cause injury less than death to any other person." A second law in Vermont bans driving in a careless or negligent manner or to endanger or jeopardize safety, life or property.

14. Washington § 46.61.500(1) is in verbatim conformity with the Code. See also, § 46.61.465 (excess speed is prima facie evidence of "operation in a reckless manner"); § 46.61.525 prohibiting operation in a "negligent manner," defined as driving on the highways "in such a manner as to endanger or be likely to endanger any persons or property"; and § 46.61.665 proscribing a driver's embracing another when it prevents free and unhampered operation of a motor vehicle and making any such violation reckless driving.

The laws of 29 jurisdictions provide as follows:

Alabama—Law is identical to the 1926 provision quoted in the Historical Note, *supra*.

Alaska—Defines "reckless driving" as driving a motor vehicle so as to create a "substantial and unjustifiable risk of harm to a person or property." That risk is defined as a risk of such "a nature and degree that the conscious disregard thereof or failure to perceive it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation." Negligent driving is driving a motor vehicle so as to create an "unjustifiable risk of harm to a person or property" and actually endangering a person or property. The law continues:

> An unjustifiable risk is a risk of such a nature and degree that a failure to avoid it constitutes a deviation from the standard of care that a reasonable person would observe in the situation. Proof that a defendant actually endangered a person or property is established by showing that, as a result of the defendant's driving,
>
> (1) an accident occurred;
>
> (2) a person, including the defendant, took evasive action to avoid an accident;
>
> (3) a person, including the defendant, stopped or slowed down suddenly to avoid an accident; or
>
> (4) a person or property, including the defendant or his property, was otherwise endangered.
>
> (b) The offense of negligent driving is a lesser offense than, and included in, the offense of reckless driving, and a person charged with reckless driving may be convicted of the lesser offense of negligent driving.

Neither law applies to lawfully conducted racing or exhibition events.

Arizona—"Any person who drives any vehicle in reckless disregard for the safety of persons or property is guilty of reckless driving."

Connecticut—§ 14-222 defines reckless driving as the operation of a motor vehicle "recklessly, having regard to the width, traffic and use" of highways, parking areas for 10 or more cars, roads of certain governmental subdivisions, or private roads on which speed limits have been set by local authorities. Operation "at such a rate of speed as to endanger life of any person other than the operator of such motor vehicle" constitutes a violation, as does coasting with the gears or clutch of a commercial motor vehicle disengaged or knowingly operating a motor vehicle "with defective mechanism." Noting that excess speed endangering the life of a person *other than an occupant* is reckless driving, see § 14-219(a) providing that driving at such a rate of speed as to "endanger the occupant of such motor vehicle, but not the life of any other person than such an occupant" violates provisions requiring a reasonable and prudent speed. See the Code's basic speed rule in § 11-801.

Georgia—Prohibits driving any vehicle in reckless disregard for the safety of persons or property.

Hawaii—Law provides:

> Whoever operates any vehicle or rides any animal carelessly or heedlessly of the rights or safety of others, or in a manner so as to endanger or be likely to endanger any person or property, shall be fined . . . .

A second law (§ 291-12) bans driving without due care or so as to cause a collision.

Idaho—One subsection of the law is very similar to the 1926 Code provision (see Historical Note, *supra*) but omits the phrase "in wilful or wanton disregard of the rights or safety of others" and adds, as a reckless driving offense, passing when there is a line in a driver's lane indicating a sight restriction.

A second provision on inattentive driving makes it unlawful to operate a motor vehicle in a careless or inattentive manner or in disregard of the safety of persons or property. It applies where the driver's conduct was inattentive, careless or imprudent or where the danger to persons or property was slight.

Indiana—Prohibits operating a vehicle recklessly and driving at such an unreasonably high or low rate of speed as to endanger the safety or property of others or as to block traffic; passing on a curve or hill where the view is obstructed for 500 feet; unlawful driving in and out of a line of traffic; or failure to dim headlights upon meeting a pedestrian or vehicle.

Kentucky—On highways, drivers must proceed "in a careful manner, with regard for the safety and convenience of pedestrians and other vehicles."

Louisiana—A section of the Criminal Code defines the reckless operation of any motor vehicle, aircraft, vessel or other means of conveyance as

operation "in a criminally negligent or reckless manner." A vehicle code provision (§ 32:58) makes it unlawful to negligently fail to maintain proper and reasonable control of a vehicle.

Maine—Operation of a vehicle "recklessly, or in a wanton manner causing injury to any person or property" is reckless driving under § 1311. This law applies on any highway and in any other place. Section 1314 provides that "no person shall drive any vehicle upon a way or in any other place in such a manner as to endanger any person or property" and is captioned "Driving to endanger." These laws do not apply to private land where the public has no legal access or to racing events where there is no public access to the operating area.

Massachusetts—Proscribes operation of a motor vehicle "recklessly, or . . . negligently so that the lives or safety of the public might be endangered." The law applies on highways and places where the public has a right of access.

Missouri—Does not have reckless driving provisions, but a speed law requires drivers to proceed on the highways in a careful and prudent manner and at a rate of speed that will not endanger other persons *and to "exercise the highest degree of care."* Exceeding speed limits in construction or maintenance areas is prima facie evidence of careless or imprudent driving under § 304.351(7).

New Hampshire—Vehicles on a highway shall not be operated "recklessly, or so that the lives or safety of the public shall be endangered."

New Jersey—Vehicles on highways shall not be driven "heedlessly, in willful or wanton disregard of the rights or safety of others, in a manner so as to endanger, or be likely to endanger, a person or property." A second law on "careless driving" proscribes driving "carelessly or without due caution and circumspection, in a manner so as to endanger, or be likely to endanger, a person or property."

New Mexico—Law contains most of the language used in the 1926 Code provision but it may have a different meaning because of the substitution of "and" for "or," indicated by italics:

> Any person who drives any vehicle carelessly and heedlessly in willful or wanton disregard of the rights or safety of others *and* without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property is guilty of reckless driving.

A second law requires giving full time and attention to driving a vehicle on a highway and prohibits operation in a careless, inattentive or imprudent manner without due regard for the width, grade, curves, corners, traffic, weather, road conditions and all other attendant circumstances.

New York—Reckless driving is any driving or use of a vehicle, "or any appliance or accessory thereof," in a manner "which unreasonably interferes with the free and proper use of the public highway, or unreasonably endangers users of the public highway."

North Carolina—§ 20-140(a) prohibits driving on a highway "carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others." Section 20-140(b) prohibits on a highway "without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property." Both subsections define reckless driving. These laws apply on the highways and other "public vehicular areas" which are defined as:

> Any drive, driveway, road, roadway, street, or alley upon the grounds and premises of any public or private hospital, college, university, school, orphanage, church, or any of the institutions maintained and supported by the State of North Carolina, or any of its subdivisions or upon the grounds and premises of any service station, drive-in theater, supermarket, store, restaurant or office building, or any other business, residential, or municipal establishment providing parking space for customers, patrons, or the public.

A third subsection was added to define as reckless driving:

> Any person who operates a motor vehicle upon a highway or public vehicular area after consuming such quantity of intoxicating liquor as directly and visibly affects his operation of said vehicle shall be guilty of reckless driving and such offense shall be a lesser included offense of driving under the influence of intoxicating liquor as defined in G.S. 20-138 as amended.

North Dakota—Prohibits driving a vehicle recklessly in disregard of rights or safety of others or without due caution and at a speed or manner as to endanger any person or property. In North Dakota, violating the basic speed rule is "careless driving."

Ohio—§ 4511.20 provides that no person shall drive without due regard for the safety of persons or property on any highway. A second law (§ 4511.201) applies the same provision on "public or private property other than streets or highways," but not when vehicles are operated competitively with the owner's consent. Both laws apply also to drivers of trackless trolleys and streetcars.

Oklahoma—Reckless driving is defined as the operation of a motor vehicle "in a careless or wanton manner without regard for the safety of persons or property or in violation of the conditions outlined in § 11-801." That section contains Oklahoma's basic speed rule and maximum speed limits.

Oregon—Driving on a highway "carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others" is reckless driving. A second law (Gen. Laws 1969, ch. 628) prohibits operating a vehicle on a highway in a "careless manner," which is a manner that endangers or would be likely to endanger any person or property.

Pennsylvania—Prohibits driving in careless disregard for the safety of persons or property.

Rhode Island—Operation of a motor vehicle on a highway "recklessly so that the lives or safety of the public might be endangered" is reckless driving.

South Dakota—Law is identical to the 1926 Code section quoted in the Historical Note, *supra*, but omits the phrase "wilful or wanton disregard."

Virginia—§ 46.1-189 proscribes driving a vehicle "recklessly or at a speed or in a manner so as to endanger life, limb or property of any person" but merely exceeding speed limits is not a ground for prosecution for reckless driving. This law applies on the highways but § 46.1-190(k) applies the quoted language to driving motor vehicles on church and school property, recreational facilities, business property open to the public, highways under construction and industrial establishments providing parking space. Section 46.1-190 also defines as reckless driving the following: driving with inadequate brakes, driving when a vehicle is not under proper control, passing in areas where view is obstructed (except on one-way highways and roadways with at least three lanes), passing at intersections and grade crossings (unless such intersection is designated and marked as a passing zone, except on one-way streets and on highways with two or more lanes for each direction), passing a vehicle stopped for a stopped school bus, failing to give a stop or turn signal, exceeding certain speed limits by 20 or more miles per hour, failing to stop before entering a highway from a side road (when traffic approaches within 500 feet), failing to obey yield signs, and riding motorcycles two abreast in a single lane. Section 46.1-191 prohibits racing and 46.1-192.1 prohibits disregarding a police officer's signal to stop. The above four sections of "Article 3" are followed by this section (46.1-192.2):

> Notwithstanding the foregoing provisions of this article, upon the trial of any person charged with a violation thereof where the degree of culpability is slight, the court in its discretion may find the accused not guilty of reckless driving but guilty of improper driving and impose a fine not to exceed $500.

Wisconsin—§ 346.62 provides:

(1) It is unlawful for any person to endanger the safety of his own person or property or the safety of another's person or property by a high degree of negligence in the operation of a vehicle.

(2) It is unlawful for any person to cause injury to another person by a high degree of negligence in the operation of a vehicle.

(3) A high degree of negligence is conduct which demonstrates ordinary negligence to a high degree, consisting of an act which the person should realize creates a situation of unreasonable risk and high probability of serious property damage or of death or great bodily harm to himself or another.

District of Columbia—Law is identical to the 1926 Code provision quoted in the Historical Note, *supra*.

Puerto Rico—Prohibits driving carelessly and showing oneself to be unmindful of public safety, life or property.

§ 11-901—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 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. (Revised, 1971.)

Prefatory Note

Consistent with the Code concept of reckless driving as a serious offense, UVC § 11-901(b) establishes penalties that are significantly more severe than those that might be imposed for violations of other rules of the road under UVC § 17-101(b).

The Annotation in § 11-901(a), *supra*, covers the substantive portions of state laws defining reckless driving. This Annotation summarizes penalty provisions applicable upon conviction of reckless driving, or the offense in each state most like reckless driving, but does not necessarily include lesser penalties applicable in some states to persons convicted under separate provisions proscribing negligent driving or enumerated acts of reckless driving.

Historical Note

The penalty for reckless driving was the same from 1926 until 1971, although the phraseology of the provision has been amended. The 1926 Code provided:

> Every person convicted of reckless driving under Section 3 of this act shall be punished by imprisonment in the county or municipal jail for a period of not less than five days nor more than ninety days or by fine of not less than twenty-five dollars nor more than (five hundred) dollars or by both such fine and imprisonment, and on a second or subsequent conviction shall be punished by imprisonment for not less than ten days nor more than six months or by a fine of not less than fifty dollars nor more than (one thousand) dollars, or by both such fine and imprisonment.

This penalty and the definition of the offense were in different sections in the 1926 Code, but were combined in the same section in 1930. The phrases "under this section" and "in the county or municipal jail" were deleted in 1934. UVC Act IV, § 64 (1926); UVC Act IV, § 19(b) (Rev. ed. 1930); UVC Act V, § 50(b) (Rev. ed. 1934); UVC Act V, § 55(b) (Rev. eds. 1938, 1944, 1948, 1952); UVC § 11-901(b) (Rev. eds. 1954, 1956, 1962, 1968).

In 1971, the maximum dollar penalty for a second conviction was decreased from $1,000 to $500. UVC § 11-901(b) (Supp. I 1972).

Statutory Annotation

Kansas duplicates the Code's penalty of five to 90 days and/or $25 to $500 for a first conviction and 10 days to six months and/or $50 to $500 for a second.

Six states duplicate the 1968 Code. Thus, these laws differ from the current Code by providing a maximum dollar penalty of $1,000 upon a second conviction instead of $500:

Alabama	Georgia	Oklahoma
Arkansas	New Mexico	West Virginia

Ten states do not provide a specific penalty for reckless driving and, therefore, general penalty provisions similar to UVC § 17-101 should be consulted:

Arizona	Nevada	Rhode Island	Washington
Minnesota	New York	South Dakota	Wyoming
Missouri	Ohio		

The penalties of the remaining 35 jurisdictions are shown in the following table.

RECKLESS DRIVING PENALTIES

	First Conviction						Subsequent Conviction					
UVC	5 days to 90 days &/or			$ 25 to $ 500			10 days to 6 mos. &/or			$ 50 to $ 500		
Alaska	—	1 yr.	X	—	1,000	—	—	—		—	—	
California [1]	5	90	X	25	250	—	—	—		—	—	
Colorado	10	90	X	10	300	10	6	X		50	1,000	
Connecticut	—	30	X	—	100	—	1 yr.	X		—	200	
Delaware [2]	10	30	X	25	200	15	60 days	X		50	400	
Florida	—	90	X	25	500	—	6	X		50	1,000	
Hawaii	—	1 yr.	X	—	1,000	—	—	—		—	—	
Idaho	5	90	X	25	300	10	6	X		50	300	
Illinois	—	6 mos.	X	—	500	—	—	—		—	—	
Indiana	5	6 mos.	X	10	500	—	—	—		—	—	
Iowa	—	30	or	25	100	—	—	—		—	—	

RECKLESS DRIVING PENALTIES (Continued)

UVC	First Conviction: 5 days to 90 days &/or			First Conviction: $ 25 to $ 500			Subsequent Conviction: 10 days to 6 mos. &/or		Subsequent Conviction: $50 to $ 500	
Kentucky	—	—	—	10	100	—	—	—	—	—
Louisiana	—	90	X	—	200	10	6	X	25	500
Maine	—	3 mos.	X	—	500	—	11	X	—	1,000
Maryland	—	—	—	—	500	—	—	—	—	—
Massachusetts	2 wks.	2 yrs.	X	20	200	—	—	—	—	—
Michigan	—	90	X	—	100	—	—	—	—	—
Mississippi	—	—	—	5	100	—	10 days	X	—	500
Montana	—	90	X	25	300	10	6	X	50	500
Nebraska [3]	5	30	X	25	100	—	—	—	—	—
New Hampshire	—	—	—	100	500	—	—	—	—	—
New Jersey	—	60	X	—	200	—	3	X	—	500
North Carolina	—	6 mos.	X	—	500	—	—	—	—	—
North Dakota [4]	—	30	X	—	500	—	—	—	—	—
Oregon [5]	—	6 mos.	X	—	500	—	—	—	—	—
Pennsylvania	—	—	—	—	25	—	—	—	—	—
South Carolina	—	30	or	25	100	—	—	—	—	—
Tennessee	—	90	X	25	500	—	6	X	50	1,000
Texas	—	30	X	—	200	—	—	—	—	—
Utah	5	6 mos.	X	25	299	10	6	X	50	299
Vermont	—	12 mos.	X	—	1,000	—	36	X	—	3,000
Virginia [6]	—	12 mos.	X	—	1,000	10	12	X	100	1,000
Wisconsin [7]	—	—	—	25	200	—	1 yr.	X	50	500
District of Columbia [8]	—	3 mos.	X	—	250	—	1 yr.	X	—	1,000
Puerto Rico	30	6 mos.	X	100	500	—	—	—	—	—

1. *California*—If bodily injury results, the penalty is imprisonment for 30 days to six months and/or $100 to $500.
2. *Delaware*—A subsequent violation must be committed with 24 months.
3. *Nebraska*—Penalties shown are for "indifferent or wanton" reckless driving. Those for "willful' reckless driving are, for a first conviction, 10 to 30 days and/or $50 to $100; on second conviction, 30 to 60 days and/or $100 to $500 (plus mandatory impounding of the motor vehicle for two months to one year in certain cases), and, upon third conviction for "either reckless driving or willful reckless driving," one to three years imprisonment.
4. *North Dakota*—No special penalty is provided. Violation is a Class B misdemeanor. If someone is injured, it is a Class A misdemeanor.
5. *Oregon*—Reckless driving is a Class B misdemeanor. Careless driving is a Class B traffic infraction.
6. *Virginia*—Subsequent offense must be committed within 12 months of prior conviction.
7. *Wisconsin*—Subsequent offense must be committed within four years. If personal injury results, penalty is imprisonment for not less than one year.
8. *District of Columbia*—The second offense must have been committed within two years.

Citations

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§ 11-902—Driving While Under Influence of Alcohol or Drugs

(a) A person shall not drive or be in actual physical control of any vehicle while:

1. There is 0.10 percent or more by weight of alcohol in his blood; (New, 1971.)

Historical Note

Subsection (a)1, making it unlawful for a driver to have more than a specified amount of alcohol in his blood, was added to the UVC in 1971. All editions of the Code have made it unlawful for a driver to be under the influence of alcohol. See UVC § 11-902(a)2, *infra*. The gravamen of the new offense is having more than a specified amount of alcohol in the blood; not "being under the influence of" alcohol.

The amount of alcohol specified in the UVC is ten hundredths (10/100) of one percent because research indicates that no person can drive safely with that amount, or more, of alcohol in his blood. Prior to 1971, the UVC provided a presumption, based on 0.10 percent, of being under the influence of alcohol. Because the new provision makes this same level (0.10%)

conclusive evidence of an offense, it has been referred to as an "illegal per se" law.

The older offense of driving while under the influence of alcohol has been retained in UVC § 11-902(a)2 to cover cases where no determination of the alcoholic content of a driver's blood was performed or available for use as evidence.

Statutory Annotation

The laws of eleven states are comparable to this important new Code provision:

Delaware—Law against driving while under the influence of intoxicating liquor or drugs concludes with this sentence:

> Any person who drives, operates or has in actual physical control a motor vehicle while such person's blood has reached a blood alcohol concentration of 10/100 of one percentum or more, by weight, as shown by a chemical analysis of a blood, breath, or urine sample taken within four hours of the alleged offense shall be guilty of this section. This provision shall not preclude a conviction based on other admissible evidence.

Florida—§ 316.028(3) makes it unlawful for any person with a "blood alcohol level of 0.10 percent or above to drive or be in actual physical control of any vehicle within the state." The Florida chemical test law comparable to UVC § 11-902.1(b) provides that any person with a level of 0.10% or more "shall be guilty of driving or being in actual physical control of a motor vehicle with an unlawful blood alcohol level."

Minnesota—Law provides:

> It shall be a misdemeanor for any of the following persons to drive, operate or be in actual physical control of any vehicle within this state;
>
> . . . .
>
> (d) A person whose blood contains 0.10 percent or more by weight of alcohol.

Missouri—Prohibits driving a motor vehicle when a driver has 0.10 percent or more by weight of alcohol in his blood.

Nebraska—§ 39-727 makes it unlawful for a person to operate or be in actual physical control of a motor vehicle with "ten-hundredths of one percent or more by weight of alcohol in his body fluid as shown by chemical analysis of his blood, breath or urine." This law, which was adopted in 1963, originally specified a level of 0.15 percent.

New York—§ 1192(2) provides:

> No person shall operate a motor vehicle while he has .10 of one per centum or more by weight of alcohol in his blood as shown by chemical analysis of his blood, breath, urine or saliva, made pursuant to the provisions of section eleven hundred ninety-four of this chapter.

North Carolina—Law prohibits driving any vehicle on a highway or public vehicular area when the amount of alcohol in one's blood is 0.10% or more. This offense is lesser, and included in, the offense of driving while under the influence; but the penalty seems to be the same.

Oregon—A person may not drive a vehicle when he has 0.10 percent or more by weight of alcohol in his blood as shown by a chemical analysis of his breath, urine or saliva.

South Dakota—Law prohibits any person from driving or being in actual physical control of any vehicle "while there is 0.10% or more by weight of alcohol in his blood."

Utah—Prohibits driving or being in actual physical control of a vehicle by any person with a blood alcohol content of 0.10 percent or greater, by weight.

Vermont—Prohibits a person from operating, attempting to operate or being in actual physical control of a motor vehicle on a highway "while there is .10 per cent or more by weight of alcohol in his blood as shown by a chemical analysis of his breath or blood."

Another state—New Hampshire—has a law (§ 262:40a), applicable to persons under 21, which requires suspension of their license for operating a motor vehicle on a highway with an alcohol/blood ratio of 0.05 percent or more.

§ 11-902—Driving While Under Influence of Alcohol or Drugs

(a) A person shall not drive or be in actual physical control of any vehicle while:

. . . .

2. Under the influence of alcohol;

Historical Note

From 1926 until 1971, the Code made it unlawful to drive while under the influence of "intoxicating liquor." The 1926 Code provided:

> It shall be unlawful and punishable as provided in section 63 of this Act for any person whether licensed or not who is an habitual user of narcotic drugs or any person who is under the influence of intoxicating liquor or narcotic drugs to drive any vehicle upon any highway within this state.

The phrase "whether licensed or not" was deleted in 1930 and the application of the provision was broadened in 1934 and 1938. The phrase "upon any highway" was deleted in 1934 because § 11-101(2) was added to the Code to apply this offense everywhere in the enacting state—on and off the highways. The phrase "or be in actual physical control of" any vehicle was added in 1938. UVC Act IV, § 2 (1926); UVC Act IV, § 18 (Rev. ed. 1930); UVC Act IV, § 49 (Rev. ed. 1934).

Thus, from 1938 until 1971, this subsection provided:

> It is unlawful and punishable as provided in this section . . . for any person who is under the influence of intoxicating liquor to drive or be in actual physical control of any vehicle within this State.

UVC Act V, § 54 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 11-902(a) (Rev. eds. 1954, 1956, 1962, 1968).

In 1971, the description of this offense was simplified and re-worded. The most significant change was to replace "intoxicating liquor" with "alcohol" because the latter term is a more accurate description of the substance involved. The use of "alcohol" also made drafting changes in other sections easier, such as UVC §§ 6-205, 11-902.2 and 16-105, for instance. UVC § 11-902(a)2 (Supp. I 1972).

The references in the 1926 provision to driving while under the influence of drugs were removed in 1944 and placed in a separate section. See the Historical Note for § 11-902(a)3, *infra*.

Statutory Annotation

1. Under the influence of alcohol.

Like the UVC, laws in eight states prohibit driving while under the influence of "alcohol:"

Georgia	Montana	Pennsylvania [1]	Virginia [2]
Minnesota	Ohio	Utah	West Virginia

1. Prohibits driving under influence of alcohol which renders him incapable of safe driving.
2. Bans operation while under influence of alcohol or any other self-administered intoxicant.

Five states have more than one law:

Colorado [1,2]	New Jersey [1]	Oklahoma [1,5]
Maryland [3]	New York [3,4]	

1. Bans driving when ability is impaired by alcohol and the second law prohibits driving while under the influence of intoxicating liquor.
2. A third law in Colorado prohibits causing death or serious bodily injury while operating a motor vehicle under the influence of any intoxicant.
3. Prohibits driving while ability is impaired by alcohol or while intoxicated.
4. New York § 509-l, applicable to bus drivers, prohibits consuming any intoxicating liquor or being under its influence within four hours of operating or having physical control of a bus.
5. Okla. H.B. 1630, § 2, CCH ASLR 334 (1972) bans operating a motor vehicle while under the influence of alcohol. A second law bans driving while under influence of intoxicating liquor.

Six states have laws that prohibit driving while under the influence of alcoholic beverages:

Florida [1]	Iowa	Nebraska [2]
Idaho	Louisiana	South Dakota

1. Florida prohibits driving by any person "under the influence of alcoholic beverages . . . when affected to the extent that his normal faculties are impaired." A second law (§ 860.01) bans driving any vehicle while in an intoxicated condition or under the influence of intoxicating liquor to such extent as to deprive him of full possession of his normal faculties.
2. Nebraska bans driving while under the influence of alcoholic liquor.

Like the UVC prior to its revision in 1971, laws in the following 28 jurisdictions prohibit driving by a person who is "under the influence of intoxicating liquor" except as noted:

Alaska	Indiana	New Hampshire	Texas [8]
Arizona	Kansas	New Mexico	Vermont
Arkansas [1]	Kentucky [2]	North Carolina [6]	Washington [9]
California	Maine	North Dakota	District of
Connecticut	Massachusetts	Oregon	Columbia [10]
Delaware	Michigan [3]	Rhode Island [7]	Puerto Rico
Hawaii	Mississippi [4]	South Carolina [2]	
Illinois	Nevada [5]		

1. The Arkansas law (§ 73-1775) applicable to motor carriers prohibits operation after consumption of intoxicating liquor.
2. Kentucky and South Carolina: "Under the influence of intoxicating liquors."
3. Michigan has two laws. One bans driving by any person under the influence of intoxicating liquor. The other prohibits driving by any person whose ability to drive has been visibly impaired by the consumption of intoxicating liquor.
4. Mississippi has three provisions. Two ban driving while under the influence of intoxicating liquor and one bans driving while intoxicated. The latter applies when the blood-alcohol level is 0.15 percent or more.
5. A second law in Nevada makes such driving a felony if it results in death or substantial bodily harm.
6. A second North Carolina law prohibits operating a motor vehicle after consuming such quantity of intoxicating liquor as directly and visibly affects operation of the vehicle. This law is in North Carolina's reckless driving section and is a lesser included offense of driving while under the influence of intoxicating liquor.
7. Rhode Island also bans driving by habitual users of intoxicating liquor.
8. Texas prohibits driving while "intoxicated or under the influence of intoxicating liquor."
9. Washington prohibits driving by a person who is "under the influence of or affected by the use of intoxicating liquor."
10. District of Columbia: "Under the influence of any intoxicating liquor."

Laws in the remaining five states provide as follows:

Alabama—Prohibits driving by any person who "is intoxicated."

Missouri—Prohibits operating a motor vehicle "while in an intoxicated condition."

Tennessee and Wisconsin—Prohibit driving by a person who is "under the influence of an intoxicant."

Wyoming—Prohibits driving by a person who is under the influence of intoxicating liquor to a degree which renders him incapable of safely operating a vehicle.

II. Application.

UVC § 11-902(a)2 is not limited in application to persons driving vehicles "upon a highway" while under the influence of intoxicating liquor. Under UVC § 11-101(2), the Code proscription against such driving is expressly intended to apply "upon highways *and elsewhere throughout the state*."

The comparable laws of seven states, however, expressly apply on the highways:

Alabama	South Dakota	West Virginia
Iowa	Texas	
New Hampshire	Vermont	

The laws of seven states apply upon highways and at certain other places specified in the laws, as follows:

Connecticut—"Upon a public highway of this state, private roads with speed limits, or upon any road of a district organized under the provisions of chapter 105, a purpose of which is the construction and maintenance of roads and sidewalks," private roads where speed limits have been established, free parking areas for 10 or more cars and school property.

Massachusetts—"Upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees . . . ."

Michigan—"Upon a highway or other place open to the general public, including an area designated for the parking of motor vehicles, within this state . . . ."

North Carolina—Laws apply on highways and any public vehicular area.

North Dakota—Law applies on highways or public or private areas to which the public has a right of access for vehicular use.

Oregon—Prohibits driving under the influence of intoxicating liquor on any premises open to the public for motor vehicle use.

Tennessee—Law applies "on the public roads and highways of the state of Tennessee, or on any streets or alleys, or while on the premises of any shopping center or any apartment house complex which is generally frequented by the public at large . . . ."

The laws of the remaining jurisdictions do not have language limiting their place of application. In many of these jurisdictions, provisions comparable to UVC § 11-101(2) have been enacted expressly applying "drunk" driving laws upon the highways and "elsewhere throughout the state." See column 5 of the Table in § 11-101, *supra*. In many other states, there is no clear expression of geographic application, but the context of the provisions in virtually all of these states would *probably* result in a broad application. In a few, however, variations of UVC § 11-101 have been adopted that appear to have a limiting effect on the broad geographic application contemplated by the Code. The laws of these jurisdictions are discussed in greater detail in § 11-101, *supra*, as are the laws of Iowa and West Virginia. These two states, though listed above, have conflicting provisions. Their laws comparable to UVC § 11-101(2) provide for application on highways and elsewhere but the "drunk" driving laws themselves specify driving on a highway. The Supreme Court in at least one of these states (Iowa) has resolved the conflict in favor of the broader application. See § 11-101, *supra*.

III. Type of vehicle.

The Code prohibits driving a "vehicle" while under the influence of alcohol and defines "vehicle" as:

> 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.

See UVC §§ 11-104 and 11-1202 making drunk driving and other provisions for drivers of *vehicles* applicable to bicyclists and persons riding or driving animals.

However, the laws of 22 jurisdictions apply only to driving a "*motor* vehicle" while intoxicated:

Alabama	Massachusetts	New Jersey	Texas [5]
Alaska [1]	Minnesota	New York	Vermont
Connecticut	Missouri [2]	Oklahoma	Virginia [6]
Idaho	Montana	Pennsylvania [3]	Wisconsin
Iowa	Nebraska	Tennessee [4]	Puerto Rico
Maine	New Hampshire		

1. Alaska: "Any automobile, motorcycle or other motor vehicle."
2. See also, Missouri § 654.420 applicable to employed persons driving a "stage, coach, wagon, omnibus, hack, or other vehicle." Section 564.440, however, refers to "motor vehicle."
3. Pennsylvania: "Motor vehicle, tractor, streetcar or trackless trolley omnibus."

4. Tennessee: "Any automobile or other motor-driven vehicle."
5. Texas: "Automobile or any other motor vehicle."
6. Virginia: "Any motor vehicle, engine, etc." The term "motor vehicle" includes pedal bicycles with helper motors, while operated on the public highways.

Though prohibiting driving any vehicle while drunk, the driver must be incapable of safety operating a motor vehicle in Wyoming.

IV. Actual physical control.

UVC § 11-902(a)2 makes it unlawful for any person "to drive or be in actual physical control" of a vehicle while under the influence of alcohol. Except where noted, the laws of the following 20 states are in verbatim conformity with the quoted phrase:

Arizona	Idaho	Nevada	South Dakota
Arkansas	Illinois	New Mexico	Tennessee
Delaware [1]	Minnesota [3]	North Dakota	Utah
Florida	Montana	Oklahoma [1]	Vermont [4]
Hawaii [2]	Nebraska [4]	Rhode Island	Washington

1. Delaware and Oklahoma: "Drive, operate or be in actual physical control."
2. Hawaii: "Operates or assumes actual physical control of the operation of any vehicle."
3. Minnesota: "Drive, operate or be in physical control."
4. Nebraska and Vermont: "Operate or be in actual physical control."

One state—Maryland—proscribes drive or attempt to drive.

Two states—Maine and New Hampshire—proscribe operating or attempting to operate by a person who is under the influence of intoxicating liquor. On attempts generally, see UVC § 16-101.

Of the remaining jurisdictions: seven make it unlawful to drive or operate—Alaska, Indiana, Mississippi, North Carolina, Texas, Virginia and Wisconsin; 12 make it unlawful to operate—Connecticut, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, and the District of Columbia; and eight make it unlawful to drive—Alabama, California, Colorado, Michigan (second law says operate), Oregon, South Carolina, West Virginia and Wyoming.

Puerto Rico bans having physical and actual control.

Georgia prohibits driving or being in actual physical control of a *moving* vehicle.

V. Codification.

In 47 jurisdictions, laws comparable to UVC § 11-902(a)2 have been codified with other motor vehicle and traffic laws. In the remaining four states—Louisiana, Missouri, Texas and Virginia—such laws appear in titles, chapters or codes containing crimes and offenses generally.

§ 11-902—Driving While Under Influence of Alcohol or Drugs

(a) A person shall not drive or be in actual physical control of any vehicle while:

. . . .

3. Under the influence of any drug to a degree which renders him incapable of safely driving; or (Formerly § 11-902.1; revised, 1971.)

Historical Note

A provision making it unlawful to drive while under the influence of narcotic drugs has been in the Code since 1926. At that time, it provided:

> It shall be unlawful . . . for any person whether licensed or not who is an habitual user of narcotic drugs or any person who is under the influence of intoxicating liquor or narcotic drugs to drive any vehicle upon any highway within this state.

The clause "whether licensed or not" was deleted from the Code in 1930 and the clause "upon any highway" was deleted in 1934. See the Historical Note for § 11-902(a)2, *supra*.

This provision was divided into two subsections in 1944—one relating to driving while under the influence of intoxicating liquor and the other to driving while under the influence of drugs—to facilitate the addition of a subsection on chemical tests for intoxication and the expansion of the drug provision to include persons driving while under the influence of non-narcotic drugs. The drug provisions became a separate section in 1962 when several more subsections on chemical tests were added to the section on driving while under the influence of intoxicating liquor. UVC Act IV, § 2(1926); UVC Act IV, § 18(a) (Rev. ed. 1930); UVC Act V, § 49(a) (Rev. ed. 1934); UVC Act V, § 54 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 11-902(c) (Rev. eds. 1954, 1956); UVC § 11-902.1 (Rev. ed. 1962).

The 1968 Code provision on drugs read as follows:

> § 11-902.1—Persons Under the Influence of Drugs
>
> It is unlawful and punishable as provided in § 11-902.2 for any person who is an habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle to drive a vehicle within this State. The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this State shall not constitute a defense against any charge of violating this section.

This provision was extensively revised in 1971. The references to driving by habitual users and persons under the influence of narcotic drugs were eliminated because the proscription against driving while under the influence of any drug was deemed adequate to provide for highway safety. In addition, the Code's rule against drugged driving no longer is a separate section. UVC § 11-902(a)3 (Supp. I 1972).

Statutory Annotation

The laws of 18 states are in conformity with UVC § 11-902(a)3 by providing that it is unlawful for a person to drive while under the influence of any "drug to a degree which renders him incapable of safely driving a vehicle." These states are:

Arizona	Idaho [4]	Missouri [8]	Texas
Arkansas [1]	Illinois	Montana	Utah
Colorado [2]	Kansas [5]	North Carolina [9]	Vermont [10]
Georgia	Kentucky [6]	New Mexico	West Virginia [11]
Hawaii [3]	Maryland [7]		

1. The Arkansas law (§ 75-1775) applicable to motor carriers prohibits operation by a person possessing certain drugs. Arkansas also bans driving under influence of a controlled substance.
2. A second Colorado law (§§ 18-3-106, -205) prohibits driving or operating a motor vehicle and causing death or serious injury while under the influence of any drug.
3. The Hawaii law refers to a driver who is under the influence of a drug "to a degree which renders him incapable of operating such vehicle in a careful and prudent manner . . . ."
4. Idaho has a second provision against driving while under the influence of any intoxicating substance.
5. Kansas also prohibits driving while under the influence of any hypnotic, somnifacient or stimulating drug.
6. Kentucky refers to being "under the influence of any drug which may impair one's driving ability."
7. Maryland includes any combination of drugs and any controlled dangerous substance unless the driver was entitled to use it. It refers to being so far under the influence as to be incapable of safely driving.
8. Missouri omits "safely."
9. North Carolina bans driving by any person who is "under the influence of any . . . drug to such degree that his physical or mental faculties are appreciably impaired."
10. Vermont has two laws. One bans driving under the influence of any drug to a degree which renders a person incapable of driving safely. The second law includes any drug, substance or inhalant rendering a person incapable of driving safely.
11. West Virginia includes controlled substances.

Seven states have laws in substantial conformity with the Code since they prohibit driving while under the influence of "any drug":

California [1]	Iowa [2]	Nebraska
Connecticut	Maine [3]	Washington [4]
Delaware		

1. California has four laws against driving while under the influence of any drug. Two apply on highways and two apply "upon other than a highway." Two laws prohibit causing injury to another person while driving under the influence of any drug and two laws prohibit driving under the influence of any drug.
2. Under the influence of narcotic, hypnotic or other drugs.
3. "Under the influence of . . . drugs."
4. Washington prohibits driving while under the influence or when affected by any drug.

Two states are probably in substantial conformity with the Code since they enumerate specific types of drugs but also prohibit driving while under the influence of any drug:

Oklahoma—Prohibits driving by any person who is "under the influence of any substances included in the Uniform Controlled Dangerous Substances Act or who is under the influence of any other drug to a degree which renders him incapable of safely driving."

South Carolina—Makes it unlawful for "any person who is under the influence of intoxicating liquors, narcotic drugs, barbiturates, paraldehydes *or drugs*, herbs or any other substance of like character, whether synthetic or natural, to drive any vehicle within this State."

The laws of 22 jurisdictions refer to various types or categories of drugs but, by not applying to *any* drug that renders a person incapable of driving safely, are in varying degrees of conformity with the Code. The drugs named in these laws are:

Alaska—Depressant, hallucinogenic or stimulant drugs or narcotic drugs defined in § 17.10.230(13).

Florida—Prohibits driving by any person whose normal faculties are impaired by:

> Marijuana or narcotic drugs as defined in chapter 398, model glue as defined in § 877.11, or barbiturates, central nervous system stimulants, hallucinogenic drugs or any other drugs to which the drug abuse laws of the United States apply as defined in Chapter 404.

A second law (§ 316.040) prohibits driving by any person "physically or mentally disabled or incapacitated in any particular, temporarily or permanently . . . if such disability or incapacity . . . interferes with ready and safe operation . . . ." See *United Nations Convention on Road Traffic* Art. 8, § 3 (1968) which provides:

> Every driver shall possess the necessary physical and mental ability and be in a fit physical and mental condition to drive.

Indiana—Narcotic, habit-producing, dangerous, depressant or stimulant drugs.

Massachusetts—Narcotic drugs, barbiturates, amphetamines, other hypnotic or somnifacient drugs; vapors of glue, carbon tetrachloride, acetone, ethylene, dichloride, toluene, chloroform, xylene or any combination thereof.

Michigan—A controlled substance.

Minnesota—Any controlled substance.

Mississippi—"Narcotic drugs, marijuana or barbiturates or patent medicine or other drugs by whatsoever name called, which, if drunk or taken to excess, will produce intoxication . . . ."

Nevada—Narcotic, dangerous or hallucinogenic drug or any chemical, poison or organic solvent to a degree which renders a person incapable of safely driving or steering a vehicle. A second law includes controlled substances.

New Hampshire—Any controlled drug.

New Jersey—Narcotic, hallucinogenic or habit-producing drugs.

New York—Prohibits driving by a person when his ability to do so is impaired by any "drug." Section 114a defines "drug" as follows:

> Drug. The term "drug" when used in this chapter, means and includes the following:
>
> 1. Depressant drug. Any drug which contains any quantity of barbituric acid or any of the salts of barbituric acid, or any derivative of barbituric acid which has been designated by the commissioner of health as habit forming, or any other drug which contains any quantity of a substance which the commissioner of health, after investigation, has found to have, and by regulation designates as having, a potential for abuse because of its depressant effect on the central nervous system.
>
> 2. Hallucinogenic drug. Any drug which contains any quantity of stramonium, mescaline or peyote, lysergic acid, dielhylomide and psilocybin, or any salts or derivative or compounds of any preparations or mixtures thereof.
>
> 3. Narcotic drug. Any drug which contains any quantity of opium, coca leaves, marihuana (cannabis, sativa), pethidine (isonipecaine, meperidine), and opiates or their compound, manufacture, salt, alkaloid, or derivative, and every substance neither chemically nor physically distinguishable from them and exempted and excepted preparations containing such drugs or their derivatives, by whatever trade name identified and whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, as the same are designated in the federal narcotic laws and as specified in the administrative rules and regulations on narcotic control as promulgated by the commissioner of health pursuant to the authority vested in him under section thirty-three hundred two of the public health law.
>
> 4. Stimulant drug. Any drug which contains any quantity of amphetamine or any of its optical isomers; any salt of amphetamine or any salt of an optical isomer of amphetamine; or any substance which the commissioner of health, after investigation, has found to be, and by regulation designated as, habit forming because of its stimulant effect of the central nervous system.

North Dakota—Any controlled substance to a degree which renders a person incapable of safely driving.

Ohio—Any drug of abuse.

Oregon—Any narcotic or dangerous drug.

Pennsylvania—Any controlled substance to a degree which renders one incapable of safe driving.

Rhode Island—Bans driving under the influence of a barbiturate, central nervous system stimulant, or toluene.

South Dakota—Marijuana or any controlled drug or substance to a degree which renders a driver incapable of safely driving.

Tennessee—Narcotic drugs or "drugs producing stimulating effects on the central nervous system." The law further provides:

> For the purpose of this section drugs producing stimulating effects on the central nervous system shall include the salts of barbituric acid, also known as malonyl urea, or any compound, derivatives, or mixtures thereof that may be used for producing hypnotic or somnifacient effects, and includes amphetamine, desoxyephedrine or compounds or mixtures thereof, including all derivatives of phenolethylamine or any of the salts thereof, except preparations intended for use in the nose and unfit for internal use.

Virginia—Any "liquid beverage or article containing alcohol or . . . any narcotic drug or any other *self-administered* intoxicant or drug of whatsoever nature." (Emphasis added.) By applying only to "self-administered" non-narcotic drugs, the Virginia law is not in conformity with the Code, which takes the position that the circumstances of drug use—whether prescribed or not, used legally or illegally, or administered by oneself or another person—are irrelevant: a person whose driving ability is impaired by the use of a drug is not more or less dangerous on the highway because of his reason for using the drug.

Wisconsin—An "intoxicant or controlled substance."

Wyoming—Bans driving while under the influence of any controlled substance which renders the driver incapable of driving safely.

Puerto Rico—Prohibits driving a motor vehicle on a highway when under the effects of marijuana, depressing or stimulating drug to the point of being unable to operate a motor vehicle.

Two states and the District of Columbia have laws dealing with narcotic drugs but they do not refer to drugs of any other type or name:

Alabama Louisiana

Habitual user of narcotic drugs. Like editions of the UVC before 1971, 19 states contain provisions making it unlawful for an "habitual user" of narcotic drugs to drive:

Alabama	Kansas	North Carolina	Texas
Arkansas	Mississippi	North Dakota	Vermont
Colorado	Missouri	Oklahoma [1]	West Virginia
Idaho	Nevada	Rhode Island	Wisconsin
Illinois	New Mexico	South Carolina	

1. Oklahoma refers to an habitual user of any substance in its Controlled Dangerous Substances Act.

California has a law that makes it a misdemeanor "for any person who is addicted to the use . . . of any drug . . . to drive a vehicle upon a highway." This law does not apply to persons participating in an approved methadone maintenance treatment program.

See also, UVC § 6-103(b)3, providing that such persons shall not be issued drivers' licenses.

Under the influence of narcotic drugs. Like the UVC before 1971, the laws of 31 jurisdictions expressly prohibit driving by persons under the influence of narcotic drugs:

Alaska	Kansas	New Mexico	Texas
Colorado	Louisiana	North Carolina	Vermont
Florida	Massachusetts	North Dakota	Virginia
Georgia	Mississippi	Oregon	West Virginia
Idaho	Missouri	Rhode Island	Wisconsin
Illinois	Montana	South Carolina	District of
Indiana	Nevada	South Dakota	Columbia
Iowa	New Jersey	Tennessee	Puerto Rico

Alabama has a law captioned "Persons *under the influence* of intoxicating liquor or narcotic drugs" but the law provides: "It shall be unlawful for any person . . . who is *an habitual user* of narcotic drugs . . . to drive . . . ." (Emphasis added.)

§ 11-902—Driving While Under Influence of Alcohol or Drugs

(a) A person shall not drive or be in actual physical control of any vehicle while:

. . . .

4. Under the combined influence of alcohol and any drug to a degree which renders him incapable of safely driving. (New, 1971.)

Historical Note

This subsection was added to the Code in 1971.

In some instances, a driver who has consumed alcohol *and* drugs simultaneously can be determined to be under the influence of one of those substances, but not always. In any event, a person should not drive when the total effect of the two substances renders him incapable of driving safely, and this fact is well understood by most people.

Statutory Annotation

Nineteen states have comparable laws:

California—Has four laws against driving while under the combined influence of intoxicating liquor and any drug. Two laws apply on the highway and two apply elsewhere. Two cover cases involving personal injury and two cover non-injury situations.

Connecticut—Prohibits operating a motor vehicle while under the influence of intoxicating liquor or any drug or both.

Delaware—Prohibits driving, operating or having in actual physical control a vehicle while under the influence of intoxicating liquor, any drug or any combination of drugs and intoxicating liquor.

Georgia—Law is very similar to the Code but applies only to drivers in moving vehicles.

Idaho—Prohibits driving by any person while under the influence of any drug or "combination of intoxicating liquor and any drug to a degree which renders him incapable of safety driving a motor vehicle." A second law prohibits driving while under the influence of any combination of intoxicating beverage, any drug and any other intoxicating substance to a degree which renders a person incapable of safely driving a motor vehicle.

Iowa—Prohibits operating a motor vehicle on public highways while under the influence of an alcoholic beverage, a narcotic, hypnotic or other drug, or any combination of such substances.

Maryland—Bans driving while under the influence of any combination of alcohol and any drug to a degree which renders him incapable of safely driving.

Massachusetts—"Whoever . . . operates a motor vehicle while under the influence of intoxicating liquor or narcotic drugs, as defined in section 197, ch. 94, or under the influence of barbiturates, amphetamines, or other hypnotic or somnifacient drugs, or under the influence of the vapors of glue, carbon tetrachloride, acetone, ethylene, dichloride, toluene, chloroform, xylene *or any combination thereof* . . . ." (Emphasis added.)

Michigan—Prohibits driving "under the influence of intoxicating liquor or a controlled substance, or a combination thereof." It also prohibits authorizing or knowingly permitting anyone to drive "who is under the influence of intoxicating liquor or a controlled substance, or a combination thereof." Michigan added another provision which bans anyone from operating a vehicle when, "due to consumption of intoxicating liquor, or a controlled substance, or a combination thereof, the person has visibly impaired his ability to operate the vehicle." Although charged with a violation of the previous section, the driver may be found guilty under this section.

Minnesota—Law provides:

> It is a misdemeanor for any person to drive, operate or be in physical control of any motor vehicle within this state:
>
> (a) When the person is under the influence of alcohol;
>
> (b) When the person is under the influence of a controlled substance;
>
> (c) When the person is under the influence of a combination of any two or more of the elements named in clauses (a) and (b);

Ohio—Prohibits driving a vehicle while under the influence of alcohol or any drug of abuse or the combined influence of alcohol or any drug of abuse.

Oregon—Bans driving a vehicle while under the influence of intoxicating liquor and a dangerous or a narcotic drug.

Pennsylvania—Prohibits a person from driving under the combined influence of alcohol and a controlled substance to a degree which renders him incapable of safe driving.

Rhode Island—Bans driving when under the influence of any combination of intoxicating liquor, narcotic drugs, barbiturates, toluene or central nervous stimulant.

South Dakota—Prohibits driving by a person "under the combined influence of an alcoholic beverage and any controlled drug or substance to a degree which renders him incapable of safely driving."

Utah—Prohibits any person from driving or being in actual physical control of a vehicle while under the combined influence of alcohol and any drug to a degree which renders the person incapable of safely driving.

Vermont—Prohibits operating a motor vehicle while under the combined influence of alcohol and any other drug to a degree which renders the person incapable of driving safely.

West Virginia—Bans driving under the combined influence of alcohol and any controlled substance or any other drug to a degree which renders a person incapable of safely driving.

Wyoming—Prohibits a person from driving while under the combined influence of alcohol and any controlled substance to a degree which renders him incapable of safely driving.

§ 11-902—Driving While Under Influence of Alcohol or Drugs

(b) The fact that any person charged with violating this section is or has been legally entitled to use alcohol or a drug shall not constitute a defense against any charge of violating this section. (Formerly § 11-902.1; revised, 1971.)

Historical Note

This provision was added to the Uniform Vehicle Code in 1944 at the same time the Code was revised to ban driving while under the influence of drugs other than narcotic drugs. From 1944 until 1971, this subsection was part of the provision against driving while under the influence of drugs. In 1971, it became a separate subsection and was revised to include a reference to alcohol. UVC Act V, § 54 (Rev. eds. 1944, 1948, 1952); UVC § 11-902(c) (Rev. eds. 1954, 1956); UVC § 11-902.1 (Rev. eds. 1962, 1968); UVC § 11-902(b) (Supp. I 1972).

Statutory Annotation

Like the Code, the laws of 25 jurisdictions expressly provide that legal use of a drug is no defense to a violation:

Arizona [1]	Hawaii	Nevada	Texas
Arkansas	Idaho	New Mexico	Utah
California [2]	Illinois	Oklahoma	Vermont
Colorado	Kansas	Pennsylvania	Washington
Delaware	Missouri	South Dakota	West Virginia
Georgia	Montana	Tennessee [3]	Wyoming
			Puerto Rico

1. The Arizona law concludes, "except that any person using a drug prescribed by a medical practitioner licensed pursuant to title 32, chapter 7, 11, 13 or 17 [ ] is not guilty of violating this section unless it can be shown that the drug influenced the person to a degree which renders such person incapable of safely driving a vehicle."

2. The California law (§ 23107) provides: "The fact that any person charged with a violation of Section 23105 or 23106 is or has been entitled to use such drug under the laws of this State shall not constitute a defense against any violation of the sections." See also, Cal. Vehicle Code § 23102 on driving while under the combined influence of intoxicating liquor and any drug, which is not referred to in § 23107.

3. The Tennessee law (§ 59-1034) provides: "The fact that any person or persons who drives while under the influence of narcotic drugs, or shall drive while under the influence of barbital drugs is or has been entitled to use such drugs under the laws of this state shall not constitute a defense to the violation of Sections 59-1031—59-1036." It should be noted that § 59-1031 prohibits driving while under the influence of intoxicants, narcotic drugs and drugs producing stimulating effects on the central nervous system. Thus, the Tennessee law may eliminate such defenses from trials of persons charged with driving while under the influence of intoxicating liquor.

Three states express a contrary rule:

Indiana—Prohibits driving a vehicle while under the influence of intoxicating liquor "or *unlawfully* under the influence of narcotic or other habit-forming or dangerous depressant or stimulant drugs."

Iowa—Law against driving while under the influence of drugs does not apply to a person who took a drug prescribed by a doctor and in accordance with the directions of a reputable doctor of medicine. This exception does not apply if any alcohol was consumed or if the doctor directed him not to drive.

Maryland—Provides that lawful use of a drug "shall not constitute a defense . . .

unless such person was unaware that the drug would render him incapable of safely driving a vehicle." A second law prohibits driving while under the influence of a controlled dangerous substance if the person is not entitled to use it.

What these laws fail to recognize is that a drugged driver constitutes a danger regardless of the legality or illegality of his drug use.

The remaining jurisdictions do not have a comparable law.

§ 11-902—Driving While Under Influence of Alcohol or Drugs

(c) Except as otherwise provided in § 11-902.2, every person convicted of violating this section shall be punished by imprisonment for not less than 10 days nor more than one year, or by fine of not less than $100 nor more than $1,000, or by both such fine and imprisonment and, on a second or subsequent conviction, he shall be punished by imprisonment for not less than 90 days nor more than one year, and, in the discretion of the court, a fine of not more than $1,000. (Formerly § 11-902.2; revised, 1971.)

Historical Note

This section has been in the Code since 1926. The first amendment, made in 1934, was to reduce the minimum sentence on first conviction from 30 to 10 days. UVC Act IV, § 63 (1926); UVC Act IV, § 18(b) (Rev. ed. 1930); UVC Act V, § 49(b) (Rev. ed. 1934); UVC Act V, § 54(b) (Rev. ed. 1938); UVC Act V, § 54(d) (Rev. eds. 1944, 1948, 1952); UVC § 11-902(d) (Rev. eds. 1954, 1956); UVC § 11-902.2 (Rev. eds. 1962, 1968).

The second amendment of any significance was made in 1971 as part of the National Committee's decision to recommend treatment instead of penalization for convicted drunk or drugged drivers who are alcoholics or addicts. This was accomplished by the addition of the initial exception so that the mandatory penalties specified in this subsection would not be applicable where treatment would be more appropriate. Thus, the current Code provides harsh penalties to deter social or occasional drinkers who drive when they should not and treatment for the abusive drinker or drug user. UVC § 11-902(c) (Supp. I 1972).

See also, the additional remedies and other penalties in UVC §§ 17-103 and 17-301 (Supp. I 1972). Though not a "penalty," see also UVC §§ 6-205(2) and 11-902.2(f) (Supp. I 1972) relating to revocation of the license of any person convicted of driving while under the influence of alcohol or drugs. For a review of state laws on the revocation of drivers' licenses held by persons convicted of drunk or drugged driving, see *Suspension and Revocation of Drivers' Licenses* 14-26 (Highway Users Federation for Safety and Mobility, 1776 Massachusetts Avenue, N.W., Washington, D.C., Rev. ed. 1970).

Statutory Annotation

The accompanying Table shows generally how penalties in the 50 states, the District of Columbia and Puerto Rico compare with those in UVC § 11-902(c).

An Appendix containing a further explanation of some penalty provisions follows the Table and should be consulted for all states marked with an asterisk.

PENALTIES FOR DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

	Within—Yrs. of Prior Conviction										
	First Conviction					Second or Subsequent Conviction					
UVC	10 days to 1 yr.		&/or	$100 to $1,000		—	90 days to 1 yr.		&	— to $1,000	
Alabama *	—	1	X	100	1,000	—	—	1	&/or	100	1,000
Alaska *	3	1	X	—	1,000	5	10	—	—	—	—
Arizona *	1	—	—	—	—	2	60	—	—	—	—
Arkansas *	1	30 days	&	50	500	1	—	1	X	250	1,000
California *	2	6 mos.	X	250	500	5	2	1	X	250	1,000
Colorado *	10	1	X	100	1,000	5	90	1	X	100	1,000
Connecticut *	—	6 mos.	X	150	500	—	60	1	—	—	—
Delaware	60	6 mos.	X	200	1,000	5	60	1½	X	500	2,000
Florida *	—	6 mos.	X	25	500	3	10	6 mos.	X	—	500
Georgia *	10	1	X	100	1,000	3	90	1	X	—	1,000
Hawaii	—	1	X	—	1,000	—	—	—	—	—	—
Idaho	—	6 mos.	X	—	300	—	—	5	—	—	—
Illinois	2	1	X	100	1,000	5	90	1	X	—	1,000
Indiana *	5	6 mos.	X	25	500	3	5	1	X	250	1,000
Iowa *	—	1	X	300	1,000	—	—	1	&/or	500	1,000
Kansas	—	1	X	100	500	—	90	1	X	—	500
Kentucky *	—	—	—	100	500	—	—	6 mos.	X	100	500
Louisiana *	30	6 mos.	X	125	400	5	125	6 mos.	X	125	500
Maine *	—	90 days	X	—	1,000	—	24 hrs.	6 mos.	X	250	2,000
Maryland *	—	2 mos.	X	—	500	—	—	—	—	—	—
Massachusetts	14	2	X	35	1,000	—	—	—	—	—	—
Michigan *	—	90 days	X	50	100	—	—	1	X	—	1,000
Minnesota *	—	90 days	X	—	500	3	—	90 days	X	—	500
Mississippi *	10	1	X	100	1,000	—	—	—	—	—	—
Missouri *	—	6 mos.	X	100	—	—	15	1	—	—	—
Montana *	—	—	X	100	500	—	—	—	X	300	500
Nebraska *	—	—	—	—	—	—	—	—	—	—	—
Nevada *	—	—	—	—	—	3	10	6 mos.	&/or	—	500
New Hampshire	—	1	X	—	1,000	—	—	—	—	—	—
New Jersey*	—	30 days	X	200	400	—	—	90 days	X	500	1,000
New Mexico	30	90 days	X	100	200	—	90	1	X	—	1,000
New York*	—	1	X	—	500	10	60	2	&/or	200	2,000
North Carolina*	—	6 mos.	X	100	500	—	3	1	&	200	500
North Dakota*	3	—	X	—	100	1½	3	30 days	X	150	500
Ohio	3	6 mos.	&	—	100	—	—	—	—	—	—
Oklahoma*	10	1	&	—	500	—	1 yr.	5	X	—	1,000
Oregon*	—	—	—	—	1,000	—	—	—	—	—	—
Pennsylvania*	—	—	—	—	—	—	—	—	—	—	—
Rhode Island*	—	1	X	—	500	—	—	—	—	—	—
South Carolina*	10	30 days	or	50	100	10	1	—	&/or	1,000	—
South Dakota*	—	90 days	X	—	300	—	30	6 mos.	&/or	100	500
Tennessee*	2	1	&	10	500	—	5	1	X	25	750
Texas*	3	2	&	50	500	—	10	2	&/or	100	5,000
Utah*	30	6 mos.	X	100	299	5	32	6 mos. *	X	100	299
Vermont*	—	1	X	125	—	—	—	—	—	—	—
Virginia*	30	6 mos.	X	200	1,000	10	1 mo.	1	X	200	1,000
Washington*	5	1	&	50	500	5	30	1	&	100	1,000
West Virginia*	1	6 mos.	&	50	500	5	6 mos.	1	—	—	—
Wisconsin*	—	—	—	100	500	5	5	6 mos.	X	250	1,000
Wyoming	—	30 days	X	—	100	—	60	—	X	—	200
District of Columbia	—	6 mos.	&/or	—	500	—	—	1	&/or	—	1,000
Puerto Rico*	—	15 days	X	100	300	—	—	30 days	&/or	200	400

*See Appendix.

Appendix to Table

Alabama—Courts in certain counties must collect a $5.00 tax for all drunk driving convictions. Ala. Gen. Laws 1976, ch. 507, CCH ASLR 131 (1976).

Alaska—Imprisonment for at least three days is required for a first conviction. For a second or subsequent conviction within five years, the minimum is 10 days. This sentence may not be probated or suspended.

Arizona—Probation or suspension of the jail sentence is not allowed but release from jail to work is allowed. If the defendant drove while drunk and his license was suspended or revoked at the time, § 28-692.02 provides that the defendant is guilty of a Class 6 felony.

Arkansas—Second conviction of driving while under influence of drugs carries minimum jail sentence of 10 days. If a person is convicted three times in three years, the penalty is imprisonment for three to 12 months.

California—Penalties shown in the Table are applicable upon conviction of misdemeanor drunk driving (§ 23102) and misdemeanor drugged driving (§ 23105). Also, if the person convicted is under 21 years old, and the vehicle used in the violation is registered in his name, the vehicle may be impounded for up to 30 days. If the defendant completes a driver improvement or treatment program, the penalty is two days to six months and/or $150 to $500. Time in jail can be spent when the defendant is not working. Other penalties for felony drunk driving (§ 23101) and felony drugged driving (§ 23106) are 90 days to one year in jail and a fine of $250 to $5,000. If the person is convicted a second time within five years, he must spend at least five days in jail and pay a fine of $250 even if he is granted probation. § 23101(f) restricts the power of a court to strike a prior conviction.

Colorado—Penalty for driving while ability is impaired is imprisonment for up to 10 days and/or to $10 to $1000. Minimum sentences for second convictions are mandatory and cannot be probated or suspended.

Connecticut—Penalties shown are for first and second convictions. A third or subsequent offense carries a penalty of imprisonment for not less than six months nor more than one year.

Florida—For a third or subsequent conviction within five years, the penalty is 30 days to one year and not more than $500. A second law (§ 860.01) specifies use of the penalties shown in the Table but if a death is caused by intoxicated driving, the manslaughter penalty will apply and, if injury is caused, the penalty is from three to 12 months and a fine up to $500. Florida has the following penalties for driving with a blood alcohol level of 0.10% or more: up to 90 days and/or $250 for a first conviction, 10 days to six months and up to $500 for a second conviction within three years, and 30 days to one year and up to $500 for a third or subsequent conviction within five years of the first conviction. Florida also forbids courts from withholding adjudication or imposing a sentence. They also may not accept a plea to a lesser offense when the chemical test reveals a blood alcohol level of 0.20% or more.

Georgia—Courts may stay, suspend or probate sentences.

Indiana—If death of another is caused, the penalty is one to five years imprisonment or one to two years and a fine of $250 to $5,000.

Iowa—For a third or subsequent offense, the penalty is one to five years. An alternative to the penalty for a second offense is commitment for treatment of alcoholism. See § 11-902.2, *infra*.

Kentucky—Penalty for drunk or drugged operation of a non-motor vehicle is $10 to $100.

Louisiana—On a third conviction, one to five years and a discretionary fine up to $1,000; on a fourth conviction, 10 to 30 years at hard labor.

Maine—As to second convictions, "any term of imprisonment up to and including 48 hours and the first 48 hours of any term of imprisonment of more than 48 hours shall not be suspended unless the court sets forth in detail in writing the reasons why. . . ."

Maryland—Penalty for driving while ability impaired by alcohol, while under the influence of drugs or drugs and alcohol, or while under the influence of controlled dangerous substance, is not more than $500 and/or two months. The penalty for driving while intoxicated is not more than $1,000 and/or one year for a first offense, and not more than $1,000 and/or two years for any subsequent offense.

Michigan—A third or subsequent offense within 10 years is punishable as a felony. The penalty for driving when one's ability is visibly impaired is a maximum of 90 days and/or $100; on second or subsequent conviction, one year and/or $1,000.

Minnesota—If a violation results in death or great bodily harm, the penalty is up to 90 days and/or not more than $500.

Mississippi—The penalty shown in the table is the one applicable to a person convicted of driving while intoxicated, which is an offense based on an alcohol/blood ratio of 0.15 percent, or more. If the ratio is between 0.10 and 0.15 percent, the penalty is six months or $50 to $500 and, upon a second or subsequent conviction within two years, the penalty is the same as shown in the table (10 days to one year and/or $100-$1,000). If there is no chemical test evidence, the latter penalty applies. There apparently is no penalty provided for a person convicted with a ratio under 0.10 percent. For driving while under the influence of drugs, the penalty is six months or $100 to $1,000 and, upon a second or subsequent conviction within three years, 10 days to one year and $100 to $1,000.

Missouri—Penalties shown are for driving while intoxicated, first and second offense. For any subsequent offense, the penalty is 90 days to one year or two to five years. Third and subsequent offenses are felonies. The penalty for driving while under the influence of drugs is up to $100 and/or one year, or up to five years. Drugged driving is a felony. Penalty for driving with 0.10 percent or more of alcohol in the blood is $50 and/or three months. For a second offense in three years, seven days to six months in jail. For a third offense, 45 days to one year.

Montana—For a third or subsequent conviction, the penalty is 30 days to one year and a discretionary fine of $500 to $1,000.

Nebraska—First offense is a Class IIIA misdemeanor. On a second conviction, which is a Class III misdemeanor, the vehicle must be impounded for two months to one year if registered in the name of the defendant. A third or subsequent offense is a Class IV felony.

Nevada—A first conviction constitutes a misdemeanor and no penalty is specified by the Nevada Vehicle Code. On second conviction, no part of the sentence may be suspended.

New Jersey—For a third or subsequent conviction, the penalty is $1,000 and/or 30 to 180 days.

New York—Penalties shown apply to driving with more than 0.12 percent alcohol in the blood, while in an intoxicated condition, or while ability is impaired by a drug. No separate penalty is stated under § 1192(1) for driving when ability is impaired by alcohol.

North Carolina—For a third offense, a fine of not less than $500 and a jail sentence of not more than two years.

North Dakota—Judge may impound motor vehicle for a time equal to any license suspension.

Oklahoma—For driving with impaired ability, the penalty is $100 to $300. For a second offense, it is $300 to $500. Okla. H.B. 1630, § 2, CCH ASLR 334 (1972).

Oregon—First offense is a class A traffic infraction. A second offense in five years is a class A misdemeanor.

Pennsylvania—Violations are third degree misdemeanors.

Rhode Island—§ 21-27-2(c) makes violation a misdemeanor, but no separate penalty is stated. Penalties shown are those applicable to any misdemeanor for which no others are specified under § 31-27-13.

South Carolina—For a third offense, imprisonment for three years and/or a fine of not less than $2,000. For a fourth or subsequent offense, imprisonment for four years and/or a fine of not less than $3,000.

South Dakota—For a third or subsequent offense, up to three years, or 90 days to one year, and/or $200 to $500.

Tennessee—For third or subsequent convictions, the penalty is 60 days to one year and $50–$1,000. Though shown as one year, the law actually refers to 11 months and 29 days.

Texas—Penalties shown are for driving while under the influence of intoxicating liquor. A jail sentence on first conviction may be commuted to a probation period of at least six months. On a second or subsequent conviction, penalties are those shown in the Table or up to five years in the penitentiary. The penalty for drunk driving by male minors under 17 and female minors under 18 is a maximum of $100. The penalty for driving while under the influence of drugs is 10 days to two years and/or $100 to $1,000; upon second conviction, it is 90 days to two years and a discretionary maximum fine of $1,000.

Utah—If a driver who is under the influence of drugs or alcohol inflicts bodily injury as a proximate result of driving in a reckless or negligent manner or with a wanton or reckless disregard of human life or safety, the penalty is imprisonment for up to one year and a discretionary fine of up to $1,000.

Vermont—If death or injury results, the maximum penalty is five years and/or $2,000.

Virginia—Penalties shown apply to violations of § 18.1-54 on driving while intoxicated or under the influence of any drug. The penalty for driving while one's ability is impaired by alcohol in the blood is provided in a general penalty provision applicable to crimes generally: up to $500 and/or up to one year in jail.

Washington—Penalties on a second conviction may not be suspended and if the person's license had been suspended or revoked at the time of the second offense, the minimum mandatory penalty is 90 days and $200. For a third or subsequent offense, the penalty is one to three years. See also, § 11-903, *infra*. Courts must impose a special penalty equal to 25% of the defendant's fine to fund a statewide alcohol safety action program or similar programs to control or rehabilitate traffic offenders. This special assessment may not be suspended, waived, modified or deferred.

West Virginia—For a third or subsequent offense within five years, the penalty is one to three years imprisonment.

Wisconsin—As to penalties for second or subsequent convictions, revocations for refusing a chemical test are included. For a third conviction in five years, the penalty is 30 days to one year and $500 to $2,000.

Puerto Rico—For a third conviction, the penalty is up to 60 days and/or $300 to $500. For any subsequent conviction, the penalty is 60 days to six months and/or $200 to $500.

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§ 11-902.1—Chemical 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 while driving or in actual physical control of a vehicle while under the influence of alcohol or drugs, evidence of the amount of alcohol or drug in a person's blood at the alleged time, as determined by a chemical analysis of the person's blood, urine, breath or other bodily substance, shall be admissible. Where such a chemical test is made the following provisions shall apply: (New, 1971.)

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 individual possessing a valid permit issued by the (State department of health) for this purpose. The (State department of health) is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the (State department of health). (Formerly § 11-902(c).)

Historical Note

Subsection (a)1 was added to the Code in 1962. UVC § 11-902(c)(Rev. eds. 1962, 1968).

In 1971, the introductory subsection was added to assure the quality and admissibility of chemical tests performed to determine the presence of drugs in addition to alcohol. UVC § 11-902.1(a)(Supp. I 1972).

Statutory Annotation

Georgia duplicates the Code.

The laws of 16 states are in verbatim or substantial conformity with subsection (a)1 insofar as it applies to chemical testing for alcohol:

Alabama [1]	Illinois	Mississippi	Oklahoma
Arizona	Indiana [2]	Nebraska	Oregon [3]
Arkansas	Louisiana	North Dakota	Rhode Island
Florida	Maryland	Ohio	Wyoming [1]

1. Omits Code's reference to "other bodily substance." Alabama authorizes permits for law enforcement officers to perform certain tests.
2. The Indiana law may also apply to drug tests.
3. Oregon adds provisions for training and licensing officers to administer breath tests.

Like subsection (a)1, the laws of seven states require tests to be performed according to methods and persons approved by an appropriate state agency. However, these laws apply only to certain tests:

Connecticut [1]	New Jersey [2]	Washington [4]
Missouri [2]	North Carolina [4]	
New Hampshire [3]	Texas [2]	

1. Blood, breath or urine. Connecticut provides for using evidence about the amount of alcohol or drug and requires checking accuracy of the device within 30 days before the test and immediately after any test.
2. Breath tests only.
3. Requires approval of methods and persons for breath tests. Test of blood and urine are to be conducted in a specified laboratory.
4. Blood or breath tests. Also, Washington requires (not authorizes as in the UVC) the state toxicologist to approve satisfactory methods and techniques for chemical tests.

Laws in 14 jurisdictions have these variations:

Alaska—Requires the breath test to be performed according to methods approved by the Department of Health and Welfare. The Department is authorized to approve techniques, methods and standards of training necessary to ascertain qualifications of persons to conduct analyses. The proper performance of the test by a trained individual creates a presumption that the test results are valid and further foundation for the introduction of such evidence is unnecessary.

Colorado—Requires that tests be administered in accordance with rules and regulations prescribed by the state board of public health "and with utmost respect for the constitutional rights, dignity of person, and health of the person being tested." Another provision states that no civil liability shall attach to any person authorized to obtain blood, if the blood was obtained in accordance with rules of the board of public health, provided further that "the foregoing shall not relieve any such persons from liability for negligence in the obtaining of any blood sample."

Hawaii—Department of Health must establish qualifications for persons who administer chemical tests and procedures for specimen collection, analysis and reporting. Gen. Laws 1973, ch. 139, CCH ASLR 373.

Idaho—Chemical analysis of blood, urine or breath must be performed by the Department of Health or an approved laboratory "under provisions of approval and certification standards to be set by that Department."

Kansas—The Advisory Laboratory Commission must formulate procedures, qualifications of personnel and standards for breath tests and must approve types of apparatus. Kans. Stat. § 74-905.

Maine—Requires that persons administering and conducting blood or urine tests must be certified by the Department of Health and Welfare under standards established by that agency and only approved equipment may be used for a breath test.

Minnesota—Requires persons administering tests to be fully trained pursuant to standards promulgated by the commissioner of public safety.

New York—§ 1194(5) requires rules and regulations approving satisfactory methods and ascertaining the qualifications of persons to conduct and supervise chemical tests of blood, urine, breath or saliva. An analysis performed by a permit holder is presumed to have been conducted properly but these "provisions . . . do not prohibit the introduction as evidence of an analysis made by an individual other than a person possessing a permit issued by the department of health."

Pennsylvania—Has a law that grants power to the Secretary of Revenue to approve the equipment used for chemical analyses of *breath* and to approve the training of police officers in the use of such equipment.

Vermont—Analysis of breath or blood must be performed according to methods approved by the state department of health.

Virginia—Has a statute that prescribes in detail the methods, techniques and equipment for the chemical analyses of blood. Virginia also requires analysis of a person's breath to be performed by a licensed person using methods and equipment approved by the state health commissioner.

West Virginia—Law provides:

> A chemical analysis of a person's blood, breath or urine in order to give rise to the presumptions . . . must be performed in accordance with methods and standards approved by the state department of health. A chemical analysis of blood or urine to determine the alcoholic content of blood shall be conducted by a qualified laboratory or by the state police scientific laboratory of the criminal identification bureau of the department of public safety.

Wisconsin—§ 343.305(10)(a), revocation of license on refusal to submit to tests, provides:

> Chemical analyses of blood or urine to be considered valid under this section shall have been performed substantially according to methods approved by the laboratory of hygiene and by an individual possessing a valid permit to perform the analyses issued by the department of health and socal services. The department of health and social services shall approve laboratories for the purpose of performing chemical analyses of blood or urine for alcohol or controlled substances and shall develop and administer a program for regular monitoring of the laboratories. A list of approved laboratories shall be provided to all law enforcement agencies in the state. Urine specimens are to be collected by methods specified by the laboratory of hygiene. The laboratory of hygiene shall furnish an ample supply of urine and blood specimen containers to permit all law enforcement officers to comply with the requirements of this section.

Puerto Rico—The Secretary of Health regulates procedures for chemical tests as to manner and place where substances are taken, bottled and analyzed.

The remaining 13 states and the District of Columbia do not have laws requiring chemical tests to be performed by methods and persons approved by a state agency:

California [1]	Massachusetts	Nevada	South Dakota
Delaware	Michigan [3]	New Mexico	Tennessee
Iowa [2]	Montana [4]	South Carolina	Utah
Kentucky			

1. But the Highway Patrol is required to develop standards for administering breath tests by police officers.
2. Iowa requires that: "Only new, originally factory wrapped, disposable syringes and needles, kept under strictly sanitary and sterile conditions shall be used for drawing blood."
3. Michigan does authorize the adoption of uniform standards for administering blood tests.
4. Montana provides that the highway patrol in cooperation with the board of health shall adopt uniform standards and may require certification of training to administer tests.

§ 11-902.1—Chemical Tests

(a) . . . .

2. When a person shall submit to a blood test at the request of a law enforcement officer under the provisions of § 6-205.1, only a physician or a registered nurse (or other qualified person) may withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of breath or urine specimens. (Formerly § 11-902(d).)

Historical Note

This subsection was added to the Code in 1962 and was repositioned in 1971. UVC § 11-902(d) (Rev. eds. 1962, 1968); UVC § 11-902(a)2 (Supp. I 1972).

Statutory Annotation

By providing that only qualified persons may withdraw blood and that this limitation does not apply to breath or urine samples, the laws of 30 jurisdictions conform with the Code:

Alabama [1,2]	Louisiana [3]	New York [1,10]	Vermont [11]
Arkansas [1,3,4]	Maine [1,5]	North Dakota	Washington
California [2,3,4]	Maryland [6]	Ohio	West Virginia [12]
Delaware [1]	Minnesota [1,7]	Oklahoma [3]	Wyoming [1,3]
Florida [1,3]	Mississippi [1,8]	Rhode Island	District of
Georgia	Montana[1]	South Dakota	Columbia
Hawaii [3]	Nebraska [1]	Texas [1,3]	Puerto Rico
Idaho	Nevada [1,9]	Utah	

1. Limits actions against persons authorized to withdraw blood.
2. Urine tests are to be conducted in such privacy as will assure accuracy and protect dignity.
3. Limitation does not apply to breath test (not breath and urine tests as in the UVC).
4. California exempts from blood tests persons with hemophilia and persons taking anticoagulants for heart conditions. Arkansas requires blood to be withdrawn by a physician or a person acting under his direction and supervision.
5. Maine requires consent for blood test.
6. Maryland has a second law requiring blood tests to be administered by a physician or qualified medical person. Courts and Judicial Proceedings Code § 10-304(c).
7. Minnesota requires blood to be withdrawn by a physician, medical technician, registered nurse, medical technologist or laboratory assistant.
8. Mississippi adds morticians.
9. Limitation also does not apply to other bodily substances in Nevada. Law refers to blood withdrawn to determine the presence of alcohol or any controlled substance.
10. New York requires blood to be withdrawn by a physician, registered professional nurse, laboratory technician as classified by civil service or as registered by the American Association of Medical Technologists and under the personal supervision and direction of a physician, or registered physician's assistant.
11. Law does not apply to breath tests.
12. West Virginia requires blood to be taken by a doctor, nurse or trained medical technician "at the place of his employment." Sterile needle and nonalcoholic antiseptic must be used.

Thirteen states have laws that are in substantial conformity with UVC § 11-902.1(a)2, providing that only physicians or other qualified persons may withdraw blood, but these laws do not state expressly that the limitation does not apply to other bodily substances:

Colorado *	Kentucky	New Mexico *	Tennessee *
Connecticut	Massachusetts	North Carolina *	Virginia *
Iowa	Michgan *	Oregon	
Kansas	New Hampshire *		

* Limits actions against persons authorized to withdraw blood.

Laws in two states provide as follows:

Arizona—Law duplicates the UVC except that the first sentence applies to blood and urine. Breath tests are excepted.

Illinois—Only a physician, nurse or other qualified person may withdraw blood from an unconscious person or a person otherwise incapable of refusing.

The remaining states do not have directly comparable laws.

§ 11-902.1—Chemical Tests

(a) . . . .

3. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer. (Formerly § 11-902(e).)

Historical Note

This subsection was added to the Code in 1962. It was repositioned in 1971. UVC § 11-902(e) (Rev. eds. 1962, 1968); UVC § 11-902.1(a)3 (Supp. I 1972).

Statutory Annotation

Twenty-eight jurisdictions have laws that are closely patterned after the UVC:

Alabama [1]	Hawaii	Nevada [1,6]	Texas [9]
Alaska [2]	Illinois [1]	New Hampshire [3]	Utah
Arizona	Iowa	North Carolina [7]	Washington
Arkansas [3]	Louisiana [5]	North Dakota	West Virginia [1]
California	Mississippi	Ohio	Wisconsin [1,3,8]
Florida [1]	Missouri	Oregon [8]	Wyoming
Georgia [4]	Montana	South Carolina [7]	District of
			Columbia

1. Specifies that the added test will be at the person's expense.
2. Attempting and failing to secure another test is admissible as evidence.
3. Person must be advised of this right.
4. Georgia adds "justifiable" before "failure."
5. Person must be given an opportunity to telephone and request the test.
6. The added test may be substituted for the one performed at the officer's direction. Nevada also refers to tests for alcohol or a controlled substance.
7. Police officer must assist person in contacting someone qualified to administer a test.
8. Person must be afforded a reasonable opportunity to obtain the added test.
9. Test must be within two hours of arrest. Police officer's refusal of added test is admissible.

Though they do not expressly provide that failure to obtain additional tests does not affect the admissibility in evidence of tests obtained by officers, the laws of 12 states are otherwise in substantial conformity with the UVC:

Colorado	Kentucky	Michigan [1]	Pennsylvania
Idaho	Maine [2]	New Jersey [1]	South Dakota
Indiana [1]	Maryland [3]	New Mexico	Tennessee [4]

1. Person must be informed of his right to an additional test.
2. The additional test is at the state's expense in Maine.
3. Maryland has a second law (courts and Judicial Proceedings Article § 10-302) allowing a person to select a physician to administer a chemical test. A person may have this test even though one is not offered nor requested by the police officer. If a person requests a test, the officer must have one administered.
4. At the person's own expense.

Vermont and Virginia enlarge on the Code concept by specifying procedures that will increase the likelihood of an independent test. Virginia requires placing the blood sample in two vials—one for the state, and one for the accused to use in obtaining an additional test. Vermont requires the withdrawal of a sufficient amount of blood, urine or breath to permit the accused person to obtain an additional chemical test thereof. Failure to give a reasonable opportunity to have the additional test apparently does not affect admissibility of the results of the test made at the request of the officer.

Oklahoma duplicates the UVC but also provides that the specimen used in the additional test must be taken at the same time as the one obtained for the police officer and that delivery of the specimen is the person's responsibility. Oklahoma also requires a test of the officer's sample for substances other than alcohol at the person's request.

Six states have laws comparable to UVC § 11-902.1(a)3 that differ by providing that the chemical tests obtained by the police officer are *inadmissible* in evidence if the police officer fails to inform the person charged that he has the right to obtain additional tests, or fails to afford the person reasonable opportunity to obtain such tests, or prevents the person from exercising the right to obtain such tests:

Connecticut	Massachusetts	Nebraska
Kansas	Minnesota *	Rhode Island

* The Minnesota law places a further limitation on the right of the person arrested to obtain additional chemical tests. The person tested has a right to have a test of his own choosing.

"provided that the additional test specimen on behalf of the person is obtained at the place where the person is in custody, after the test administered at the direction of a police officer, and at no expense to the state." The restriction on admissibility does not apply unless the additional test was prevented or denied by the police officer.

The remaining states do not have comparable laws.

§ 11-902.1—Chemical Tests

(a) . . . .

4. Upon the request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or his attorney. (Formerly § 11-902(f).)

Historical Note

This section was added to the Code in 1962 and was repositioned in 1971. UVC § 11-902(f) (Rev. eds. 1962, 1968); UVC § 11-902.1(a)4 (Supp. I 1972).

Statutory Annotation

The laws of 40 jurisdictions conform substantially with this provision:

Alabama [1]	Idaho	Mississippi [1]	South Dakota
Alaska [2]	Illinois	Missouri	Tennessee
Arizona	Indiana [4]	Montana	Texas
Arkansas	Iowa	Nebraska	Utah
California	Kansas	Nevada	Vermont
Colorado [2]	Louisiana	New Mexico [3]	Virginia
Delaware [3]	Maine	North Dakota	West Virginia
Florida	Maryland	Ohio [2,5,6]	Wyoming
Georgia	Massachusetts	Oregon	District of Columbia
Hawaii [4]	Minnesota	Pennsylvania	Puerto Rico

1. The person's request for test information must be in writing.
2. Expressly requires giving the person the results of the test.
3. Does not apply if person pleads guilty.
4. Omits "or his attorney."
5. Information is to be provided as soon as it is available.
6. Information may be given to the person's attorney or agent.

Another five states apparently require giving information about the test even though it has not been requested:

Connecticut	New Jersey	Rhode Island
New Hampshire	North Carolina	

Three states have the following laws:

Michigan—Law provides:

> The results of such tests shall be made available to the person so charged or his attorney upon written request to the prosecution, with a copy of the request filed with the court, and the prosecution shall furnish the report at least 2 days prior to the day of the trial and shall be offered as evidence by the prosecution in a criminal proceeding; failure to fully comply with such request shall bar the admission of the results into evidence by the prosecution.

Oklahoma—Law provides:

> A written report of the results including full information concerning the test or tests taken at the direction of the law enforcement officer shall be made available to the subject.

South Carolina—Requires the person tested or his attorney to be furnished with the written record of the person conducting the test, which must include the time of arrest, time of the test and the results. This information must be given prior to any trial or other proceeding. The law also requires that the arresting officer be furnished with a copy of the time, type and results of any additional tests.

The remaining states do not have comparable laws.

§ 11-902.1—Chemical Tests

(a) . . . .

5. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 cubic centimeters of blood. (Formerly § 11-902(b)4.)

Historical Note

This subsection was added to the UVC in 1962. UVC § 11-902(b)4(Rev. ed. 1962).

It was amended in 1968 by substituting "grams" for "milligrams." UVC § 11-902(b)4(Rev. ed. 1968); UVC § 11-902.1(a)5(Supp. I 1972).

Statutory Annotation

Twelve states duplicate the Code:

Arizona	Illinois	New Mexico	South Dakota
Georgia	Louisiana	North Dakota	Utah
Idaho	Montana	Oregon	Wyoming

Eleven states are like the 1962 Code and base the analysis on *milligrams* of alcohol per 100 cubic centimeters of blood:

Alabama	Arkansas	North Carolina	Washington
Alaska	Louisiana	Rhode Island	West Virginia
Arizona	Mississippi	Vermont	

California, Florida, Kansas, Maine, Oklahoma refer to grams of alcohol per 100 milliliters of blood.

§ 11-902.1—Chemical Tests

(b) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of alcohol, the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of the person's blood, urine, breath, or other bodily substances shall give rise to the following presumptions:

1. If there was at that time 0.05 percent or less by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of alcohol.

2. If there was at that time in excess of 0.05 percent but less than 0.10 percent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of alcohol, but such fact may be considered with other competent evidence in determining whether the person was under the influence of alcohol.

3. If there was at that time 0.10 percent or more by weight of alcohol in the person's blood, it shall be presumed that the person was under the influence of alcohol.*

4. The foregoing provisions of this subsection shall not be construed as limiting the introduction of any other com-

petent evidence bearing upon the question whether the person was under the influence of alcohol. (Formerly § 11-902(b).)

• Subsection (b)3 need not be enacted in any state adopting § 11-902(a)1.

Historical Note

This subsection was added to the Code in 1944. Originally, this subsection applied only in criminal prosecutions for driving while under the influence of intoxicating liquor, and provided an evidentiary presumption of a violation based on an alcohol/blood ratio of 0.15 percent or more. The 1944 provision read as follows:

> In any criminal prosecution for a violation of subdivision *(a)* of this section relating to driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance shall give rise to the following presumptions.
>
> 1. If there was at that time 0.05 percent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor;
>
> 2. If there was at that time in excess of 0.05 percent but less than 0.15 percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant;
>
> 3. If there was at that time 0.15 percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor;
>
> 4. The foregoing provisions of this subdivision shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor.

UVC Act V, § 54 (Rev. eds. 1944, 1948, 1952); UVC § 11-902 (Rev. eds. 1954, 1956).

The 1962 revision decreased the alcohol/blood ratio necessary for a presumption of being under the influence of intoxicating liquor from 0.15 percent to 0.10 percent. In addition, the results of a chemical analysis were made admissible in any criminal action or in any civil proceeding to provide a standard for measuring the content of alcohol in the blood. The following shows all modifications made in this subsection in 1962:

> (b) *Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor,* [In any criminal prosecution for a violation of paragraph (a) of this section relating to driving a vehicle while under the influence of intoxicating liquor] the amount of alcohol in the *person's* [defendant's] blood at the time alleged as shown by chemical analysis of the *person's* [defendant's] blood, urine, breath or other bodily substance shall give rise to the following presumptions:
>
> 1. If there was at that time 0.05 percent or less by weight of alcohol in the *person's* [defendant's] blood, it shall be presumed that the *person* [defendant] was not under the influence of intoxicating liquor.
>
> 2. If there was at that time in excess of 0.05 percent but less than *0.10* [0.15] percent by weight of alcohol in the *person's* [defendant's] blood, such fact shall not give rise to any presumption that the *person* [defendant] was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining *whether the person was under the influence of intoxicating liquor* [the guilt or innocence of the defendant].
>
> 3. If there was at that time *0.10* [0.15] percent or more by weight of alcohol in the *person's* [defendant's] blood, it shall be presumed that the *person* [defendant] was under the influence of intoxicating liquor.
>
> *4. Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per one hundred cubic centimeters of blood.*
>
> 5. [4] The foregoing provisions of paragraph (b) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the *person* [defendant] was under the influence of intoxicating liquor.

UVC § 11-902(b) (Rev. ed. 1962).

In 1971, the subsection was repositioned and renumbered as UVC § 11-902.1(b), subsection (b)4 became UVC § 11-902.1(a)5, and the references to "intoxicating liquor" were changed to "alcohol" to parallel similar changes in UVC § 11-902(a). A new footnote indicates that there is no practical reason to enact subsection (b)3 if § 11-902.1(a)1 has been adopted because the latter provision makes driving with an alcohol/blood ratio of 0.10 percent illegal while the former provision creates a mere factual presumption of being under the influence of alcohol based on the same evidence. Subsection (b)3 was retained in the UVC until more state supreme courts have upheld the validity of UVC § 11-902(a)1. UVC § 11-902.1(b) (Supp. I 1972).

Statutory Annotation

This Code subsection provides standards for interpreting the results of chemical analyses of blood, urine, breath or other bodily substance to determine the amount of alcohol in a person's blood. When relevant, such evidence is admissible in any civil or criminal action.

This Annotation compares chemical test laws on each of the following points:

I. Evidence admissible in criminal and civil actions—UVC § 11-902.1(b).
II. Bodily substance used for analysis—UVC § 11-902.1(b).
III. Presumption arising from alcohol/blood ratio—UVC §§ 11-902.1(b) 1 through 3.
IV. Other competent evidence admissible—UVC § 11-902.1(b)4.

I. Evidence admissible in criminal and civil actions—UVC § 11-902.1(b).

As revised in 1962, the Code contemplates the availability of chemical test evidence in any civil or criminal trial to assist in the resolution of any allegation that a person was driving while under the influence of intoxicating liquor.

The laws of 17 states are in verbatim or substantial conformity on this point:

Alabama	Georgia	North Dakota	Washington
Alaska	Illinois [2]	Oregon [4]	West Virginia [5]
Arizona	Iowa	Utah	Wisconsin [6]
Delaware [1]	New Mexico	Vermont	
Florida	New York [3]		

1. Evidence of alcohol in the blood is admissible "in any proceeding" when a person's operation of a motor vehicle while under the influence of intoxicating liquor is an issue. The law requires either the test or the substance to be taken within four hours of the alleged time of the offense.
2. One law conforms with the Code but the Illinois implied consent law indicates breath test evidence is admissible only in drunk driving cases. See Ill. Vehicle Code § 11-501.1(c) (Supp. 1973).
3. Evidence is admissible "upon the trial of any action or proceeding arising out of acts alleged to have been committed by any person *arrested for operating a motor vehicle*. . . ."
4. Evidence is admissible in "any civil or criminal action, suit or proceeding arising out of the acts committed. . . ."
5. Test must be within two hours of the arrest or the offense.
6. Evidence is admissible "in any action or proceeding in which it is material to prove that a person was under the influence of an intoxicant while operating or handling a vehicle or firearm."

Bodily substance must be taken within two hours, but if it is not, such evidence is admissible only if expert testimony establishes its probative value.

The chemical test laws of the remaining 35 jurisdictions either limit the use of such evidence to criminal prosecution for driving while under the influence of intoxicating liquor (as the Code did prior to 1962), or provide for admissibility in certain other criminal prosecutions, as noted:

Arkansas	Louisiana	Nebraska	South Carolina
California	Maine [6]	Nevada [10]	South Dakota
Colorado [1]	Maryland [7]	New Hampshire	Tennessee
Connecticut [2]	Massachusetts	New Jersey [11]	Texas [15]
Hawaii [3]	Michigan	North Carolina [9]	Virginia
Idaho	Minnesota	Ohio [12]	Wyoming [16]
Indiana [4]	Mississippi [8]	Oklahoma [13]	District of Columbia [17]
Kansas [5]	Missouri [9]	Pennsylvania [14]	
Kentucky	Montana	Rhode Island	Puerto Rico

1. Colorado (§§ 18-3-106, -205) has separate provisions for its law on vehicular assault.
2. See also, Connecticut § 19-483.
3. The test must be taken within three hours in Hawaii.
4. The Indiana law is limited to prosecutions for reckless homicide and "drunk" driving.
5. Kansas—Test evidence may be admitted in cases involving drunk driving, vehicular homicide or manslaughter.
6. Maine does not specify the type of proceeding but the context of the presumptions appears to require a criminal prosecution for driving while under the influence of intoxicating liquor.
7. The test must be taken within two hours.
8. Mississippi specifically excludes such tests from civil cases.
9. In Missouri and North Carolina, test results are admissible in *any* criminal action arising out of acts alleged to have been committed by any person driving a vehicle while under the influence of intoxicating liquor.
10. Evidence also used for involuntary manslaughter prosecutions.
11. Under the New Jersey law, test results are also admissible in criminal prosecutions for the lesser offense of driving while ability to do so is impaired by the consumption of alcohol.
12. In Ohio, the test must be within two hours after the violation.
13. In Oklahoma, the test must be within two hours after the arrest and the results are specifically excluded from civil actions.
14. Test results in Pennsylvania are admissible in summary or criminal proceedings in which the defendant is charged with driving a motor vehicle while under the influence of intoxicating liquor.
15. Texas 1971 H.B. 261, § 3, provides: "Nothing in this act shall ever be used in the trial of any civil actions. . . ."
16. In Wyoming test results may be used in any criminal action.
17. Test results in the District of Columbia are also admissible in criminal prosecutions for negligent homicide (by vehicle) and manslaughter committed in the operation of a vehicle.

II. Bodily substance used for analysis—UVC § 11-902.1(b).

The Code, since 1944, has provided for chemical test evidence based on an analysis of a person's "blood, urine, breath, or other bodily substance." The laws of 19 states are in verbatim conformity with the quoted Code phrase, except as indicated:

Arizona	Kansas	New Hampshire [1]	South Dakota
Arkansas	Kentucky	New Jersey	Texas
Georgia	Louisiana	Ohio	Utah [2]
Idaho	Montana	Rhode Island	Washington [2]
Indiana	Nevada		Wyoming

1. "Breath, urine or other bodily substance."
2. "Blood, breath or other bodily substance."

The remaining jurisdictions provide for tests of the following:

Blood, breath, urine, saline or other bodily substance—Illinois.

Blood, breath or other bodily substance, except urine—Puerto Rico

Blood, breath, urine or saliva—nine states: Delaware, Iowa, Michigan, Missouri, New York, North Dakota, Oregon, Vermont and Wisconsin.

Blood, breath or urine—10 jurisdictions: Alabama, California, Colorado, Minnesota, Mississipppi, Nebraska, Pennsylvania, Tennessee, West Virginia and the District of Columbia.

Blood or breath—10 states: Connecticut, Florida, Hawaii, Maine, Maryland, Massachusetts, New Mexico, North Carolina, Oklahoma and Virginia.

Breath only—two states: Alaska and South Carolina.

All laws except those in Minnesota and the District of Columbia provide that, whatever bodily substance has been tested, the fact determined is the amount of alcohol in the blood. In these two jurisdictions, a presumption can arise based on a showing of a given amount of alcohol in another bodily substance.

III. Presumption arising from alcohol/blood ratio—UVC §§ 11-902.1(b) 1 through 3.

Nebraska does not have presumptions for being under the influence of alcohol. Like UVC § 11-902(a)1, however, Nebraska does ban driving with 0.10 percent, or more, of alcohol in the blood.

The laws of 49 jurisdictions are in conformity with UVC § 11-902.1(b)3 by providing that an alcohol/blood ratio of 0.10 percent, or more, will create a presumption that a person was under the influence of intoxicating liquor:

Alabama	Indiana	New Hampshire	South Dakota
Alaska	Iowa [3]	New Jersey	Tennessee [10]
Arizona	Kansas [4]	New Mexico	Texas [11]
Arkansas	Kentucky	New York [7]	Utah [12]
California	Louisiana	North Carolina [8]	Vermont [13]
Colorado [1]	Maine	North Dakota	Virginia
Connecticut	Massachusetts	Ohio	Washington
Delaware	Michigan [5]	Oklahoma [9]	West Virginia
Florida	Mississippi [6]	Oregon	Wisconsin
Georgia	Missouri	Pennsylvania	Wyoming
Hawaii	Montana	Rhode Island	District of Columbia
Idaho [2]	Nevada	South Carolina	
Illinois			Puerto Rico [14]

1. In Colorado, impaired driving is presumed with an alcohol/blood ratio over 0.05 percent and under 0.10 percent.
2. In Idaho, "more than .08 percent (.08%)" creates presumption that a person was under the influence of intoxicating liquor. Test results of 0.08 percent, or less, give rise to no presumption but may be considered with other evidence in determining guilt or innocence. There is no presumption of not being under the influence as in the UVC.
3. Iowa does not indicate the significance of a ratio of 0.10 percent or less.
4. In Kansas, less than 0.10 percent results in a presumption that the person was not under the influence of alcohol.
5. In Michigan, a level in excess of 0.07 percent but less than 0.10 percent supports a presumption that a person's ability to drive was visibly impaired by the consumption of intoxicating liquor.
6. In Mississippi, a level under 0.10 percent gives rise to a presumption of not being under the influence of intoxicating liquor. A level of 0.15 percent, or more, gives rise to presumption of being intoxicated.
7. In New York, a ratio of 0.10 percent or more is illegal per se. Ratios over 0.07 percent but less than 0.10 percent are prima facie evidence of impairment and non-intoxication. Between 0.05 percent and 0.07 percent, a person is not intoxicated but it is relevant evidence in determining whether one's ability was impaired. A ratio of 0.05 percent, or less, is prima facie evidence that a person was not intoxicated nor his ability to drive impaired.
8. In North Carolina, 0.10 percent or more is illegal per se. The law does not provide for lower ratios.
9. In Oklahoma, a ratio over .05 percent is "relevant evidence of operating a motor vehicle while . . . ability to operate . . . is impaired by the consumption of alcohol or intoxicating liquor; however, no person shall be convicted. . . in the absence of additional evidence that such person's driving was affected. . . to the extent that the public health and safety was threatened or that said person had violated a statute or ordinance in the operation of a motor vehicle."
10. Tennessee's presumption at 0.10 percent, or more, is that the person was under the influence of alcohol and that his ability was impaired sufficiently to constitute a violation. There is no provision describing the effect of a showing between 0.05 and 0.10 percent. A level of 0.05 percent, or less, "creates no presumption."
11. In Texas, no effect for a showing under 0.10 percent is mentioned.
12. A showing of 0.08 percent, or more, creates a presumption of being under the influence of intoxicating liquor.
13. Vermont refers to weight of alcohol in the person's blood or breath.
14. Puerto Rico—If the ratio is 0.10 per cent or less, the person is presumed conclusively not to have been under the influence. If 0.10 percent or more, it is presumed.

One state—Maryland—defines an offense of driving while one's ability is impaired and such impairment is supported by an alcohol/blood ratio of 0.10 percent, or more, as follows:

> A showing of 0.10 percent, or more, supports a presumption of driving while one's ability was impaired by the consumption of alcohol. At 0.15 percent, or more, the presumption is for driving in an intoxicated condition.

Minnesota provides that driving with an "alcohol concentration" of 0.10 or more is a misdemeanor. A concentration of more than 0.05 and less than 0.10 is "relevant evidence in indicating whether or not the person was under the influence of alcohol." If the concentration is 0.05 or less, it is prima facie evidence that the person was not under this influence.

The laws of three jurisdictions provide either a conversion ratio of alcohol in other bodily substances to alcohol in the blood (Wisconsin) or create presumptions based on a specified level in a bodily substance other than blood (Maryland and the District of Columbia). See also, the Minnesota law, *supra*. These three laws provide:

Maryland—The "amount of alcohol in the person's breath or blood" gives rise to the following presumptions of the amount of alcohol in his blood:

.05% or less using blood or breath	Presumption he was not intoxicated, impaired or under the influence of alcohol
over .05% to .10% using blood or breath	No presumption
.10% or more using blood or breath	Prima facie evidence of impairment
.15% or more using blood or breath	Prima facie evidence of intoxicated condition

Wisconsin—"The concentration of alcohol in the blood shall be taken prima facie to be three-fourths of the concentration of alcohol in the urine." The amount of alcohol in 2,100 cubic centimeters of deep lung breath is assumed equal to the amount of alcohol in one cubic centimeter of blood when equilibrium has been reached.

District of Columbia—Law provides:

> (3) defendant's blood contained *ten* one-hundredths of 1 per centum of more by weight, of alcohol, or that an equivalent quantity of alcohol was contained in two thousand cubic centimeters of his breath (true breath or alveolar air having 5½ per centum of carbon dioxide), or that defendant's urine contained *eleven* one-hundredths of 1 per centum or more, by weight, of alcohol, such proof shall constitute prima facie proof that defendant at such time was under the influence of intoxicating liquor.

The presumption of not being under the influence is 0.05 percent alcohol in blood or 0.08 percent in urine. Relevant, but not prima facie, evidence occurs when:

> (2) defendant's blood contained more than five one-hundredths of 1 per centum, but less than *ten* one-hundredths of 1 per centum, by weight, of alcohol, or that an equivalent quantity of alcohol was contained in two thousand cubic centimeters of his breath (true breath or alveolar air having 5½ percentum of carbon dioxide), or that defendant's urine contained more than *six* one-hundredths of 1 per centum, but less than *eleven* one-hundredths of 1 per centum, by weight, of alcohol. . . .

IV. Other competent evidence admissible—UVC § 11-902.1(b)4.

Thirty-eight states have laws in verbatim or substantial conformity with UVC § 11-902.1(b)4 providing that other competent evidence is admissible:

Alabama	Indiana	Montana	Pennsylvania
Alaska	Iowa	Nevada	South Carolina
Arizona	Kansas	New Hampshire	South Dakota
Arkansas	Kentucky	New Jersey	Utah
Colorado	Louisiana	New Mexico	Vermont *
Florida	Michigan	North Carolina	Virginia
Georgia	Minnesota	North Dakota	Washington
Hawaii	Mississippi	Oklahoma	West Virginia
Idaho	Missouri	Oregon	Wisconsin
Illinois			Wyoming

* Vermont adds that the chemical test provisions shall not be construed as requiring evidence of the amount of alcohol in one's blood.

Connecticut does not have a provision like UVC § 11-902.1(b)4, but competent evidence in addition to chemical test results is required.

The Rhode Island law, though having a provision conforming to UVC § 11-902.1(b)4, apparently requires other competent evidence that the defendant was under the influence as a condition precedent to admission of the test results.

The remaining jurisdictions do not have comparable laws.

§ 11-902.1—Chemical Tests

Optional (c) If a person under arrest refuses to submit to a chemical test under the provisions of § 6-205.1, evidence of refusal shall be admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was driving or in actual physical control of a motor vehicle while under the influence of alcohol or drugs. (Formerly § 11-902(g).)

Historical Note

This subsection was added to the Uniform Vehicle Code in 1962 and survived efforts to delete it in 1971. In 1968, a limitation on its application to driving while on the public highways was deleted as inconsistent with UVC § 11-101(2). In 1971, it was repositioned, the word "alcohol" replaced "intoxicating liquor" and the reference to drugs was added. UVC § 11-902(g) (Rev. eds. 1962, 1968); UVC § 11-902.1(c) (Supp. I 1972).

Statutory Annotation

The laws of 16 states provide that a person's refusal to allow a chemical test can be used as evidence:

Alabama	Louisiana	New York	Rhode Island *
Arizona	Mississippi	North Carolina	Utah
Iowa	Montana	North Dakota *	Vermont
Kentucky	Nevada	Pennsylvania	Wyoming

* Evidence of refusal in these states is admissible if the defendant elects to testify. If he does not, then the refusal is not admissible.

Eight states have laws expressly prohibiting an evidentiary use of a person's refusal to submit to a chemical test in all or certain proceedings against him:

Colorado	Illinois	Massachusetts	Virginia *
Hawaii	Maryland	Oregon	Washington

* Refusing a chemical test may be used in rebuttal.

The remaining states do not have this optional Code provision. For a review of court decisions on this point in the remaining states, see 87 A.L.R.2d 370.

Citations

Ala. Code tit. 32, § 32-5-193 (1975).
Alaska Stat. § 28.35.033 (1978).
Ariz. Rev. Stat. Ann. § 28-692 (Supp. 1978).
Ark. Stat. Ann. §§ 75-1031.1, -1045 (Supp. 1977).
Cal. Vehicle Code §§ 23126, 13353, 13354 (1972, Supp. 1979).
Colo. Rev. Stat. Ann. § 42-4-1202 (1973).
Conn. Gen. Stat. Ann. § 14-227a (Supp. 1978).
Del. Code Ann. tit. 21, § 3507, amended by H.B. 163, CCH ASLR 31 (1971).
Fla. Stat. §§ 322.262, .261 (1975, Supp. 1978).
Ga. Code Ann. § 68A-902.1 (1975).
Hawaii Rev. Stat. §§ 286-152, -153, -159; § 291-5 (1968, Supp. 1971).
Idaho Code Ann. §§ 49-1102, -353 to -355 (1967, Supp. 1976).
Ill. Ann. Stat. ch. 95½, § 11-501 (Supp. 1972).
Ind. Stat. Ann. § 9-4-1-56 (1973).
Iowa Code Ann. §§ 321B.4 to .12, 321.281 (Supp. 1972).

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Ky. Rev. Stat. Ann. § 189.520 (1977).
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Me. Rev. Stat. Ann. tit. 29, § 1312, amended by Gen. Laws 1971, ch. 547, CCH ASLR 975.
Md. Courts and Judicial Proceedings Article § 10-307, -308, -309.
Mass. Ann. Laws ch. 90, § 24(1) (e) (1975).
Mich. Stat. Ann. § 9.2325(1) (1973).
Minn. Stat. Ann. § 169.121 (Supp. 1978).
Miss. Code Ann. §§ 63-11-9 to -19; §§ 63-11-39 to -43 (1972, Supp. 1975).
Mo. Ann. Stat. §§ 564.441, .442 (Supp. 1978).
Mont. Rev. Codes Ann. §§ 32-2142(b), -2142.2(c), -2142.3 (Supp. 1971).
Neb. Rev. Stat. §§ 669.08 to .16 (1974).
Nev. Rev. Stat. §§ 484.381, .389 to .393 (1975).
N.H. Rev. Stat. Ann. §§ 262A:63, :69a to :69j (1966, Supp. 1971).
N.J. Rev. Stat. §§ 39:4-50.1, -50.3, -50.6 (1973, Supp. 1979).
N.M. Stat. Ann. §§ 64-8-103 to -110, amended by H.B. 112, CCH ASLR 161, 575-80 (1978).
N.Y. Vehicle and Traffic Law §§ 1194, 1195 (Supp. 1978).
N.C. Gen. Stat. §§ 20-139.1 (1975).
N.D. Cent. Code §§ 39-20-07 to -12 (1960, Supp. 1971).
Ohio Rev. Code Ann. § 4511.19 (Supp. 1969), amended by S.B. 14 (1971).
Okla. Stat. Ann. tit. 47, §§ 752, 756, 757, 759 (Supp. 1978).
Ore. Rev. Stat. §§ 483.638 to .646 (1971).
Pa. Stat. Ann. tit. 75, § 624.1 (1971).
R.I. Gen. Laws Ann. §§ 31-27-2, -2.1 (1969).
S.C. Code Ann. § 56-5-2950 (1976).
S.D. Comp. Laws §§ 32-23-7, -8, -14 to -16 (1967, Supp. 1972).
Tenn. Code Ann. §§ 59-1044 to -1049 (Supp. 1971).
Tex. penal Code art. 802f, amended by H.B. 261 (1971).
Utah Code Ann. §§ 41-6-44, -44.10 (Supp. 1979).
Vt. Stat. Ann. tit. 23, §§ 1203, 1204, 1205 (Supp. 1977).
Va. Code Ann. §§ 18.1-55, -56.1, -57 (1975).
Wash. Rev. Code Ann. § 46.61.506 (1970).
W. Va. Code Ann. §§ 17C-5A-2 to -7 (Supp. 1972).
Wis. Stat. Ann. § 885.235 (1966, Supp. 1975).
Wyo. Stat. Ann. § 31-6-105 (1977).
D.C. Code § 40-609a (1967), 86 Stat. 1016 (1972).
P.R. Laws Ann. tit. 9, §§ 1041, 1043 (Supp. 1975).

§ 11-902.2—Post Conviction Examination and Remedies

(a) Before sentencing any person convicted for a first offense of violating § 11-902, the court may, and upon a second or subsequent conviction of such an offense committed within five years of a prior offense 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 drug abuse.

(b) After the examination, the court may impose penalties specified in this act or, upon a hearing and determination that the person is an habitual user of alcohol or drugs, the court may order supervised treatment on an outpatient basis, or upon additional determinations that the person constitutes a danger to himself or others and that adequate treatment facilities are available, the court may order him committed for treatment at a facility or institution approved by the (State department of health).

(c) Any person subject to this section may be examined by a physician of his own choosing and the results of any such examination shall be considered by the court.

(d) No commitment or supervised treatment on an outpatient basis ordered under subsection (b) shall exeed one year. Upon motion duly made by the convicted person, an attorney, a relative or an attending physician, the court at any time after an order of commitment shall review said order. After determining the progress of treatment, the court may order its continuation or the court may order the person's release, supervised treatment on an outpatient basis, or it may impose penalties specified by this act giving credit for the time of commitment.

(e) Upon application by any person under an order of commitment or supervised treatment for a driver's license, the results of the examination referred to in subsection (a) and a report of the progress of the treatment ordered shall be forwarded by the applicant to the department for consideration by the medical advisory board (appointed under § 6-118).

(f) The department may after receiving the advice of the medical advisory board issue a license to such person with conditions and restrictions consistent with the person's rehabilitation and with protection of the public notwithstanding the provisions of § 6-208. (New section, 1971.)

Historical Note

This section was added to the Uniform Vehicle Code in 1971 to authorize treatment of alcoholics and drug addicts as an alternative to traditional penalties, which have not adequately controlled drunk drivers.

In addition, alcoholism and addiction may more properly be treated as illnesses than as crimes. See, for instance, the *Uniform Alcoholism and Intoxication Treatment Act** which would remove habitual drunkenness and public intoxication from the criminal justice system and substitute a system designed to provide restoration to normalcy. Section 19(c) in that Act provides that it does not affect drunk driving laws. Thus, enactment of UVC § 11-902.2 is recommended to complement that Act and to provide an important component for a complete drunk driver countermeasures program.

It should be emphasized that traditional penalties will remain applicable to drunk drivers who are not alcoholics. These include jail and dollar penalties under UVC § 11-902(c), all the post conviction remedies in UVC § 17-103, and registration suspensions under UVC § 17-301. See also, UVC §§ 6-205(2) and 6-208(a) providing a one-year, mandatory revocation of the license of any person convicted of driving while under the influence of alcohol or drugs.

* Copies of this Act may be obtained from the National Conference of Commissioners on Uniform State Laws, 1155 East 60th Street, Chicago, Illinois 60637.

Statutory Annotation

Twenty-six jurisdictions have adopted laws on alcoholism treatment for persons convicted of driving while under the influence of alcohol. Each of these laws is briefly described in alphabetical order. Only the Pennsylvania law appears closely patterned after the UVC section. While the UVC requires some presentence investigations, most existing laws merely authorize but do not require them. Few of the existing laws actually authorize a judge to require a person to undergo rehabilitation the way the UVC does. The 26 jurisdictions are:

Arizona—If the court thinks the offender has the problem of habitual use of alcohol or drugs, the court may require him to obtain treatment under its supervision. See also, Ariz. Rev. Stat. §§ 36-797.03, .10 which apply to all criminal cases.

Arkansas—Laws provide that a person convicted a second time in three years may be given the option of submitting to a rehabilitation program and getting a restricted license instead of a minimum suspension of one year. If a person is convicted a third time in three years, his license may not be restored unless he submits to a rehabilitation program.

California—Law authorizes judges to order a presentence investigation to determine whether a person convicted of driving a motor vehicle on a highway would benefit from treatment for persons who are habitual users

of alcohol. The court may order suitable treatment. Another law (§ 13352.5) prevents suspending or revoking licenses of persons who agree to participate in a program for the supervision and treatment of alcoholism.

Florida—Has a law applicable to a person convicted for the first time of driving while under the influence of alcohol or with too much alcohol in his blood. The person's license is revoked but the court may provide a restricted license to allow the person to commute or drive for work if the person enrolls in and successfully completes a driver improvement course for rehabilitation of drinking drivers.

Illinois—Law authorizes a court to order any person to serve a term of at least two days in a hospital, alcoholic or rehabilitation center, or any other agency or institution under such terms and conditions as may be appropriate. Such an order may be in lieu of imprisonment.

Iowa—Law provides that in lieu of or prior to imposition of punishment for a second or subsequent conviction of driving while under the influence of drugs or alcohol, the court may, upon hearing, commit the defendant to a hospital or institution for alcoholism or drug addiction treatment. No time limit is placed on this commitment; the court may prescribe the length of time itself, or require the hospital or institution to which the person is committed to report to the court when the person has received maximum benefit from the treatment program or has recovered.

Iowa also allows a court to order a person to enroll, attend and successfully complete a "course for drinking drivers" which is defined as an approved course to educate about drinking and driving and to encourage each person to assess his own behavior. Courses are to be regularly available at area schools and no employer may discharge an employee solely because of his absence while attending the course. Though the license of a person ordered to take the course is revoked indefinitely and until the course is completed, a temporary permit may be issued so he can attend the course and the duration of the revocation may be reduced upon successful completion of the course. Information on enrollment, attendance and completion will be sent to the department of public safety.

Kentucky—Provides for the issuance of a restricted license to a convicted drunk driver if he enrolls in a driver education program specified by the department.

Maine—Law authorizes a restricted license for first time offenders who have satisfactorily completed an approved rehabilitation program but the person's license cannot be reinstated until a rehabilitation program has been satisfactorily completed.

Maryland—Allows any person charged with or convicted of a crime to be committed to an alcoholism treatment facility in accord with the laws relating to probation, parole, or other forms of disposition. The Division of Alcoholism Control was charged in 1968 to cooperate with law enforcement officials and the Department of Motor Vehicles to develop programs of alcohol education and treatment for persons convicted of driving while under the influence of alcohol.

Massachusetts—Provides that a convicted drunk driver may be placed on probation for one year if he consents to a driver alcohol education program and, if deemed necessary, an alcohol treatment or rehabilitation program. To be eligible for such probation, the defendant must cooperate in a presentence investigation. Another law provides for reissuance of a license after a hearing which will consider the person's medical progress.

Minnesota—Law establishes an alcohol safety program. Reports are to be submitted to the court by the agency administering this program when a defendant has been convicted of an alcohol-related driving offense. This alcohol problem assessment should include information on the driver's record and recommendation as to a rehabilitation program.

A second law provides that upon a conviction of driving while under the influence of alcohol or drugs, the court may stay the imposition or execution of sentence and place the person on probation for not more than one year upon medical recommendation and the condition that the person accept treatment in an appropriate public or private institution. Any such stay must be reported to the department.

Mississippi—Law authorizes the development and implementation of a driver improvement program for persons convicted for the first time of driving while drunk. The program may include referral to alcohol rehabilitation facilities. The law authorizes courts to stay all or any part of a mandatory penalty for first offenders if they participate in a driver rehabilitation program.

Nebraska—Law provides that counties and municipalities may have probation programs following state standards which are to comply generally with the current or future "ASAP Program of the National Highway Traffic Safety Administration." Judges in such communities are authorized to waive the requirement that persons on probation not drive for three months.

New York—Law provides a program for operators convicted of alcohol or drug related offenses within the department of motor vehicles. A program will be available in every county and participation is limited to persons who choose to attend and meet requirements of the department. Sentencing judges may, however, prohibit a defendant from enrolling. The commissioner may terminate a suspension or revocation and issue a limited license. An advisory board is created and the department decides the content of the program. New York also authorizes the department to adopt guidelines for clinics for persons required by courts to attend them.

North Carolina—Law authorizes a pre-sentence investigation to determine whether a person convicted of driving while under the influence of alcohol would benefit from treatment of persons who are habitual users of alcohol. If the person objects, a sentence must be entered. Courts may order suitable treatment as a condition for suspending a sentence.

North Dakota—Courts may refer persons convicted of driving while under the influence of alcohol or narcotic drugs to an approved treatment facility for diagnosis prior to sentencing. After the diagnosis, the court may impose penalties or sentence the person to treatment in a facility approved by the state division of alcoholism and drug abuse.

Oklahoma—Upon a conviction, the court may suspend the execution of sentence, with or without probation, upon the condition that the defendant enroll in, attend and successfully complete, at his own expense, an approved course for drinking drivers.

Oregon—Authorizes determining whether a convicted person is a problem drinker or an alcoholic. If he is, the court may order treatment in lieu of other penalties.

Pennsylvania—Law requires a presentence examination for all persons convicted of a second or subsequent offense of driving while under the influence of alcohol or a controlled substance. Provisions patterned after UVC subsections (b), (c) and (d) were also adopted.

Rhode Island—Law authorizes convicted drunk drivers to be sentenced to attend a special course on driving while intoxicated conducted by an accredited college or university. R.I. Gen. Laws § 31-27-2(c), amended by Gen. Laws 1974, ch. 120, CCH ASLR 91.

Tennessee—Law requires as a condition of license restoration, an examination of any person convicted two or more times of driving while drunk to determine whether he needs treatment for drug or alcohol addiction.

Virginia—Authorizes postponing a defendant's trial for one year and assigning him to a driver education program or an alcohol treatment and rehabilitation program or both. This law allows a defendant to enter into a driver alcohol rehabilitation program or other alcohol rehabilitation program. Persons entering the program are required to pay up to $200

for administration costs. A driver's license will not be revoked or will be restored if it has been revoked if he has entered such a program. State and local alcohol education and rehabilitation programs are authorized.

Washington—Law provides that upon a second or subsequent conviction of driving while under the influence of alcohol or drugs, if the defendant has not had a jail sentence suspended on a similar charge previously, the court may suspend the jail sentence and fine on condition that the defendant successfully complete a court approved alcohol treatment program within a specified period of time.

West Virginia—Drivers convicted of a first offense to be granted the option of attending an alcohol and drug countermeasure school. Drivers will be issued temporary licenses to drive to school and for employment.

Wisconsin—§ 343.30(1q)(a) authorizes the trial court to order assessment by an approved public treatment facility for any person convicted of driving while under the influence of an intoxicant or controlled substance, with the person's consent. Upon receipt of the report the court may, with the person's written consent, order the person to comply with the rehabilitation plan recommended by the facility. The plan may include treatment for the person's misuse, abuse, or dependence on alcohol or controlled substances, attendance at a traffic safety school, or both. If the plan requires inpatient treatment, the treatment may not exceed 30 days. The order for rehabilitation must include a termination date consistent with the plan, not to exceed one year.

Puerto Rico—Provides that a sentence imposed pursuant to a first conviction may be suspended if the driver submits to a rehabilitation program or a drivers' improvement course. In all cases a person's drivers license is to be suspended until passing the driver's improvement course.

Citations

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§ 11-903—Homicide by Vehicle

(a) Whoever shall unlawfully and unintentionally cause the death of another person while engaged in the violation of any state law or municipal ordinance applying to the operation or use of a vehicle or to the regulation of traffic shall be guilty of homicide when such violation is the proximate cause of said death.

(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.

Prefatory Note

The Annotation in this section includes laws of 33 states and the District of Columbia that specifically mention homicide caused by the operation of a vehicle and that are most nearly comparable to the offense and penalties set forth in UVC § 11-903. The laws of several states discussed in § 11-902(c) and § 11-902(a)2 providing increased penalties or substantive offenses for deaths caused by operation of a vehicle by a person who is under the influence of intoxicating liquor or drugs should also be examined.

As shown in the Historical Note to this section, the Code until 1962 described the offense of "negligent homicide" in terms of causing a death by driving "in reckless disregard of the safety of others." In 1962, the gravamen of the offense became not merely reckless driving, but the violation of *any* traffic law or ordinance that results in the death of another person. Obviously, this would still cover reckless driving, which is a violation of UVC § 11-901. In one way or another, all of the laws discussed herein probably encompass some degree of reckless driving and, therefore, should be considered in the context of the laws discussed in the Annotation to § 11-901, because those laws vary widely in defining what constitutes reckless driving.

The following Annotation refers to the vehicle homicide laws of some states as "criminal." Such references have been included only for the purpose of indicating that the law being discussed appears in that state's penal or criminal code among laws pertaining to murder or manslaughter. It should be emphasized that provisions defining a specialized offense of homicide by vehicle cover only a part of the scope of the law of homicides in which a vehicle can be involved, ranging all the way from first degree murder to the lowest grade of involuntary manslaughter.

See UVC § 6-205(1) requiring revocation of the license of any person convicted of manslaughter or homicide by vehicle; and see UVC § 11-101(2) applying the Code's homicide by vehicle provision "upon highways and elsewhere throughout the State."

Historical Note

This section was substantially revised by the National Committee in 1962. Prior to that time, all seven editions of the Code from 1934 through the 1956 edition included the following provisions on "negligent homicide":

> (a) When the death of any person ensues within 1 year as a proximate result of injury received by the driving of any vehicle in reckless disregard of the safety of others, the person so operating such vehicle shall be guilty of negligent homicide.
>
> (b) Any person convicted of negligent homicide shall be punished by imprisonment for not more than 1 year or by fine of not less than $100 nor more than $1,000, or by both such fine and imprisonment.

UVC Act IV, § 48 (Rev. ed. 1934); UVC Act V, § 53 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 11-903 (Rev. eds. 1954, 1956). In 1968, a reference to "streetcars" was removed. UVC § 11-903 (Rev. eds. 1962, 1968).

Statutory Annotation

The gravamen of the Code offense is the violation of a traffic law or ordinance that proximately causes the death of a person. This principle is recognized expressly and exclusively as the basis for defining "death by vehicle" in the following North Carolina law:

> Whoever shall unintentionally cause the death of another person while engaged in the violation of any State law or local ordinance applying to the operation or use of a vehicle or to the regulation of traffic shall be guilty of death by vehicle when such violation is the proximate cause of said death. Violation is a misdemeanor and the maximum penalty is $500 and/or up to two years in jail.

In conformity with the Code, the laws of four additional states recognize the violation of any traffic law resulting in death as the basis for defining homicide by vehicle:

Georgia—The law is divided into degrees. Causing death without malice aforethought, through the violation of its provisions on reckless driving, driving with ability impaired by alcohol or drugs, or while fleeing or attempting to elude a police officer, is homicide by vehicle in the first degree. The penalty is imprisonment for not less than one nor more than five years. Unintentionally causing death through the violation of any other rule of the road is homicide by vehicle in the second degree, and is punishable as a misdemeanor.

Nebraska—A section among laws dealing generally with crimes and punishment provides: "A person who causes the death of another unintentionally while engaged in the operation of a motor vehicle in violation of the law of the State of Nebraska or in violation of any city or village ordinance commits motor vehicle homicide." The penalty is up to $1000 and/or one year imprisonment. If the proximate cause of the death of another is the operation of a motor vehicle in violation of the provisions on reckless driving or driving while under the influence of alcoholic liquor or drugs, the penalty is up to $10,000 and/or five years.

Pennsylvania—The law omits the word "proximate," but is otherwise in conformity with the Code:

> Any person who unintentionally causes the death of another person while engaged in the violation of any law of this commonwealth or municipal ordinance applying to the operation or use of a vehicle or to the regulation of traffic is guilty of homicide by vehicle, a misdemeanor of the first degree, when the violation is the cause of death.

Vermont—The law omits the words "unintentional" and "proximate," but is otherwise in conformity with the Code:

> A person who, while engaged in the violation of any law, ordinance or regulation applying to the operation or use of a motor vehicle or to the regulation of traffic, causes, as a result of the violation, the death of any person shall be punished by a fine of not more than $2,000.00 or by imprisonment for not more than five years. The provisions of this section do not limit or restrict prosecutions for manslaughter.

Though none of the remaining laws comparable to UVC § 11-903 expressly refers to the violation of *any* traffic law resulting in death, many apply the same principle to certain violations or in general terms to any "unlawful" driving. In the latter category are the laws of the following three states:

California and Idaho—Define a type or degree of manslaughter as the unlawful killing of a person by a driver as the result of:

(1) Committing an unlawful act (other than a felony) with gross negligence.

(2) Committing a lawful act in an unlawful manner and with gross negligence.

(3) Committing an unlawful act (other than a felony) without gross negligence.

(4) Committing a lawful act in an unlawful manner, but without gross negligence.

A concluding paragraph in each law provides that the homicide must be the proximate result of the commission of an unlawful act or of a lawful act which might produce death in an unlawful manner. The California penalty for (1) and (2) is not more than five years in the state prison or one year in a county jail, and the penalty for (3) and (4) is imprisonment for not more than one year. The Idaho penalty for (1) and (2) is not more than five years in the state prison and/or up to $1,000 fine, or up to one year in the county jail and/or up to $1,000 fine. The Idaho penalty for (3) and (4) is up to one year in the county jail and/or up to $500 fine.

New Mexico—Defines homicide by vehicle as the killing of a human being in the unlawful operation of a motor vehicle, and provides that anyone committing homicide by vehicle while driving recklessly or under the influence of alcohol or drugs is guilty of a felony. The felony penalty would be one to five years and/or $500 to $5,000.

Though not defining homicide by vehicle in terms of a death resulting from the violation of *any* traffic law, the following eight jurisdictions partially employ the Code principle by including deaths resulting from certain violations:

Colorado—Law provides:

> If a person operates or drives a motor vehicle in a reckless manner or while under the influence of any drug or intoxicant and such conduct is the proximate cause of the death of another, he commits vehicular homicide. Vehicular homicide is a class 4 felony.

The law also contains provisions comparable to UVC § 11-902.1(b) on presumptions arising from different amounts of alcohol in the blood.

Connecticut—The felony law provides:

> A person is guilty of misconduct with a motor vehicle when, with criminal negligence in the operation of a motor vehicle or in consequence of his intoxication while operating a motor vehicle, he causes the death of another person. For the purpose of this section, "intoxication" shall include intoxication by alcohol or by drug or both.

A second law provides that a person is guilty of negligent homicide with a motor vehicle (a misdemeanor) when in consequence of the negligent operation of a motor vehicle he causes the death of another.

Massachusetts—Law provides:

> Whoever, upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees, operates a motor vehicle in violation of paragraph *(a)* of subdivision (1) of section twenty-four of chapter ninety, or so operates a motor vehicle recklessly or negligently so that the lives or safety of the public might be endangered, and by any such operation so described causes the death of another person shall be guilty of homicide by a motor vehicle and shall be punished by imprisonment in a jail or house of correction for not less than thirty days nor more than two and one-half years, or by a fine of not less than three hundred nor more than three thousand dollars, or both.

Section 24(a)(1) prohibits driving under the influence of alcohol or certain drugs.

Michigan—A section in the criminal laws (§ 324) on "negligent operation of vehicle causing homicide" provides:

> Any person who, by the operation of any vehicle *upon any highway or upon any other property, public or private*, at an immoderate rate of speed or in a careless, reckless or negligent manner, but not wilfully or wantonly, shall cause the death of another, shall be guilty of a misdemeanor, punishable by imprisonment in the state prison not more than 2 years or by a fine of not more than $2,000.00, or by both such fine and imprisonment.

See also, § 28.557 including "negligent homicide" in every charge of manslaughter and permitting a jury to find a defendant not guilty of manslaughter but guilty of "negligent homicide" in cases involving the operation of a vehicle.

New Hampshire—§ 262-A:61 defines reckless driving as operating a vehicle recklessly or so as to endanger the lives or safety of the public "or upon a bet, wager or race" or "for the purpose of making a record"

thereby violating any traffic law or special regulations made by the director. The law then provides:

> If the death of any person results from reckless operation of a motor vehicle, the person convicted of such reckless operation shall be guilty of a class B felony. This section shall not be construed to limit or restrict prosecution for manslaughter.

Tennessee—Law provides:

> Vehicular homicide is the killing of another by the operation of an automobile, airplane, motor boat, or other motor vehicle:
>
> (a) as the proximate result of conduct creating a substantial risk of death or serious bodily injury to a person under circumstances manifesting extreme indifference to the value of human life; or
>
> (b) as the proximate result of the driver's intoxication as set forth in Tennessee Code Annotated, Section 59-1031. For purposes of this section, "intoxication" shall include alcohol intoxication as defined by Tennessee Code Annotated, Section 59-1047, drug intoxication or both.

The penalty under subsection (a) is imprisonment for up to five years, for (b), not less than one nor more than 21 years imprisonment.

Texas—A section of the criminal laws provides that a person commits the offense of involuntary manslaughter, a felony of the third degree, if he "by accident or mistake when operating a motor vehicle while intoxicated and, by reason of such intoxication, causes the death of an individual." The law then provides:

> For purposes of this section, "intoxication" means that the actor does not have the normal use of his mental or physical faculties by reason of the voluntary introduction of any substance into his body.

District of Columbia—The gravamen of the offense is identical to that in the Michigan law, *supra*—"operation . . . at an immoderate rate of speed or in a careless, reckless or negligent manner, but not wilfully or wantonly." The penalty is a fine of up to $1,000 and/or up to one year imprisonment.

The vehicle homicide laws of six states mention varying degrees of negligence in the operation of a motor vehicle that results in the death of any person:

Hawaii—Like the Connecticut law, *supra*, there are two degrees of negligent homicide. Causing the death of another person by the operation of a vehicle in a negligent manner is negligent homicide in the first degree, a class C felony. Causing the death of another by the operation of a vehicle in a manner which is simple negligence is negligent homicide in the second degree, a misdemeanor.

Kansas—Vehicular homicide is a death resulting from the operation of an automobile or any other motor vehicle in a manner which creates an unreasonable risk of injury to persons or property and which constitutes a material deviation from the standard of care which a reasonable person would observe under the same circumstances. Death must ensue within one year. The punishment is a maximum of one year as a class A misdemeanor.

Maryland—Criminal Code defines "manslaughter by automobile, motor vehicle, locomotive, engine, car, street car, train or other vehicle" as causing the death of another as the result of "operation or control" of any such vehicle "in a grossly negligent manner." Penalty is up to three years and/or up to $1,000.

Minnesota—A penalty of not more than five years and/or not more than $5,000 is applied by a section of the criminal code defining "criminal negligence" as the operation of a vehicle, aircraft or watercraft "in a grossly negligent manner" thereby causing a death that is not murder or manslaughter.

Ohio—Vehicular homicide is negligently causing the death of another while operating or participating in the operation of a motor vehicle, motorcycle or snowmobile. As a misdemeanor of the first degree, the maximum penalties are six months and/or $1,000. If there has been a prior conviction, the offense is a felony of the fourth degree.

A second law defines "aggravated vehicular homicide" as recklessly causing a death while operating or participating in the operation of a motor vehicle, motorcycle or snowmobile. As a felony of the fourth degree, the penalties are six months to five years and/or $2,500. If there has been a prior conviction, the maximum penalties would be one to 10 years and/or $5,000.

Wisconsin—The penal code provides:

> (1) Whoever causes the death of another human being by a high degree of negligence in the operation or handling of a vehicle, firearm, airgun, knife or bow and arrow is guilty of a Class E felony.
>
> (2) A high degree of negligence is conduct which demonstrates ordinary negligence to a high degree, consisting of an act which the person should realize creates a situation of unreasonable risk and high probability of death or great bodily harm to another.

The laws of 13 states provide that the essential element is a death caused by the *reckless operation* of a vehicle. Driving in "willful or wanton disregard for the safety of persons or property" constitutes "reckless driving" under UVC § 11-901(a) and would be *one* of the violations included in UVC § 11-903(a) if death were caused by such operation. Except as otherwise indicated the laws in these states are identical to the substantive and penalty provisions of the 1956 Code section quoted in the Historical Note, *supra:*

Arkansas [1]	Maine	South Carolina [5]	West Virginia
Florida	New Jersey [3]	Utah [6]	Wyoming
Illinois	Oklahoma	Washington [7]	
Indiana [2]	Rhode Island [4]		

1. The Arkansas traffic law refers to "reckless *or wanton* disregard of the safety of others" and has an additional subsection providing that negligent homicide shall be included in and be a lesser degree of involuntary manslaughter.
2. The Indiana law defines "*reckless* homicide" and does not refer to a death ensuing within a year. The penalties are: $100 to $1,000 fine and/or 60 days to six months imprisonment, or up to $1,000 and imprisonment for one to five years. Or, if the driver was under the influence of intoxicating liquor or unlawfully under the influence of narcotic or other habit-forming or dangerous, depressant or stimulant drugs, then the penalties are one to five years, or one to two years and a fine of $250 to $5,000.
3. A New Jersey criminal law proscribes "death by auto" caused by driving "carelessly and heedlessly, in willful or wanton disregard of the rights or safety of others." Violation is a crime of the fourth degree. A penalty is not stated.
4. The offense in Rhode Island is "driving so as to endanger, resulting in death" with a penalty of imprisonment for not more than 10 years. The gravamen is "reckless disregard of the safety of others" but the clause "within 1 year" in the 1956 Code provision is omitted.
5. A South Carolina law defines "reckless" and not "negligent" homicide. The penalty is $1,000 to $5,000 fine and/or up to five years imprisonment.
6. Utah also has a law proscribing "automobile homicide," which is causing a death by reckless, negligent or careless operation of a motor vehicle by a person who is under the influence of intoxicating liquor, a controlled substance or any drug to a degree which renders him incapable of driving safely. A violation is a third degree felony and carries a maximum penalty of five years or $5,000.
7. The Washington law also refers to driving while under the influence of or affected by intoxicating liquor or drugs. Death must ensue within "three" years, and the penalty is one to 10 years and/or up to $1,000 fine.

Sixteen states do not have laws addressed specifically to homicide caused by the operation of a vehicle. All of these states, of course, have laws defining and/or penalizing manslaughter, some have laws defining degrees of manslaughter, and a few have laws defining "negligent homicide" generally. The 16 states are:

Alabama	Iowa	Missouri	North Dakota
Alaska [1]	Kentucky	Montana [3]	Oregon
Arizona	Louisiana [2]	Nevada	South Dakota
Delaware	Mississippi	New York [4]	Virginia

1. See Alaska Stat. Ann. § 11.15.080 defining "negligent homicide" as any killing resulting from culpable negligence.
2. See La. Rev. Stat. Ann. § 14:32 defining "negligent homicide" as any killing by criminal negligence. This law further provides that the violation of any law or ordinance shall only be considered as presumptive evidence of such negligence.

3. See Mont. Rev. Code Ann. § 94-5-104 defining "criminal homicide" as purposely, knowingly or negligently causing the death of another. This law further provides that criminal homicide constitutes "negligent homicide" when it is committed negligently.

4. See N.Y. Penal Law (McKinney's) § 125.10 which provides that a person is guilty of criminally negligent homicide when, with criminal negligence, he causes the death of another.

Citations

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Wash. Rev. Code Ann. § 46.61.520 (Supp. 1976).
W. Va. Code Ann. § 17C-5-1 (1974).
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Wyo. Stat. Ann. § 31-5-1115 (1977).
D.C. Code § 40-606 (1973).

§ 11-904—Fleeing or Attempting to Elude a Police Officer

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

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

Historical Note

This section, establishing the offense of fleeing or eluding an officer by motor vehicle, was added to the Code in 1968. See also, UVC §§ 6-206(a)7, 16-202(a)7.

Statutory Annotation

Subsection (a).

Thirty states have laws establishing the offense of eluding a police officer in general conformity with subsection (a) of this 1968 Code section:

Alaska	Kansas	North Dakota	Texas
Arizona	Kentucky	Ohio	Utah
California	Maryland [2]	Oregon	Vermont
Colorado	Massachusetts	Pennsylvania	Virginia
Delaware	Michigan	Rhode Island	Washington
Florida	Montana	South Carolina	Wisconsin
Georgia [1]	Nevada	South Dakota	Wyoming
Illinois	New Jersey		

1. Georgia law applies to the driver of any "vehicle."
2. A second law (§ 21-1112) bans turning off any lights to avoid identification.

The Code prohibits eluding an officer who is in a pursuing police vehicle. The laws of 17 of the 30 states conform with the Code in this respect: Arizona, California, Colorado, Georgia, Kansas, Kentucky, Maryland, Montana, Nevada, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Texas, Vermont and Wyoming.

The Code prohibits fleeing when an officer has given a "visual or audible signal" to stop. Twenty state laws are in conformity with the Code in this respect: Colorado, Delaware, Georgia, Illinois, Kansas, Kentucky, Maryland, Michigan, Montana, Nevada, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Texas, Utah, Virginia, Wisconsin and Wyoming. Two states—Alaska and New Jersey—would require a stop if the officer has given any signal, and four states—Florida, Massachusetts, Vermont and Washington—would require a stop when ordered by an officer, but do not refer to any form of "signal." Eight states—Georgia, Illinois, Maryland, Michigan, North Dakota, Oregon, Pennsylvania and Wyoming—conform with the Code by specifying that the officer's signal may be by hand, voice, emergency light or siren. Colorado and Nevada specify a "red light or siren," and South Carolina specifies a "siren or flashing light." Arizona requires a siren or siren and lights and California and Vermont require lights and sirens. The remaining states do not refer to specific types of signals.

The Code requires that the officer be in uniform, displaying his badge, and his vehicle must be appropriately marked as a police vehicle. In this respect, 13 states are in conformity with the Code—California, Georgia, Illinois, Kansas, Maryland (badge or other insignia), Michigan, North Dakota, Oregon, Pennsylvania, South Dakota, Texas, Vermont and Wyoming. Colorado requires the officer to be in a marked police vehicle, three states—Massachusetts, Vermont and Washington—specify that the officer must be in uniform and display his badge, and one state, Delaware, requires the police officer to be identifiable by uniform, motor vehicle, or a clearly discernible police signal.

Another state—North Carolina—has a special penalty for going faster than 70 mph while fleeing or attempting to elude apprehension. It is $100-$1,000 and/or up to two years in jail.

Subsection (b).

State laws establishing specific penalties for the offense of eluding an officer are summarized below.

UVC	$100 - 500	30 days-6 months
Arizona	100-5,000	1 to-5 years
Colorado	. . . .-1,000	. . . .-6 months
Delaware	· 500-2,000 *	60 days-6 months
Florida	. . . .-1,000	. . . .-1 year
Georgia	100-500	30 days-6 months
Illinois	50-500	10 days-6 months
Massachusetts	25-100	———
Montana	300-500	10 days-6 months
South Carolina	500-. . . .	90 days-. . . .
Texas	100-500	30 days-6 months
Utah	250-1,000	60 days-1 year
Vermont	. . . .-100	———
Virginia	50-1,000	60 days-1 year
Wyoming	. . . .-100	. . . .-90 days

* A second offense carries a fine of $1,000-$3,000 and/or imprisonment for 60 days to 18 months.

The other 16 states with comparable laws—Alaska, California, Kansas, Kentucky, Maryland, Michigan, Nevada, New Jersey, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Washington and Wisconsin—do not provide special penalties; therefore, in these states, laws comparable to UVC § 17-101 (general penalty provisions) should be consulted.

Citations

13 Alaska Adm. Code § 02.570 (1971).
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Mich. Stat. Ann. § 9.2302(1) (Supp. 1969).
Mont. Rev. Code § 32-2143 (Supp. 1977).
Nev. Rev. Stat. § 484.348 (1976).
N.J. Gen. Laws 1964, ch. 178, CCH ASLR 309.
N.C. Gen. Stat. § 20-141(j) (1975).
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Ohio Rev. Code Ann. § 4511.02 (Supp. 1978).
Ore. Rev. Stat. § 487.555 (1977).
Pa. Stat. tit. 75, § 3733 (1977).
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S.C. Code Ann. § 56-5-750 (1976).
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Tex. Rev. Civ. Stat. art. 6701d, § 186 (Supp. 1972).
Utah Code Ann. § 41-6-13.5 (Supp. 1979).
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Va. Code Ann. § 46.1-192.1 (1967).
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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. (REVISED, 1971.)

Historical Note

A provision regulating parking or standing on highways outside of business or residence districts has been in the Code since 1926. At that time, the Code provided:

> No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled portion of any highway, outside of a business or residence district, when it is practicable to park or leave such vehicle standing off of the paved or improved or main traveled portion of such highway; provided, in no event shall any person park or leave standing any vehicle, whether attended or unattended, upon any highway unless a clear and unobstructed width of not less than fifteen feet upon the main traveled portion of said highway opposite such standing vehicle shall be left for free passage of other vehicles thereon, nor unless a clear view of such vehicle may be obtained from a distance of 200 feet in each direction upon such highway.

UVC Act IV, § 25 (1926). The section was amended in 1930 to require that a clear and unobstructed width of not less than 20 feet must be left opposite the stopped vehicle to permit the free passage of other vehicles. UVC Act IV, § 50 (Rev. ed. 1930).

As amended in 1934, the section applied to stopping as well as to parking and standing and was re-phrased to read:

> Upon any highway outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled part of the highway when it is practical to stop, park, or so leave such vehicle off such part of said highway but in every event a clear and unobstructed width of at least 20 feet of such part of the highway opposite such standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle be available from a distance of 200 feet in each direction upon such highway.

UVC Act V, § 90 (Rev. ed. 1934). Other amendments in 1938 applied the section to the "paved or main traveled portion of any highway" rather than to "the paved or improved or main traveled portion," and the requirement that a distance of at least 20 feet be left opposite the stopped vehicle was changed to a requirement that "an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles." UVC Act V, § 108 (Rev. ed. 1938); UVC Act V, § 110 (Rev. eds. 1944, 1948, 1952); UVC § 11-1001(a) (Rev. eds. 1954, 1956, 1962, 1968).

In 1971, the subsection was clarified as follows:

> [Upon any highway] Outside [of] a business or residence district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the *roadway* [paved or main-traveled part of the highway] when it is practicable to stop, park or so leave such vehicle off *the roadway* [such part of said highway], but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such highway.

The substitution of "roadway" as defined in § 1-158 for "paved or main-traveled part of the highway" was to clarify this provision, particularly in situations where the shoulder is paved. See *Salinas* v. *Kahn*, 407 P.2d 124. This subsection is not intended to apply on paved shoulders. UVC § 11-1001(a) (Supp. 1 1972).

Statutory Annotation

Six jurisdictions—Georgia, Idaho, Illinois, Kansas, Maryland and Puerto Rico—Require that a stopped, parked or standing vehicle be in a position off the roadway whenever that would be practicable, in verbatim or near verbatim conformity with the UVC. In addition, Illinois requires drivers of religious organization buses to stop at bus stops, parking lanes, or shoulders out of lanes for moving traffic. If that is not possible, the driver may stop on the pavement.

The California, New Jersey and Wisconsin laws, discussed *infra* in this Annotation, also refer to "roadway" but differ in other respects as noted.

The laws of 16 states are in verbatim or substantial conformity with the 1968 subsection:

Arizona	Nevada	Ohio	Tennessee
Arkansas	New Hampshire	Oklahoma	Texas
Indiana	New Mexico	Rhode Island	West Virginia
Louisiana	New York	South Carolina	Wyoming

Thus, these laws differ from the current Code by restricting stops on the "paved or main-traveled part of the highway" rather than on a "roadway."

Two states—Pennsylvania and Montana—have laws that are probably in substantial conformity with UVC § 11-1001(a) by requiring a clear view of the stopped vehicle for a distance of 500 feet in each direction rather than 200 feet as provided in the Code.

Eight states have laws comparable to UVC § 11-1001(a) that specify the width that must be left unobstructed to permit the free passage of other vehicles. Of these, Maine provides that a clear view of the stopped vehicle must be available from a distance of 300 feet, and Wisconsin requires a clear view from a distance of 500 feet. The others, like the Code, specify a distance of 200 feet. The eight states and the widths specified for each are:

Iowa	20 feet	New Jersey [1,2]	15 feet
Maine [1]	10 feet	North Dakota [1]	15 feet
Minnesota [2]	20 feet	South Dakota	20 feet
Mississippi	20 feet	Wisconsin [3]	15 feet

1. The laws of these three states mention parked or standing vehicles but not stopped vehicles as in the Code.
2. Limits stopping on "roadways" as does the UVC.
3. Excepts school bus drivers stopped to receive school children. Oregon also excepts worker buses. These exceptions are not in agreement with the UVC.

Seventeen states have the following comparable provisions:

Alabama—Law is not limited to highways outside of business and residence districts; it requires an unobstructed width of 15 feet for the free passage of other vehicles; and it does not refer to stopped vehicles.

Alaska—The regulation is not limited to highways "outside a business or residence district" and does not provide for situations in which it might be impractical to remove a vehicle from the roadway. A law (§ 28.35.140) bans purposely obstructing or blocking traffic but does not apply to service vehicles (such as buses, garbage trucks, tow trucks and ambulances) which must make brief stops on the roadway to perform their functions.

California—Law is essentially like the UVC but applies upon roadways without curbs located outside incorporated areas.

Colorado—Law does not expressly allow for situations in which it might be impractical to remove a vehicle from the traveled portion of the highway.

Connecticut—The statute, which does not apply in municipalities where parking is regulated, provides:

> No vehicle shall be permitted to remain stationary upon the traveled portion of any highway at any curve or turn or at the top of any grade where a clear view of such vehicle may not be had from a distance of at least one hundred and fifty feet in either direction. . . . No vehicle shall be permitted to remain stationary within the limits of a public highway in such a manner as to constitute a traffic hazard or obstruct the free movement of traffic thereon.

Delaware—Duplicates the first part of the 1968 Code subsection but omits the entire concluding portion, "when it is practicable . . . upon such highway." Instead, the law concludes:

> . . . . except when necessary to avoid conflict with other traffic or where it is necessary for public utility vehicles to temporarily stop along the highway to make alterations in or repairs to utility facilities, so long as proper traffic control devices are posted or where it is in compliance with the directions of a police officer or traffic-control device.

Thus, the law prohibits stopping, standing or parking on any roadway outside business and residence districts and not, as in the Code, merely at places where stopping off the roadway would be practicable, where there is no room for the free passage of other traffic, or where approaching drivers would not have a view of the vehicle for 200 feet. The exceptions for stops required to avoid conflict with traffic or to comply with the directions of an officer or traffic-control device are in substantial conformity but would appear unnecessary in view of the applicable definition of "stopping" in UVC § 1-171. As to utility vehicles stopped temporarily, see the exception in UVC § 11-105 for vehicles "actually engaged in work upon a highway."

Florida—Law is closely patterned after the 1968 Code. It applies on highways outside municipalities. Section 316.139(3) requires school buses to stop as far to the right as possible and, when possible, requires visibility for at least 200 feet.

Kentucky—Unlike the Code, the law broadly prohibits stopping or leaving a vehicle on the main-traveled portion of a highway. While the Code provides generally for situations in which it is impractical to remove a vehicle from the main-traveled part of the highway, the Kentucky law enumerates several situations in which it would be impractical to remove such vehicles and exempts them from the application of the statute. These exceptions are discussed in § 11-1001(b), *infra*. The law does not apply on the main-traveled portion of a highway or street in a city or suburban area where parking is otherwise permitted. In this aspect, the law is similar to the Code subsection which applies only on highways "outside of a business or residence district." A provision regulating stops by common carriers and school buses to take on or discharge passengers is somewhat closer to the requirements of UVC § 11-1001(a). It provides that the law prohibiting stopping on a highway does not apply to:

> . . . vehicles operating as common carriers of passengers for hire and school buses taking passengers on such vehicle or discharging passengers therefrom, provided that no such vehicle shall stop for such purposes at a place on the highway which does not afford reasonable visibility to approaching motor vehicles from both directions.

Massachusetts—Regulations applicable to driving on state highways define "parking" so as to include *stopping or* standing. "Parking" does not include temporary stops or stopping to load or unload. The regulations then provide that a person shall not "park" a vehicle "upon the roadway in a rural or sparsely settled district" or upon any "roadway where the parking of a vehicle will not leave a clear and unobstructed lane 12 feet wide in each direction for passing traffic."

Michigan—Law applicable outside cities and villages is like the UVC but does not have the concluding portion, "but in every event. . . ." Though the law does not apply to school buses stopped to receive or discharge children, such stops where the bus would not be visible for 500 feet are prohibited by another law. This UVC subsection does apply to school buses.

Nebraska—The law is patterned closely after the UVC subsection. It differs only by substituting "such part of such highway" for the second reference to "roadway" in the Code.

North Carolina—The law prohibits parking or leaving any vehicle *outside cities* on the roadway unless it is disabled. Parking or leaving a vehicle on the shoulder *outside cities* is prohibited unless it can be seen for 200 feet and does not obstruct traffic.

Oregon—Law is patterned after the UVC but is worded as follows:

> (1) A person who stops, parks or leaves standing any vehicle, whether attended or unattended, upon a roadway outside a business or residence district, when it is practicable to stop, park or leave his vehicle standing off the roadway, commits the offense of unlawfully parking in a roadway.
>
> (2) Unlawfully stopping, standing or parking in a roadway is a Class D traffic infraction.
>
> (3) A person shall not park or leave standing a vehicle, whether attended or unattended, on a shoulder unless a clear and unobstructed width of the roadway opposite the standing vehicle is left for the passage of other vehicles and:
>
> (a) The standing vehicle is visible from a distance of 200 feet in each direction upon the roadway; or
>
> (b) The person, at least 200 feet in each direction upon the roadway, warns approaching motorists of the standing vehicle by way of flagmen, flags, flares, signs or other signal.

(4) A person who violates subsection (3) of this section commits a Class D traffic infraction.

Subsection (3)(b) in the above law is not in the UVC.

Utah—The law differs from the Code by changing "practicable" to "practical" and the concluding word "highway" to "roadway."

Vermont—Law applies inside as well as outside business and residence districts and bans all stopping on the roadway and not just such stopping as can be avoided by pulling off the roadway. Then the law provides that where parking is permitted, an unobstructed width for passing vehicles and a clear view for 200 feet must be provided in substantial agreement with the latter portion of the Code section.

Virginia—The law is not limited to highways outside of business or residence districts and prohibits any stopping on a highway that impedes or endangers traffic. Exemptions for certain vehicles, specified in the law, are discussed in § 11-1001(b), *infra*. Virginia has another law that applies only to trucks and buses discharging cargo or passengers on highways outside of cities and towns which provides:

No truck or bus, or part thereof, except a school bus, shall be stopped on the traveled portion of any highway outside of cities and towns for the purpose of taking on or discharging cargo or passengers unless the operator cannot leave the traveled portion of the highway with safety. A school bus may be stopped on the traveled portion of the highway when taking on or discharging school children, but these stops shall be made only at points where the bus can be clearly seen for a safe distance from both directions.

Washington—Law does not provide for situations in which it might be impractical to move a vehicle off the roadway.

Hawaii, Missouri and the District of Columbia do not have laws comparable to UVC § 11-1001(a).

§ 11-1001—Stopping, Standing or Parking Outside Business or Residence Districts

(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. (REVISED, 1971.)

Historical Note

A provision permitting the driver of a disabled vehicle to leave the vehicle temporarily upon the highway has been in the Code since 1926. Originally, this section provided:

> The provisions of this section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such vehicle in such position.

In 1934, this was re-worded to read:

> This section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

The phrase "or improved" was deleted in 1938. UVC Act IV, § 25 (1926); UVC Act IV, § 50 (Rev. ed. 1930); UVC Act V, § 90 (Rev. ed. 1934); UVC Act V, § 108 (Rev. ed. 1938); UVC Act V, § 110 (Rev. eds. 1944, 1948, 1952); UVC § 11-1001(b) (Rev. eds. 1954, 1956, 1962, 1968).

In 1971, this temporary exception for disabled vehicles was broadened to apply to other restrictions on stopping, standing or parking as follows:

> This section, § *11-1003 and § 11-1004* shall not apply to the driver of any vehicle which is disabled [while on the paved or main-traveled portion of a highway] in such [a] manner and to such extent that it is impossible to avoid stopping and temporarily leaving [such disabled] *the* vehicle in such position.

Statutory Annotation

Eight states—Delaware, Georgia, Idaho, Illinois, Kansas, North Dakota, Pennsylvania and Washington—have laws in verbatim conformity with this Code subsection. The Georgia provision adds reference to a vehicle which is disabled "while on a roadway."

Oregon has a "disabled vehicle exception" which provides as follows:

> The provisions of ORS 487.575 to 487.585 do not apply to the driver of a vehicle which is disabled in such manner and to such extent that the driver cannot avoid stopping or temporarily leaving the disabled vehicle in a position prohibited by one or more provisions of ORS 487.575 to 487.585.

Puerto Rico conforms but would require repairing the vehicle in an hour. Immediate removal from an intersection or bridge is required.

The laws of 26 states are patterned after this subsection prior to its 1971 revision:

Alaska [1]	Maryland [4]	New Hampshire	South Carolina
Arkansas	Minnesota [5]	New Mexico	South Dakota
California [2]	Mississippi	New York	Tennessee
Colorado	Montana	North Carolina	Texas
Indiana	Nebraska	Ohio	Utah
Iowa	Nevada	Oklahoma	West Virginia
Louisiana [3]			Wyoming

1. If vehicle is unattended, driver must leave note indicating why the vehicle is there and what provisions are being made for its removal or leave the hood in a raised position.
2. The California law (§ 22505) comparable to UVC § 11-1004(d) relating to posted stopping, standing or parking restrictions on state highways does not apply to disabled vehicles when it is impossible to avoid temporarily leaving such a vehicle on the roadway. Another law (§ 22520) restricting stops on controlled-access highways also does not apply to vehicles that are so disabled as to make it impossible to avoid temporarily stopping.
3. The Louisiana law contains these additional provisions: "The driver shall remove the vehicle as soon as possible, and until it is removed it is his responsibility to protect traffic. The driver of any vehicle left parked, attended or unattended, on any highway, between sunset and sunrise, shall display appropriate signal lights thereon, sufficient to warn approaching traffic of its presence."
4. Maryland provides an exception for vehicles that are "unintentionally disabled."
5. Minnesota excepts school buses and the UVC does not.

Although not expressing a disablement exception as broad as the one in the 1971 Code, five laws against stopping on controlled-access highways provide exceptions for disabled vehicles. See the laws of California, Florida, Michigan, Nebraska and New York discussed in § 11-1003, *infra*.

Six states have laws that exempt these additional vehicles from the probibition against stopping, parking, or standing on the traveled portion of the highway:

Alabama—Licensed vehicles carrying passengers or cargo for hire while stopped on the right-hand side of the highway to pick up or discharge passengers, and vehicles engaged in official delivery of the United States mail when stopped on the right-hand side of the highway to pick up or deliver mail if a clear view of the vehicle is available for a distance of 100 feet in each direction.

Arizona—A vehicle engaged in official delivery of the United States mail and stopped on the right-hand side of the highway to pick up or deliver mail, if a clear view of the vehicle is available for a distance of 300 feet in each direction or if the prescribed flashing amber light is attached to the rear of the vehicle.

Florida—Passenger-carrying buses temporarily parked while loading or discharging passengers where highway conditions render such parking off the paved portion of the highway hazardous or impractical.

Maine—Law applies while the vehicle is on the "paved, improved, or main traveled portion of a highway or within 10 feet from the nearer outside line of the traveled way of a public highway," and exempts vehicles employed in connection with the construction, maintenance or repairs of pipes and wires of a public utility in, upon, along, over, across and under a highway.

Oregon—Law does not apply to emergency cars, or vehicles of the police, traffic or sheriff's office, or the fire department, or ambulances.

Wisconsin—Law exempts vehicles that are stopped to avoid conflict with other traffic or to comply with traffic regulations or the directions of a traffic officer or traffic-control sign or signal. See the definition of "stop" in UVC § 1-171.

Seven states have the following laws:

Connecticut—A provision that prohibits leaving a vehicle on the roadway near curves or hill crests has no express exception for a disabled vehicle but a provision that prohibits remaining stationary whenever a traffic hazard or obstruction to traffic is created states that a vehicle which "has become disabled to such an extent that it is impossible or impracticable to remove it may be permitted to so remain for a reasonable time for the purpose of making repairs thereto or of obtaining sufficient assistance to remove it." The law does not apply to emergency or maintenance vehicles or when complying with the directions of an officer or when stopping is necessary to avoid an accident or to yield the right of way.

Kentucky—As noted in the Annotation to subsection (a), *supra*, Kentucky has a law that generally prohibits stopping or leaving a vehicle on the main-traveled portion of the highway. The statute then exempts any vehicle that is disabled to "such extent that it is impossible to avoid the occupation of the main traveled portion or impracticable to remove it from the highway until repairs have been made or sufficient help obtained for its removal . . . ." The law also exempts: (1) wreckers at the scene of an accident, (2) emergency vehicles, (3) motor vehicles required to stop in obedience to the provisions of any law, traffic ordinance, regulation, sign, or command of any peace officer, (4) common carrier and school buses as noted in the Annotation to subsection (a), *supra*, and (5) vehicles required to stop because of obstructions.

Massachusetts—A regulation applicable to driving on state highways restricts "parking" at the places noted in the Annotation to subsection (a), *supra*. Such restrictions do not apply to a disabled vehicle while emergency repairs are being made or while arrangements are being made to move it because any such vehicle is excluded from the definition of "parking." However, another regulation requires a person to "park" in the right-hand lane or on the shoulder for the purpose of making emergency repairs or changing a tire unless the vehicle is so damaged or disabled that it can not be moved under its own power.

Michigan—Law prohibiting stopping, parking or leaving a vehicle on a limited-access highway does not apply in the event of an "emergency or mechanical difficulty" and a law comparable to UVC subsection (a) does not apply to school buses stopped for children.

New Jersey—The law provides:

> In the event that a vehicle is disabled or otherwise unable to proceed while on the roadway of a highway, the driver or person in charge of such vehicle shall immediately, by the quickest means of communication, notify the nearest police authority.

Vermont—The law prohibiting stopping on any roadway does not apply to any disabled vehicle on a roadway in a manner and to the extent it is impossible "or impractical" to avoid stopping and temporarily leaving the vehicle in that position. The law adds that the ban also does not apply to stopping at a railroad grade crossing.

Virginia—As noted in the Annotation to subsection (a), *supra*, Virginia has a law that broadly prohibits stopping a vehicle on the highway in any manner that impedes or renders dangerous the use of the highway. The law exempts vehicles that are disabled as a result of an accident or mechanical breakdown, but the driver is required to use four-way flashers, and to make a report to the nearest police officer as soon as practicable. The vehicle must be removed from the roadway to the shoulder as soon as possible and removed from the shoulder without unnecessary delay. The law also exempts: (1) vehicles owned or controlled by the Virginia Department of Highways, or units of local government including counties, cities and towns, while actually engaged in the construction, reconstruction, or maintenance of highways, (2) rural mail carriers stopped on the highway to load or unload mail at a mail box, and (3) trucks, buses and school buses as noted in the Annotation to subsection (a), *supra*.

Hawaii, Missouri, Rhode Island and the District of Columbia do not have laws comparable to subsection (b).

Citations

Ala. Code. tit. 32, § 32-5-150 (1975).
13 Alaska Adm. Code § 02.340 (1971).
Ariz. Rev. Stat. Ann. § 28-871 (Supp. 1966).
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Kans. Stat. Ann. § 8-1569 (1975).
Ky. Rev. Stat. Ann. § 189.450 (1977).
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Me. Rev. Stat. Ann. tit. 29 § 1111 (1965).
Md. Trans. Code § 21-1001 (1977).
Mass. Rules & Regs. for Driving on State Highways art. I, § 1(p); art. II, §§ 1(e), (g), 5 (Jan. 1971).
Mich. Stat. Ann. § 9.2372 (1973).
Minn. Stat. Ann. § 169.32 (Supp. 1972).
Miss. Code Ann. § 63-3-903 (1972).
Mont. Rev. Codes Ann. § 32-2199 (1961).
Neb. Rev. Stat. § 39-670 (1974).
Nev. Rev. Stat. § 484.395 (1975).
N.H. Rev. Stat. Ann. § 262-A:70 (1966).
N.J. Rev. Stat. § 39:4-136 (1961).
N.M. Stat. Ann. § 64-7-349, amended by H.B. 112, CCH ASLR 161, 533-34 (1978).
N.Y. Vehicle and Traffic Law § 1201 (1960).
N.C. Gen. Stat. § 20-161 (Supp. 1975).
N.D. Cent. Code § 39-10-47 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.66 (1965).
Okla. Stat. Ann. tit. 47, § 11-1001 (1962).
Ore. Rev. Stat. §§ 487.575, .590 (1977).
Pa. Stat. Ann. tit. 75, § 3351 (1977).
R.I. Gen. Laws Ann. § 31-21-1 (1957).
S.C. Code Ann. § 56-5-2510 (1976).
S.D. Comp. Laws §§ 32-30-1, -2, -4 (1967, Supp. 1971).
Tenn. Code Ann. § 59-859 (1955, Supp. 1966).
Tex. Rev. Civ. Stat. art. 6701d, § 93 (Supp. 1972).
Utah Code Ann. § 41-6-101 (Supp. 1979).
Vt. Stat. Ann. tit. 23, § 1101 (Supp. 1978).
Va. Code Ann. §§ 46.1-248, -249, -250 (1974, Supp. 1979).
Wash. Rev. Code Ann. § 46.61.560 (Supp. 1978).
W. Va. Code Ann. § 17C-13-1 (1966).
Wis. Stat. Ann. §§ 346.50, .51 (1958, Supp. 1967).
Wyo. Stat. Ann. § 31-5-505 (1977).
P.R. Laws tit. 9, § 1011 (Supp. 1975).

§ 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 such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the roadway. (REVISED, 1971.)

Historical Note

This subsection authorizes a police officer to move or direct the removal of a vehicle found standing on a roadway outside of an urban area when it could be off the roadway, when its position does not afford free passage, or when it is not clearly visible for 200 feet in each direction.

In the first two editions of the Code, this subsection was in the section containing provisions comparable to those now in UVC § 11-1001. Thus, it provided:

> Whenever any peace officer shall find a vehicle standing upon a highway in violation of the provisions of this section, he is hereby authorized to move such vehicle or require the driver or

person in charge of such vehicle to move such vehicle to a position permitted under this section.

UVC Act IV, § 25 (1926); UVC Act IV, § 50 (Rev. ed. 1930). In 1934, the provision was revised and placed in a separate section. It clarified the place to which an officer was authorized to move a hazardously stopped, standing or parked vehicle—"to a position off the paved or improved or main traveled part of such highway" rather than "to a position permitted under this section." As revised, this subsection provided:

> Whenever any police officer finds a vehicle standing upon a highway in violation of any of the foregoing provisions of this article such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway.

UVC Act V, § 90 (Rev. ed. 1934). The words "or improved" were deleted from the Code in 1938, and the phrase "foregoing provisions of this article" was changed to "provisions of section 11-1001" in 1954. UVC Act V, § 108 (Rev. ed. 1938); UVC Act V, § 110 (Rev. eds. 1944, 1948, 1952); UVC § 11-1002(a) (Rev. eds. 1954, 1956, 1962, 1968).

In 1971, this subsection was revised as follows:

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

Statutory Annotation

Idaho and Utah are in conformity with the 1971 Code provision.

The laws of 26 jurisdictions are in verbatim or near verbatim conformity with this Code subsection prior to its revision in 1971, except as noted:

Alaska	Kansas	New Mexico [3]	Rhode Island
Arizona	Kentucky [1,2]	North Dakota	South Carolina [6]
Arkansas [1]	Louisiana	Ohio [1]	Texas
Florida	Minnesota [1]	Oklahoma [4]	Washington [7]
Georgia	Mississippi [1]	Oregon [5]	West Virginia
Illinois	Montana [3]	Pennsylvania	Wyoming
Iowa [1]			Puerto Rico

1. These six states retain the phraseology of the 1934 Code: "paved *or improved* or main traveled part of the highway." The words "or improved" were deleted from the Code in 1938.
2. Kentucky substitutes "may" for "is hereby authorized to."
3. Montana and New Mexico refer to the "*foregoing* provisions of this article" and not to the section comparable to UVC § 11-1001. The effect appears to be the same, however.
4. Oklahoma has an additional law that provides: "When any vehicle is left standing or abandoned upon a highway in violation of this section and at such a place or in such manner as to interfere or prevent the maintenance of said highway, the Department of Highways may remove such vehicle or request driver or other persons in charge thereof to move the same to some place of safety off the highway without charge to the owner of the vehicle."
5. Oregon additionally grants authority to move a vehicle violating provisions comparable to UVC §§ 11-1001, 11-1003 and 11-1004.
6. The South Carolina law provides that "such officer may move such vehicle" rather than "such officer is hereby authorized to move such vehicle."
7. The Washington law refers to "main traveled part of such highway" and omits the word "paved." The law also provides: "For the purpose of this section, a place of safety may include the business location of a towing service."

Six states have laws that are in substantial conformity with subsection (a) but retain the phraseology of the 1926 Code (see Historical Note, *supra*):

Alabama	Maine	Tennessee
Delaware *	South Dakota	Vermont

* The Delaware law provides: "Whenever any person authorized to make arrests under this title finds a vehicle standing upon a highway in violation of the provisions of subsection (a) of this section, he may move such vehicle or require the driver or person in charge of such vehicle to move such vehicle off the highway."

Fourteen other jurisdictions have laws that are in substantial conformity but with the following differences:

California—One law (§ 22651) provides for removal of a vehicle from the highway when the vehicle "is left standing upon a highway in such position as to obstruct the normal movement of traffic." Another law (§ 22654) authorizes removing a vehicle in violation of laws comparable to UVC §§ 11-1001 and 11-1003.

Colorado—The law applies to attended or unattended vehicles standing upon any portion of the highway right of way that constitute an obstruction to traffic or proper highway maintenance. Unlike the Code, a police officer is not restricted to removing the vehicle to a position off the paved or main-traveled part of the highway. An officer is authorized to cause the vehicle to be moved in order to eliminate any obstruction caused by it. The statute also provides that "neither the officer, nor anyone operating under his direction shall be liable for any damage to such vehicle occasioned by such removal."

Illinois and Indiana—Authorize removal of a vehicle found standing in violation of provisions comparable to UVC §§ 11-1001 to 11-1004 and not merely those comparable to UVC § 11-1001. See also, UVC § 11-1002(b), *infra*.

Massachusetts—Law (ch. 85, § 2A) provides that the Department of Public Works may move any vehicle interfering with the free flow of traffic to the nearest convenient place. Regulations applicable to driving on state highways authorize certain police officers to move a vehicle to some convenient place if it is: (1) stopped, standing or parked upon any state highway except where authorized by official signs; (2) parked for a period of time longer than that permitted by signs; (3) parked or standing upon any roadway in a position that does not leave a clear and unobstructed 12-foot-wide lane in each direction; (4) parked or standing upon the roadway in a rural or sparsely settled district within a no-passing zone; or (5) parked or standing on the highway for more than 24 consecutive hours, even though disabled and preparations are being made for its removal by its operator or owner.

Michigan—Law is similar to the Code except that it employs the phrase "in violation of the provisions of this chapter." The reference is to Chapter 75b of the Michigan Vehicle Code and the effect is that the law is applicable to all parking prohibitions rather than only to provisions comparable to those in UVC § 11-1001.

Nebraska—Law authorizes a police officer to remove any vehicle standing on a highway in violation of any rule of the road. He may also require the driver to move the vehicle off the roadway or highway.

Nevada—Authorizes removal of a vehicle found standing in violation of any rule of the road and not merely a rule comparable to UVC § 11-1001. It also authorizes removal to a position off the paved, *improved* or main-traveled part of the highway.

New Jersey—Law provides for removal from the highway of any vehicle that is disabled to the extent that the operator cannot move it, or any vehicle that is unoccupied and parked or standing in violation of a traffic regulation. This law is in substantial conformity with subsection (a) since it would authorize removal of a vehicle standing on a roadway outside of an urban area when it could be off the roadway or when its position does not afford free passage or when it is not clearly visible for 200 feet in each direction. The law does not limit the officer's authority to moving the vehicle to a position off the paved or main-traveled part of the highway. Instead, it provides that such a vehicle "shall be deemed a nuisance and a menace to the safe and proper regulation of traffic and any peace officer may provide for the removal of such vehicle." This law also expressly requires the owner of the vehicle to pay the reasonable costs of removal and storage.

New York—Law grants removal authority to police officers and other designated officials. It is essentially similar to the Code except that it employs the phrase "in violation of the foregoing provisions of this

article." Because this law follows those comparable to UVC §§ 11-1001, 11-1003 and 11-1004, the reference has the effect of making the removal provisions applicable to all parking prohibitions rather than just to provisions comparable to UVC § 11-1001.

North Carolina—The owner of a vehicle illegally parked or standing is deemed to have appointed any officer as his agent to move the vehicle to the shoulder or other suitable place and to arrange transportation and safe storage of any vehicle interfering with the regular flow of traffic. North Carolina also empowers the Governor to declare a state of emergency and order removal of vehicles blocking highways or other public vehicular ways.

Virginia—One law authorizes a police officer to remove from the highway at the owner's expense disabled vehicles that constitute a hazard to traffic. Another law authorizes the removal of vehicles that are unattended and constitute a traffic hazard by their presence on the roadway or adjacent thereto. A police officer is not restricted to moving the vehicle off the paved or main-traveled portion of the highway. The texts of these laws are as follows:

> No vehicle shall be stopped in such manner as to impede or render dangerous the use of the highway by others, except in the case of an emergency as the result of an accident or mechanical breakdown, in which case a report shall be made to the nearest police officer as soon as practicable and the vehicle shall be removed from the roadway to the shoulder as soon as possible and removed from the shoulder without unnecessary delay; and, if said vehicle is not promptly removed, such removal may also be ordered by a police officer at the expense of the owner if the disabled vehicle creates a traffic hazard.
>
> Whenever any motor vehicle, trailer or semitrailer, or part thereof, is found on the paved or improved surface of any highway or adjacent thereto, unaccompanied by the owner or operator thereof, and if such motor vehicle, trailer or semitrailer constitutes a hazard in the use of the highway by reason of its position thereon, or has been left unattended longer than twenty-four hours outside the corporate limits of any city or town, or on an interstate highway inside the corporate limits of any city or town, any sheriff, police or other peace officer discovering or having a report of same shall remove it or have it removed to the nearest storage garage for safekeeping . . . .

Wisconsin—Law is considerably broader than the Code and allows traffic officers to move, or require the operator to move, a vehicle to a position where parking is not prohibited whenever he finds it standing upon the highway "in violation of a prohibition, limitation or restriction on stopping, standing or parking."

District of Columbia—Regulation grants broad authority to remove any unattended vehicle found parked in violation of any traffic regulation.

Five states do not have express provisions comparable to subsection (a) in their traffic laws:

Connecticut*	Maryland	New Hampshire *
Hawaii	Missouri	

* See Connecticut § 14-150 and New Hampshire § 265:1 authorizing an officer to take custody over any vehicle that has apparently been abandoned or that has been involved in an accident and is a menace to traffic.

§ 11-1002—Officers Authorized to Remove Vehicles

(b) Any police officer is hereby authorized to remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway, or in any tunnel, in such position or under such circumstances as to obstruct the normal movement of traffic. (REVISED, 1968.)

Historical Note

As added to the Code in 1934, this subsection provided:

> Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

UVC Act V, § 91(b) (Rev. ed. 1934); UVC Act V, § 109(b) (Rev. ed. 1938); UVC Act V, § 111(b) (Rev. eds. 1944, 1948, 1952); UVC § 11-1002(b) (Rev. eds. 1954, 1956, 1962).

It was revised into its present form in 1968 to clarify and enlarge the authority of police officers to remove vehicles in the interest of providing for the safe and efficient movement of traffic. Prior to 1968, subsection (b) authorized the removal of any unattended vehicle left standing upon a bridge or in a tunnel if it obstructed traffic. The revision extended this authority to cover vehicles on any highway if illegally left standing and if the vehicle obstructs the normal movement of traffic. UVC § 11-1002(b) (Rev. ed. 1968).

For additional authority to remove abandoned vehicles, see UVC § 15-112; for authority to remove vehicles under other circumstances, see UVC § 11-1002(c); and for provisions on illegal stopping, standing or parking, see UVC §§ 11-1003 and 11-1004.

Statutory Annotation

The 1968 Code subsection authorizes the removal of any vehicle that is unattended, obstructing traffic and standing on a highway in violation of law. Six states—Arizona, Delaware, Idaho, Illinois, Kansas and Utah—have laws in verbatim conformity with the UVC. Arizona adds authority to remove unattended vehicles left more than a specified time on freeways.

The Pennsylvania law is in substantial conformity with the Code, adding that police officers may remove or cause to be removed vehicles which constitute a safety hazard.

Laws in 10 states authorize the removal of any unattended vehicle obstructing traffic even though it does not violate any law:

Alaska	Michigan	Tennessee
California [1]	Minnesota	Virginia [2]
Florida	Ohio	Washington
Kentucky		

1. California authorizes removal of any vehicle obstructing traffic, any unattended vehicle that obstructs traffic on a bridge or in a tunnel, any illegally parked vehicle blocking a driveway entrance or access to a fire hydrant, any vehicle violating a law comparable to UVC § 11-1003, any vehicle on a freeway more than four hours or that is disabled and blocking traffic, any vehicle on a railroad track and any vehicle illegally obstructing maintenance operations.

2. Virginia allows removal of any vehicle left unattended more than 24 hours outside a city or town and any vehicle on an interstate highway.

Laws in the following 14 jurisdictions also provide broader authority for the removal of vehicles than the UVC does:

Colorado—Police officers may cause any attended or unattended vehicle to be moved when it constitutes an obstruction to traffic or to highway maintenance operations.

Connecticut—Authorizes local authorities to remove from state highways vehicles that are parked in violation of state or local regulations.

Georgia—Authorizes removal of vehicles from state highways that are unattended and parked illegally. A second law duplicates the Code provision though all words after "tunnel" are omitted.

Maine—Authorizes removal of any vehicle parked or disabled so as to hinder normal traffic movement.

Massachusetts—Law authorizes removal of any vehicle that interferes with the free flow of traffic. Regulations authorize the removal of any vehicle that is illegally stopped, standing or parked, left standing for more than

24 consecutive hours on a state highway, or standing upon or in any bridge or tunnel unless a "breakdown lane" has been designated.

Nebraska—Law authorizes removal of any vehicle standing on a highway in violation of any rule of the road. See § 11-1002(a), *supra*.

Nevada—Authorizes removal of any vehicle found standing in violation of any rule of the road and any vehicle that obstructs traffic upon a bridge or in a tunnel.

New Jersey—Authorizes removal of any unoccupied vehicle violating a traffic regulation.

New York—Provides authority to remove any vehicle standing on a highway in violation of law and any unattended vehicle constituting an obstruction to traffic.

North Carolina—The law appoints police officers as agents for owners of cars illegally parked or standing cars that interfere with the regular flow of traffic. They may make arrangements for transporting and safely storing such cars.

Texas—Allows removal of a vehicle constituting a hazard or interfering with a governmental function and any unattended vehicle obstructing traffic on a bridge or in a tunnel.

Vermont—Authorizes police officers to remove any unattended vehicle obstructing traffic.

Wisconsin—Authorizes removal of any vehicle found in violation of any law relating to stopping, standing or parking.

District of Columbia—Authorizes removal of any vehicle parked in violation of any traffic regulation.

Laws in the following 13 states are patterned closely after the Code subsection prior to its revision in 1968. Thus, these laws authorize the removal of vehicles obstructing traffic on bridges or in tunnels:

Arkansas	Montana	South Carolina
Indiana	New Mexico	South Dakota
Iowa	North Dakota	West Virginia
Louisiana	Oklahoma	Wyoming
Mississippi		

Maryland and Rhode Island authorize the removal of disabled vehicles from bridges and tunnels. See UVC § 11-1002(c), *infra*.

Five states do not have comparable laws:

Alabama	Missouri	Oregon
Hawaii	New Hampshire	

§ 11-1002—Officers Authorized to Remove Vehicles

(c) Any police officer is hereby authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:

1. Report has been made that such vehicle has been stolen or taken without the consent of its owner, or

2. The person or persons in charge of such vehicle are unable to provide for its custody or removal, or

3. When the person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay, (New, 1968.)

Historical Note

Subsection (c) was added in 1968 in order to provide for situations where a vehicle must be removed from the highway in order to protect it from damage or theft, or to preserve safe use of the highway by other drivers. The authority to remove a vehicle was deemed particularly important when the vehicle is reported stolen, when the person in charge is not able to provide for its custody or removal, including instances when a driver is physically incapacitated or the vehicle is disabled, or when the driver is required to be taken immediately before a magistrate. For authority to remove abandoned vehicles, see UVC § 15-112.

Statutory Annotation

Nine states have laws which duplicate subsection (c):

Arizona	Illinois [2]	Pennsylvania [3]
Georgia [1]	Kansas	South Dakota
Idaho	North Dakota	Utah

1. Georgia adds authority to remove any vehicle left unattended on a highway for 24 hours or more and any vehicle stopped on an interstate highway for more than eight hours or if it constitutes a traffic hazard.

2. Illinois adds express authority for removal of abandoned or disabled vehicles interfering with traffic or highway maintenance. On disabled vehicles, see subsection (c)2. As to abandoned vehicles, see UVC § 15-112. As to vehicles obstructing traffic, see UVC § 11-1002(b).

3. Pennsylvania adds authority to remove vehicles in violation of restrictions on parking in specified places and abandoned vehicles.

Eight jurisdictions have laws which are probably in substantial conformity:

Alaska—Authorizes removal of any vehicle reported stolen, or when the person in charge of the vehicle is unable to provide for its custody or removal by reason of injury or illness, or when the driver is arrested.

California—§ 22651 authorizes police officers to remove a vehicle from a highway under the following circumstances:

(c) When any vehicle is found upon a highway and report has previously been made that the vehicle has been stolen or complaint has been filed and a warrant thereon issued charging that the vehicle has been embezzled.

(g) When the person or persons in charge of a vehicle upon a highway are by reason of physical injuries or illness incapacitated to such an extent as to be unable to provide for its custody or removal.

(h) When an officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is by this code or other law required or permitted to take and does take the person arrested before a magistrate without unnecessary delay.

Connecticut—Police officers are authorized to take any motor vehicle which is a menace to traffic into custody and to store it in a suitable place.

Delaware—Provides that police officers may remove from any highway any motor vehicle, trailer, or part thereof involved in an accident and incapable of being moved under its own power, when the owner or operator has been arrested and detained, or when the owner or operator is unable, unwilling or not available to provide for its removal.

Texas—Authorizes removal in the following instances:

3. When any vehicle is found upon a highway and report has previously been made that such vehicle has been stolen or complaint has been filed and a warrant thereon issued charging that such vehicle has been embezzled;

5. When a vehicle upon a highway is so disabled that its normal operation is impossible or impractical and the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle;

6. When an officer arrests any person driving or in control of a vehicle for an alleged offense and such officer is by this code or other law required to take the person arrested immediately before a magistrate.

Vermont—Authorizes removal to a garage or other place of safety when:

(A) The officer is informed by a reliable source that the vehicle has been stolen or taken without the consent of its owner; or

(B) The person in charge of the vehicle is unable to provide for its removal; or

(C) The person in charge of the vehicle has been arrested under circumstances which require his immediate removal from control of the vehicle.

Virginia—The Department of highways is authorized to remove or order the removal of any motor vehicle, trailer or semi-trailer stalled or rendered immobile because of weather or other emergency conditions.

Puerto Rico—Peace officers are authorized to remove vehicles found on the highway when the person or caretaker cannot assume its custody or remove it, or for the reason stated in UVC subsection (c)(3).

One state—Washington—provides as follows:

(3) Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of any vehicle involved in an accident is physically or mentally incapable, or too intoxicated, to decide upon steps to be taken to protect his or her property, the officer may provide for the removal of the vehicle to a place of safety.

(4) Whenever the driver of a vehicle is arrested and taken into custody by a police officer, and the driver, because of intoxication or otherwise, is mentally incapable of deciding upon steps to be taken to safeguard his or her property, a police officer may provide for the removal of the vehicle to a place of safety.

In addition to the above states, eight others have laws authorizing the removal of vehicles that are disabled, wrecked or involved in an accident:

Idaho	Maryland	Nevada *	New Jersey
Maine	Massachusetts	New Hampshire	Rhode Island

* The Nevada law also contains (c)(3) of the Code provision. The remaining states do not have directly comparable laws.

Citations

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§ 11-1003—Stopping, Standing or Parking Prohibited in Specified Places

(a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

1. Stop, stand or park a vehicle:

a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

b. On a sidewalk;

c. Within an intersection;

d. On a crosswalk;

e. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings; (REVISED, 1968.)

f. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

h. On any railroad tracks;

i. On any controlled-access highway; (New, 1971.)

j. In the area between roadways of a divided highway, including crossovers; (New, 1971.)

k. At any place where official traffic-control devices prohibit stopping. (RELETTERED, 1971; REVISED, 1975.)

2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

a. In front of a public or private driveway;

b. Within 15 feet of a fire hydrant;

c. Within 20 feet of a crosswalk at an intersection;

d. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway; (REVISED, 1968.)

e. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance (when properly signposted);

f. At any place where official traffic control devices prohibit standing. (REVISED, 1975.)

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: (REVISED, 1971.)

a. Within 50 feet of the nearest rail of a railroad crossing;

b. At any place where official traffic control devices prohibit parking. (REVISED, 1975.)

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful. (SECTION REVISED, 1962.)

Historical Note

The 1926 Code provided:

No person shall park a vehicle or permit it to stand whether

attended or unattended, upon a highway in front of a private driveway or within fifteen feet in either direction of a fire hydrant or entrance to a fire station nor within twenty-five feet from the intersection of curb lines, or if none then within fifteen feet of the intersection of property lines at an intersection of highways.

UVC Act IV, § 26 (1926). The section was amended considerably in 1930 to expand the places where stopping, standing or parking were prohibited:

It shall be unlawful for the driver of a vehicle to stop, stand or park such vehicle, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control signal, in any of the following places:

1. Within an intersection.
2. On a crosswalk.
3. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless local or traffic authorities shall indicate a different length by signs or markings.
4. Within twenty-five (25) feet from the intersection of curb lines, or, if none, then within fifteen (15) feet of the intersection of property lines at an intersection within a business or residence district, except at alleys.
5. Within thirty (30) feet upon the approach to any official flashing beacon, stop sign or traffic control signal located at the side of the roadway.
6. Within fifteen (15) feet of the driveway entrance to any fire station.
7. Within fifteen (15) feet of a fire hydrant.
8. In front of a private driveway.
9. On a sidewalk.
10. Alongside or opposite any street or highway excavation or obstruction when such stopping, standing or parking would obstruct traffic.
11. On the roadway side of any vehicle stopped or parked at the edge or curb of a highway.
12. At any place where official traffic signs have been erected prohibiting standing and parking.
13. Within fifty (50) feet of the nearest rail of a steam or interurban railway crossing.

UVC Act IV, § 51 (Rev. ed. 1930). In 1934, the subsection that had prohibited parking within 25 feet of "the intersection of curb lines, or, if none, then within fifteen feet of the intersection of property lines at an intersection within a business or residence district except at alleys," was replaced by a prohibition on parking within 20 feet of a "crosswalk at an intersection." The subsection that had prohibited parking within 50 feet of the nearest rail of a "steam or interurban railway crossing" was changed to apply at any "railroad crossing." Parking was prohibited in the following additional places: in front of a public driveway; 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); and upon any bridge or other elevated structure upon a highway or within a highway tunnel. A new subsection was added which provided: "No person shall move a vehicle not owned by such person into any such prohibited area or away from a curb such distance as is unlawful." As a result of the 1934 amendments, the section provided:

(a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or other traffic control device, in any of the following places:

1. On a sidewalk;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within 15 feet of a fire hydrant;
5. On a crosswalk;
6. Within 20 feet of a crosswalk at an intersection;
7. Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
8. 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 the (traffic authority) indicates a different length by signs or markings;
9. Within 50 feet of the nearest rail of a railroad crossing;
10. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance (when properly signposted);
11. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;
12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
14. At any place where official signs prohibit stopping.

(b) No person shall move a vehicle not owned by such person into any such prohibited area or away from a curb such distance as is unlawful.

UVC Act V, § 92 (Rev. ed 1934). In 1938, the introductory sentence was amended to read: "No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:" Also, subsection (b) was amended to read: "No person shall move a vehicle not *lawfully under his control* [owned by such person] into any such prohibited area or away from a curb such distance as is unlawful." UVC Act V, § 110 (Rev. ed. 1938); UVC Act V, § 112 (Rev. eds. 1944, 1948, 1952); UVC § 11-1003 (Rev. eds. 1954, 1956).

Subsection (a) was revised in 1962 and divided into three subsections. Subparagraph 1 specifies places where *parking*, *stopping* and *standing* are prohibited; subparagraph 2 specifies places where *standing* and *parking* are prohibited except momentarily for the purpose of picking up or discharging passengers; and subparagraph 3 specifies places where *parking* is prohibited except temporarily for the purpose of actually loading merchandise or passengers. Consistent with these distinctions, subparagraph (a)2f was added to prohibit standing or parking at any place where official signs prohibit standing and subparagraph (a)3b was added to prohibit parking where signs prohibit parking. The only new prohibition added in 1962 was subparagraph (a)1h, which prohibits stopping, standing or parking on railroad tracks. UVC § 11-1003 (Rev. ed. 1962).

The reference to "yield sign" was added to subsection (a)2d in 1968. UVC § 11-1003 (Rev. ed. 1968).

In 1971, subsections (a)1i and (a)1j were added to prohibit stopping on controlled-access highways and in medians on divided highways. Subsection (a)3 was changed by substituting "property" for "merchandise." UVC § 11-1003 (Supp. I 1972).

In 1975, the references to "signs" were changed to "official traffic control devices" to allow use of curb markings. UVC § 11-1003 (Supp. II 1976).

Statutory Annotation

Seven states have laws which conform with this Code section as it was revised in 1975:

Alaska	Delaware	Nevada	Utah
Colorado	Idaho *	Pennsylvania	

* Omits subsection (a)(1)(j).

Five states have laws which duplicate or are closely patterned after the 1971 Code section:

Georgia	Kansas	Washington [2]
Illinois	Oregon [1]	

1. The Oregon law differs only by banning parking within 10 feet of a fire hydrant (not 15 feet as in the Code), parking within 50 feet (not 30 feet) of a stop sign or signal, parking within 15 feet (20 feet in UVC) of a fire station's driveway. The reference in subsection (a)(3) to "whether occupied or not" was omitted.

2. Washington omits subsection (a)(1)(i) and contains additional language not in the Code provision.

Nebraska and Texas duplicate the 1968 Code and five other state laws are closely patterned after the 1962 Code:

Florida [1]	New Hampshire [3]	Vermont [4]
Maryland [2]	South Dakota	

1. The Florida law comparable to (a)(3)(a), concludes, "unless the Department of Transportation establishes a different distance due to unusual circumstances." A second Florida law (§ 316.164) bans parking within 30 feet of a rural mailbox during certain hours. Section 339.30 prohibits stopping on expressways but allows disabled vehicles to be on the shoulder for six hours.

2. Maryland prohibits standing or parking alongside another vehicle (but not also stopping as in the UVC), allows stopping in front of a driveway with the owner's consent, does not prohibit stopping on railroad tracks, and prohibits standing or parking on a curve or brow of a hill where there is a marked no-passing zone. The law otherwise duplicates the 1962 Code. Section 21-1404 bans picking up hitchhikers on toll bridges, tunnels and approaches and § 21-1405 bans stopping thereon.

3. The New Hampshire law does not contain the phrase "unless the (traffic authority) indicates a different length by signs or markings" in subparagraph (a)1e prohibiting parking, standing or stopping between a safety zone and the adjacent curb.

4. The Vermont law omits subsection (a)1e and bans standing or parking within *six* [15] feet of a fire hydrant in subsection (a)2b.

The New York law is essentially similar to the Code section as it was revised in 1962 but added some exceptions. Parking, standing or stopping is prohibited: within an intersection, except when permitted by official signs or parking meters on the side of a highway opposite a street which intersects but does not cross such highway; within 15 feet of a fire hydrant except when such vehicle is attended by a licensed operator or chauffeur who is seated in the front seat and who can immediately move such vehicle in case of an emergency, unless a different distance is indicated by official signs, markings or parking meters; and upon any bridge or other elevated structure upon a highway or within a highway tunnel, unless otherwise indicated by official signs, markings or parking meters. Standing or parking except momentarily to pick up or discharge passengers is prohibited: within 20 feet of a crosswalk at an intersection, unless a different distance is indicated by official signs, markings or parking meters; within 30 feet upon the approach to any flashing signal, stop sign or traffic-control signal located at the side of the roadway, unless a different distance is indicated by signs, markings or parking meters; and within 20 feet of the driveway entrance to any fire station and on the side of the street opposite to the entrance of any fire station within 75 feet of said entrance, when properly signposted, unless a different distance is indicated by official signs, markings or parking meters. Parking except temporarily to load or unload merchandise or passengers is prohibited within 50 feet of the nearest rail of a railroad crossing, unless a different distance is indicated by official signs, markings or parking meters. New York additionally prohibits stopping, standing and parking in the area between roadways of a divided highway, including crossovers and upon expressways and interstate highways except in an emergency.

Two jurisdictions have laws which, like the Code, prohibit stopping, standing or parking in certain places under all circumstances and permit only temporary or momentary parking or stopping in other places. Some of the parking prohibitions in these laws correspond to the Code prohibitions; others do not.

Wisconsin—Laws provide:

(1) No person shall stop or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, in any of the following places:

(a) Within an intersection;

(b) On a crosswalk;

(c) Between a safety zone and the adjacent curb, or within 15 feet of a point on the curb immediately opposite the end of a safety zone unless a different distance is clearly indicated by an official traffic sign or marker or parking meter;

(d) On a sidewalk or sidewalk area, except when parking in such place is clearly indicated by official traffic signs or markers or parking meters;

(e) Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway;

(f) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers;

(g) Within 15 feet of the driveway entrance to a fire station or directly across the highway from such entrance;

(h) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.

(2) During the hours of 7:30 a.m. to 4:30 p.m. during school days, no person shall stop or leave any vehicle standing, whether temporarily or otherwise, upon the near side of a through highway adjacent to a school house used for any children below the ninth grade. If the highway adjacent to such schoolhouse is not a through highway, the operator of a vehicle may stop upon the near side thereof during such hours, provided such stopping is temporary and only for the purpose of receiving or discharging passengers. This subsection shall not apply to cities of the first class when the common council thereof by ordinance permits parking on the near side of specified highways or streets adjacent to schoolhouses during specified hours.

No person shall stop or leave any vehicle standing in any of the following places except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers and while the vehicle is attended by a licensed operator so that it may promptly be moved in case of an emergency or to avoid obstruction of traffic:

(1) In a loading zone;

(2) In an alley in a business district;

(3) Within 10 feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign;

(4) Within 4 feet of the entrance to an alley or a private road or driveway;

(5) Closer than 15 feet to the near limits of a crosswalk;

(6) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.

District of Columbia—Regulation provides:

(a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:

1. Within an intersection.

2. On a crosswalk.

3. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.

4. Upon any bridge, viaduct, or other elevated structure, freeway, highway tunnel, or ramps leading to and from such structures.

(b) No person shall stand or park a vehicle in any of the following places, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control sign or signal; provided, that a vehicle may stop momentarily to pick up or discharge a passenger or passengers; loading or unloading of materials is prohibited:

1. In front of or within 5 feet of an alley, or a public or private driveway.

2. Within 10 feet of a fire hydrant.

3. Within 40 feet of the intersection of curb lines of intersecting streets or within 25 feet of the intersection of curb lines on the far (non-approach) sides of one-way streets, except that trucks vending ice cream and other products may park in the interior portion of this space only while actually engaged in vending. Such trucks will not vend products from any other portion of the streets or alleys.

4. Within 25 feet of the approach side of any "Slow", "Speed", "Stop" or "Yield-Right-of-Way" sign located at the side of the roadway.

5. Within 50 feet of the nearest rail or railroad crossing.

6. Within 20 feet of the driveway entrance to any fire station.

7. In or on any street or roadway when such parking will reduce the width of the open roadway to less than 10 feet.

8. Within 5 feet of any animal drinking fountain.

9. On any roadway within 20 feet of the approach side of a car stop sign or a bus stop sign.

10. In front of any barricade or sign that has been placed for the purpose of closing the highway.

11. Within 3 feet of the front or rear of another vehicle or vehicles parked at or parallel with the curb, except where dual parking meters are installed and curb parking spaces marked to assure maneuver space between "dual parked" vehicles.

12. On a sidewalk space, provided that bicycles may be parked in such manner as not to obstruct pedestrian traffic, except parking shall be permitted on the sidewalk space at those locations designated under Part II, Article XXX, Section 171.

(c) No person shall park a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of passengers or freight in any of the following places:

1. On the public parking between the sidewalk space and the building line, except parking shall be permitted on public parking at those locations designated under Part II, Article XXXIII, Section 171.

2. Between a safety zone or channelizing island and the adjacent curb or within 90 feet of points on the curb immediately opposite the ends of a safety zone or channelizing island unless otherwise indicated by official signs.

3. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

4. Within twenty-five feet of either side of motorists' courtesy mail boxes.

5. Any commercial vehicle on any public thoroughfare, in front of, alongside, or in the rear of any private dwelling or apartment, church, school, playground, or hospital, or alongside of or around any public park except on stands established as provided in Section 86. For the purpose of this subsection the words commercial vehicle shall include busses, and sightseeing vehicles; provided, mechanics may park trucks in front of, alongside, or in the rear of such property while engaged in work thereon or therein for which the truck is reasonably necessary.

6. In any public alley except parking shall be permitted at locations authorized by permit and upon payment of rent.

7. In a manner to obstruct the entrance to any garage, parking lot or yard, coal chute, door, or gate used for service purposes.

(d) No person except members of the police and fire departments in connection with the performance of their official duties shall move or cause to be moved a vehicle not lawfully under his control.

(e) On any street or highway or any portion of a street or highway, where parking is prohibited but stopping and standing are not prohibited, passenger vehicles may stop momentarily to load and unload passengers, and any vehicle may stop long enough to actually load and unload materials.

(f) No person shall park a vehicle on any roadway for more than 24 consecutive hours.

The District of Columbia grants physicians holding "emergency parking permits" special parking privileges.

Five states have laws in verbatim conformity with the 1934-1956 Code section, quoted and discussed in the Historical Note, *supra*:

Arkansas *	Montana	Oklahoma
Indiana *	New Mexico	

* The Arkansas and Indiana laws contain the slightly different wording of the 1934 Code.

Fourteen states have laws that are in substantial conformity with the 1934-56 Code. The restrictions contained in these laws are for the most part identical to the corresponding provisions of the pre-1962 Code; however, there are some variations, as noted below.

Alabama—Parking, standing and stopping are prohibited within 20 feet of a crosswalk at an intersection except at intersections where traffic is controlled by a traffic officer or a traffic-control device, and within 50 feet of the nearest rail of a railroad crossing which lies beyond the corporate limits of any municipality.

Arizona—Parking, standing and stopping are prohibited within 50 feet of the nearest rail of a railroad crossing or within eight and one-half feet of the center of any railroad track, except while a motor vehicle with motive power attached is loading or unloading railroad cars.

Iowa—Stopping, standing and parking are prohibited within five feet of a fire hydrant; within 10 feet upon the approach of any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway; between a safety zone and the adjacent curb or within 10 feet of points on the curb immeidately opposite the ends of a safety zone, unless any city or town indicates a different length by signs and markings; and within 50 feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light. The law has no provision that corresponds to subsection (b) of the Code, and omits the subsection that prohibits stopping, standing or parking within 20 feet of a crosswalk at an intersection. A second law may prohibit stopping, parking or leaving any vehicle upon the roadway or shoulder or a controlled-access highway except in a rest area, "emergency or other dire necessity."

Louisiana—Stopping, standing and parking are prohibited between a safety zone and the adjacent curb, or within 20 feet of points on the curb immediately opposite the ends of a safety zone, and at any place where parking will obscure or obstruct visibility of any traffic-control device. A second law prohibits parking a motor vehicle in a residential area so as to block a private driveway. Police officers may move any such vehicle or require its driver to move it.

Michigan—Stopping, standing and parking are prohibited within 20 feet of a crosswalk, or if none, then within 15 feet of the intersection of property lines at an intersection of highways. The law adds restrictions on parking in front of theatres, emergency exits and fire escapes, and within 500 feet of an accident where police officers are in attendance. Buses receiving or discharging passengers are excepted from restrictions applicable in front of driveways, within 15 feet of a fire hydrant, and within 20 feet of a crosswalk. Buses may also stop or stand on the highway side of an illegally-parked vehicle in a bus loading zone. Section 9.2372 prohibits stops on lim-

ited-access highways except in an emergency or as the result of a mechanical difficulty.

Minnesota—Stopping, standing and parking are prohibited upon any bridge or other elevated structure upon a highway or within a highway tunnel, except as otherwise provided by ordinance. The law further provides that no person shall, for camping purposes, leave or park a house trailer on or within the limits of any highway or on any highway right of way, except where signs are erected designating the place as a campsite, and that no person may stop or park a vehicle on a street or highway when directed or ordered to proceed by any peace officer invested by law with authority to direct, control, or regulate traffic.

Mississippi—Stopping, standing and parking are prohibited within 10 feet of a fire hydrant and within 15 feet of the nearest rail of a railroad crossing.

New Jersey—Stopping, standing and parking are prohibited within 10 feet of a fire hydrant; within 25 feet of the nearest crosswalk or side line of a street or intersecting highway, except at alleys; in any appropriately marked "no parking" space established pursuant to the duly promulgated regulations of the State Highway Commissioner; within 50 feet of a "stop sign"; within 10 feet of a fire hydrant alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic, when properly signposted; and upon any bridge or other elevated structure upon a highway, or within a highway tunnel or underpass, or on the immediate approaches thereto except where space for parking is provided.

North Dakota—Stopping, standing and parking are prohibited within 10 feet of a fire hydrant; within 15 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway; between a safety zone and the adjacent curb or within 15 feet of points on the curb immediately opposite the ends of a safety zone, unless the (traffic authority) indicates a different length by signs or markings; and within 15 feet of the nearest rail of a railroad crossing.

Ohio—Law applicable to trackless trolleys and vehicles prohibits stopping, standing or parking on a sidewalk (except a bicycle); within 10 feet of a fire hydrant; within 30 feet of, and upon the approach to, any flashing beacon, stop sign, or traffic-control device; within one foot of another parked vehicle; or on the roadway portion of a freeway, expressway or thruway. The law does not contain a provision comparable to subsection (b) of the Code.

Rhode Island—Parking, standing and stopping are prohibited within eight feet of a fire hydrant.

South Carolina—Parking, standing and stopping are prohibited in front of a public or private driveway or so near thereto as to interfere with the unobstructed use of such driveway and within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance.

Tennessee—The introduction clause of the law differs from the Code by limiting the application of the law to parking outside the limits of an incorporated municipality. The law excepts disabled vehicles temporarily left on the highway and common-carrier vehicles so long as they are visible for 200 feet in each direction.

West Virginia—The law additionally prohibits stopping, standing and parking within 20 feet of any mail receptacle served regularly by a carrier using a motor vehicle for daily deliveries, if such parking interfere with or causes delay in the carrier's schedule; upon any controlled-access highway; and at any place on any highway where the safety and convenience of the traveling public is thereby endangered. It duplicates subsection (a)1i and thus prohibits stopping on controlled-access highways.

The laws of six states are in substantial conformity with part of the Code section. These laws either do not contain all of the restrictions contained in the Code or contain some provisions that vary from the Code.

California—Law provides:

> No person shall stop, park, or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places:
>
> (a) Within an intersection except adjacent to curbs as may be permitted by local ordinance.
>
> (b) On a crosswalk, except that a bus engaged as a common carrier or a taxicab may stop in an unmarked crosswalk to load or unload passengers when authorized by the legislative body of any city pursuant to ordinance.
>
> (c) Between a safety zone and the adjacent right-hand curb or within the area between the zone and the curb as may be indicated by a sign or red paint on the curb, which sign or paint was erected or placed by local authorities pursuant to ordinance.
>
> (d) Within 15 feet of the driveway entrance to any fire station. This paragraph shall not apply to any vehicle owned or operated by a fire department and clearly marked as a fire department vehicle.
>
> (e) In front of a public or private driveway, except that a bus engaged as a common carrier, schoolbus, or a taxicab may stop to load or unload passengers when authorized by local authorities pursuant to ordinance.
>
> In unincorporated territory, where the entrance of a private road or driveway is not delineated by an opening in a curb or by other curb construction, so much of the surface of the ground as is paved, surfaced, or otherwise plainly marked by vehicle use as a private road or driveway entrance, shall constitute a driveway.
>
> (f) On a sidewalk, except electric carts when authorized by local ordinance, as specified in Section 21114.5.
>
> (g) Alongside or opposite any street or highway excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
>
> (h) On the roadway side of any vehicle stopped, parked, or standing at the curb or edge of a highway.
>
> (i) Alongside curb space authorized for the loading and unloading of passengers of a bus engaged as a common carrier in local transportation when indicated by a sign or red paint on such curb erected or painted by local authorities pursuant to ordinance.
>
> (j) In a tube or tunnel, except vehicles of the authorities in charge, being used in the repair, maintenance, or inspection of the facility.
>
> (k) Upon a bridge, except vehicles of the authorities in charge, being used in the repair, maintenance, or inspection of the facility, and except that a bus engaged as a common carrier in local transportation may stop to load or unload passengers upon a bridge where sidewalks are provided, when authorized by local authorities pursuant to ordinance, and except that local authorities pursuant to ordinance or the Department of Public Works pursuant to order, within their respective jurisdictions, may permit parking on bridges having sidewalks, and shoulders of sufficient width to permit parking without interfering with the normal

movement of traffic on the roadway. Local authorities may by ordinance or resolution permit parking on such bridges on state highways in their respective jurisdictions if the ordinance or resolution is first approved in writing by the Department of Public Works. Parking shall not be permitted unless there are signs in place as may be necessary to indicate the provisions of local ordinances or the order of the Department of Public Works.

California § 22521 prohibits parking upon any railroad track or within 7½ feet of the nearest rail. Compare with UVC subsections (a)1h and (a)3a. California § 22520 prohibits stopping, parking or standing on a freeway except for persons reporting an accident and authorized tow trucks stopped to remove a traffic impediment when necessary to avoid injury or damage, when required by law, a police officer or traffic-control device, and when a vehicle is so disabled that it is impossible to avoid stopping temporarily. The law does not apply where stopping, standing or parking is specifically permitted.

Connecticut—Prohibits a vehicle from remaining stationary within 10 feet of a fire hydrant and prohibits parking within 25 feet of an intersection, marked crosswalk at an intersection, or stop sign. Permitting a vehicle to remain stationary where signs prohibit it is also a violation. These restrictions do not apply to emergency or maintenance vehicles, or when necessary to comply with the order of an officer, or in an emergency to avoid an accident or yield the right of way or when permitted to park by local authorities. A second law prohibits parking or leaving a vehicle stationary in front of, or so as to interfere with the use of, a private driveway or alley except with the owner's permission.

Kentucky—Law provides:

(4) No person shall stop or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in the following places:

(a) On a sidewalk;

(b) In front of a public or private driveway;

(c) Within an intersection;

(d) At any place where official signs prohibit stopping or parking; or

(e) Within thirty feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway.

(5) No person shall move a vehicle not lawfully under his control into any such prohibited area.

Massachusetts—Law provides:

No person shall stand or park any vehicle in any street, way or highway under the control of the Department and no person shall allow, permit or suffer any vehicle registered in his name to stand or park in any street, way or highway under the control of the Department in violation of any rules of the Department and in particular in any of the following places except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic sign or signal.

(a) Within a crossover.

(b) Within an intersection.

(c) Upon any sidewalk.

(d) Upon any crosswalk.

(e) Upon the roadway in a rural or sparsely settled district.

(f) Upon the roadway in a business or residential district where parking is permitted unless both wheels on the right side of the vehicle are within twelve inches of the curb or edge of the roadway, except where angle parking is permitted.

(g) Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane 12′ wide in each direction for passing traffic.

(h) Upon any highway within twenty feet of an intersecting way, except alleys.

(i) Upon any highway within ten feet of a fire hydrant.

(j) Upon or in front of any private road or driveway without the consent of the owner of said private road or driveway.

(k) Upon any street or highway where the parking of a vehicle will obstruct or hide from view any traffic control signal provided signs are erected notifying of such regulation or restriction.

Wyoming—Law provides:

(a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

(1) On a sidewalk;

(2) In front of a public or private driveway;

(3) Within an intersection;

(4) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(5) At any place where official signs prohibit stopping.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

Puerto Rico has the following comparable provisions:

§ 1011 provides:

(a) No person shall stop, stand or park a vehicle upon a public highway, except when necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic-control device or traffic signal, in any of the following places:

(1) On a sidewalk;

(2) Within the area formed by the crossing of streets or roads;

(3) On a crosswalk;

(4) Within a distance of six (6) meters from a street corner measured from the building line;

(5) Within a distance of fifteen (15) meters of the nearest rail of a railroad crossing;

(6) Alongside or opposite an excavation or obstruction when stopping, standing or parking would obstruct general traffic;

(7) Alongside and contiguous to a vehicle stopped or parked on the public highway;

(8) Upon any bridge or other elevated structure upon highway or within a highway tunnel;

(9) At more than one (1) foot from the edge of the sidewalk or curb;

(10) In places specifically prohibited by official signals. The provisions of paragraph 10 shall not apply to a person deprived of movement in both legs or deprived of both legs, who may hold a special driving license under section 657 hereof; Provided, further, That notwithstanding this exception, parking shall not be permitted on turnpikes, expressways, reversible lanes, exclusive lanes for the Metropolitan Bus Authority and on urban thoroughfares during the hours of greater vehicle and traffic rush when there are other nearby available places authorized for parking. Whenever necessary, parking in such places shall be for a short time, and the driver shall have on the front glass of his vehicle a sticker issued by the Department to show that he is authorized to park. Parking hereunder authorized shall be for the only purpose of allowing the person to take steps related to his disability or to his employment.

(11) Upon all islets separating traffic movements, islets, traffic channelling and seeded areas adjacent to sidewalks, except seeded areas of those main avenues provided by the Secretary.

§ 1013 provides:

(a) No person shall stand or park a vehicle in the following places:

(1) Within a distance of five (5) meters from a hydrant.

(2) In front of a fire station. The prohibition to park in front of a fire station shall include the sides facing and opposite a highway, the width of the entrances to the fire station plus an additional distance of twenty (20) feet at both sides of said entrances.

(3) Less than three (3) feet of any entrance or exit of a garage. This prohibition shall apply both to the front and to the opposite side of the entrance or exit of said garage, when the public highway is so narrow that a vehicle parked in such places would obstruct the entrance or exit of vehicles. This provision shall not cover the driver or owner of a vehicle parked at the entrance of the garage of his residence, provided there is no legal provision or regulation or municipal ordinance prohibiting the parking of vehicles on that side of the public highway, and at the time said driver or owner has his vehicle so parked.

(4) In front of the entrance of a religious temple, school, cinema, theatre, banking institution, parking areas or service stations for the sale of gasoline, or places devoted to the holding of public acts.

(5) On sites assigned as bus stops.

(6) Within a distance of ten (10) meters upon the approach to and after a traffic control signal or flashing beacon, stop or yield right of way signal measured from the edge of the curb or walk.

(7) On any public highway.

(a) When such parking results in the use of the public highway for the business of sale, advertisement, demonstration or rent of vehicles or any other merchandise.

(b) For the purpose of washing, cleaning, greasing or repairing said vehicle, except for an emergency repair.

(8) On the grounds of the Capitol Building of Puerto Rico, except in accordance with the regulations that the Legislature may establish for such purpose.

(9) In the parking areas of private buildings which have been duly identified by legible notices in one or various visible places of the said parking areas, for the private use of a particular person, or the exclusive use of the occupant or occupants of the building to which the parking area belongs. Only the person or persons indicated in the notices or any other person duly authorized or having the consent of the person for whom the parking area has been designated may park in the parking areas of private buildings.

(b) No person shall park a vehicle in the following places:

(1) Less than three (3) feet from any other parked vehicle, except as otherwise authorized by the Secretary.

(2) Within a distance of fifteen (15) meters of the nearest rail of a railroad crossing.

(3) At any place where prohibited to park through official signals.

The laws of two states—North Carolina and Virginia—are patterned after the 1926 Code provision quoted in the Historical Note, *supra*. The North Carolina law contains an additional provision that is not in the 1926 Code: "Provided, that local authorities may by ordinance decrease the distance which a vehicle may park in either direction of a fire hydrant." And, a second law prohibits stopping and parking on any interstate or controlled access highway except in an emergency, when directed to do so by a police officer or in designated parking areas. Virginia adds to its law a prohibition against parking within 15 feet of the entrance to a place housing an ambulance or rescue squad equipment.

Hawaii, Maine and Missouri do not have laws comparable to UVC § 11-1003.

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§ 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 rigt edge of the right-hand shoulder. (Revised, 1971.)

Historical Note

This provision was added to the Code in 1934 in the following form:

> Except where angle parking is permitted by local ordinances every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be so stopped or parked with the right hand wheels of such vehicle parallel with and within 12 inches of the right hand curb.

UVC Act V, § 93 (Rev. ed. 1934); UVC Act V, § 111 (Rev. ed. 1938). In 1944, the introductory clause was re-phrased to read "Except as otherwise provided in this section . . ." and authorization for local authorities to permit angle parking was placed in another subsection. The provision was also amended to require vehicles to park within 18 inches of the curb instead of 12 inches. As a result of the 1944 amendments, the subsection provided:

> Except as otherwise provided in this section every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right hand wheels of such vehicle parallel with and within 18 inches of the right hand curb.

UVC Act V, § 113(a) (Rev. eds. 1944, 1948, 1952); UVC § 11-1004(a) (Rev. eds. 1954, 1956). The subsection was again amended in 1962. The requirement that the stopped or parked vehicle be within 12 inches of the curb was reinstated and broadened, by inclusion of the phrase "or edge of the roadway," to require the right wheels of the vehicle to be within

12 inches of the edge of the roadway if the roadway had no curb. Also, the phrase "every vehicle stopped or parked upon a roadway where there are adjacent curbs" was changed to "every vehicle stopped or parked upon a two-way roadway." UVC § 11-1004(a) (Rev. eds. 1962, 1968).

In 1971, this subsection was amended to require parking near the edge of the right shoulder, which would encompass highways with no curbs, as follows:

> 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* [roadway].

UVC § 11-1004(a) (Supp. 1 1972).

Statutory Annotation

Seven states have laws in verbatim conformity with UVC § 11-1004(a) as revised in 1975:

Colorado	Illinois	North Dakota	Washington
Georgia	Kansas	Utah	

One other state, Idaho, virtually duplicates the 1975 Code. It differs by requiring the right wheels to be within "18" inches of the curb or edge of the roadway.

The laws of five states duplicate subsection (a) of the 1968 Code:

Alaska	Maryland	South Dakota
Florida	Nebraska	

The laws of six jurisdictions are probably in substantial conformity with the 1968 subsection by requiring vehicles stopped or parked upon a two-way roadway to have their right wheels parallel with and within 12 inches of the right-hand curb or edge of the roadway:

Massachusetts—Law provides:

> No person shall stand or park or allow, permit or suffer any vehicle registered in his name to stand or park in any of the following places:
>
> (j) Upon any roadway where parking is permitted unless both wheels on the right side of the vehicle are within twelve (12) inches of the curb or edge of the roadway, unless otherwise permitted.

Michigan—"Except as otherwise provided in this section and this chapter every vehicle stopped or parked upon a highway shall be stopped or parked with the wheels of the vehicle parallel to the roadway and within 12 inches of any existing right hand curb."

Minnesota—Law provides:

> Except where angle parking is permitted by local ordinance, each vehicle stopped or parked upon a two way roadway where there is an adjacent curb shall be so stopped or parked with the right hand wheels of the vehicle parallel with and within 12 inches of the right hand curb; provided, that such exception shall only apply to a state trunk highway after approval by the Commissioner.
>
> Upon streets and highways not having a curb each vehicle stopped or parked shall be stopped or parked parallel with and to the right of the paved or improved or main traveled part of the street or highway.

New York—Law provides:

> Except where angle parking is authorized, every vehicle stopped, standing, or parked wholly upon a two-way roadway shall be so stopped, standing or parked with the right hand wheels of such vehicle parallel to and within twelve inches of the right hand curb or edge of the roadway.
>
> Except where angle parking is authorized, every vehicle stopped, standing, or parked parallel to the curb or edge of the roadway shall be so stopped, standing or parked parallel to the curb or edge of the roadway. . . . On a two-way roadway such vehicle shall be facing in the direction of authorized traffic movement on that portion of the roadway on which the vehicle rests.

Wisconsin—Law provides:

> (1) Upon streets where stopping or parking is authorized or permitted, a vehicle is not lawfully stopped or parked unless it complies with the following requirements:
>
> (a) Upon a street where traffic is permitted to move in both directions simultaneously and where angle parking is not clearly designated by official traffic signs or markers, a vehicle must be parked parallel to the edge of the street, headed in the direction of traffic on the right side of the street;
>
> . . . .
>
> (d) In parallel parking, a vehicle shall be parked facing in the direction of traffic with the right wheels within 12 inches of the curb or edge of the street when parked on the right side. . . . In parallel parking, a vehicle shall be parked with its front end at least 2 feet from the vehicle in front and with its rear end at least 2 feet from the vehicle in the rear, unless a different system of parallel parking is clearly indicated by official traffic signs or markers.

District of Columbia—Law provides:

> No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement, and with the right-hand wheels of the vehicle within 12 inches of the curb or edge of the roadway. . . . If no curb space is available within a reasonable distance, a passenger vehicle may stand parallel and as near as practicable to other parked vehicles, only long enough to take on passengers who are actually waiting at the curb or to leave off passengers; and unless prohibited by Section 84, a vehicle may stop parallel and as near as practicable to parked vehicles, while loading; provided, that such vehicle while so parked will not unreasonably impede or interfere with orderly two-way traffic, or on a one-way street, that at least one lane be kept open for moving traffic.

Five states have laws that are in substantial conformity with the 1934 Code (see Historical Note, *supra*):

Connecticut [1]	Mississippi [3]	Rhode Island
Indiana [2]	Ohio [4]	

1. The Connecticut law requires a vehicle to be on the right side of the highway in the direction in which it is headed and, if curbs are present, with its right-hand wheels within 12 inches of the curb, when safety will permit.

2. The introductory clause of the Indiana law provides: "Except where angle parking is permitted by local ordinance for streets under local control and by order of the state highway commission on streets and highways in the state highway system, including routes thereof through cities and towns. . . ."

3. The introductory clause of the Mississippi law provides: "except where angle parking is permitted by local ordinance or usage. . . ."

4. The Ohio law contains additional provisions that were not in the 1934 Code: "Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the right-hand wheels of such vehicle parallel with and not more than twelve inches from the right-hand curb, unless it is impossible to approach so close to the curb, in such case the stop shall be made as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise. No vehicle or trackless trolley shall be stopped or parked on a road or highway with the vehicle or trackless trolley facing in a direction other than the direction of travel on that side of the road or highway. Notwithstanding any statute or any rule, resolution, or ordinance adopted by any local authority, air compressors, tractors, trucks, and other equipment, while being used in the construction, reconstruction, installation, repair, or removal of facilities near, on, over, or under a street or highway, may stop, stand, or park where necessary in order to perform such work, provided a flagman is on duty or warning signs or lights are displayed as may be prescribed by the director of transportation.

Fourteen states have laws comparable to subsection (a) that require vehicles stopped or parked on a roadway where there are adjacent curbs to have their right-hand wheels parallel to and within 18 inches of the

right-hand curb. The laws of these states are in verbatim conformity with the 1944 Code provision quoted in the Historical Note, *supra:*

Arizona	Louisiana	New Mexico	Tennessee
Arkansas	Montana	Oklahoma	Texas [2]
California [1]	Nevada	South Carolina	West Virginia
Iowa			Wyoming

1. The California law adds: ". . . except that motorcycles shall be parked with at least one wheel or fender touching the right-hand curb." Where no curbs or barriers bound any roadway, right-hand parallel parking is required unless otherwise indicated. This section does not apply to a commercial vehicle when loading or unloading merchandise or passengers nor to vehicles of a public utility. Wrong way parking is specifically prohibited.
2. Curb or edge of the roadway.

Three states have laws that require stopped, standing or parked vehicles to be parallel to and within 12 inches of the right hand curb, but differ in other respects from the Code:

Delaware—Law requires parallel parking to and within 12 inches of the right hand curb or "outside edge of the shoulder."

Oregon—Law provides:

> Where parallel parking is permitted on a highway by the state or local authority having jurisdiction thereof, when a driver stops or parks a vehicle upon a two-way highway he shall position the vehicle so that the right-hand wheels are parallel to and within 12 inches of the right curb or, if none, as close as possible to the right edge of the right shoulder.

Pennsylvania—Every vehicle standing or parked on a two-way roadway should be positioned parallel to and with the right-hand wheels within 12 inches of the right-hand curb or, if there is no curb, on the shoulder.

One state requires stopped or parked vehicles to be parallel to and within six inches of the right-hand curb:

New Jersey—Law requires the operator to stop, stand or park "parallel with the edge of the roadway headed in the direction of traffic," on the right side of the road "and with the curb side of the vehicle within six inches of the edge of the roadway," except as otherwise provided.

Three states have laws that require stopped or parked vehicles to be parallel to the right-hand curb or edge of the roadway but do not specify the distance from the curb:

Missouri—Law provides:

> All vehicles not in motion shall be placed with their right side as near the right-hand side of the highway as practicable, except on streets of municipalities where vehicles are obliged to move in one direction only or parking of motor vehicles is regulated by ordinance.

New Hampshire—Law provides:

> Except as otherwise provided in this section every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to the right-hand curb or if upon a roadway where there are no curbs said vehicle shall be so stopped or parked with the right-hand wheels of such vehicle parallel to the right-hand side of the traveled portion of the highway.

Virginia—"No vehicle shall be stopped except close to and parallel to the right-hand edge of the curb or roadway."

One state, Vermont, has a law patterned after the 1962 Code section that authorizes changes in the rule by local ordinances:

> Except as otherwise provided by local ordinance, every vehicle stopped or parked upon a two-way roadway shall be stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or if there is no curb, within twelve inches of the edge of the roadway.

Puerto Rico requires every motor vehicle to park or stand to its right, parallel to the border and edge of the public highway. Taking and discharging passengers is to be done by using the right-hand side of the vehicle.

Five states do not have provisions comparable to subsection (a):

Alabama	Kentucky	North Carolina
Hawaii	Maine	

§ 11-1004—Additional Parking Regulations

(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. (REVISED, 1971.)

Historical Note

From 1944 until 1962, this subsection read as follows:

> Local authorities may by ordinance permit parking of vehicles with the left-hand wheels adjacent to and within 18 inches of the left-hand curb of a one-way roadway.

UVC Act V, § 113(b) (Rev. eds. 1944, 1948, 1952); UVC § 11-1004(b) (Rev. eds. 1954, 1956).

In 1962, it was revised to provide:

> Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or edge of the roadway, or its left-hand wheels within 12 inches of the left-hand curb or edge of the roadway.

UVC § 11-1004(b) (Rev. eds. 1962, 1968)

In 1971, it was amended as follows:

> 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* [roadway], 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* [roadway].

•

Statutory Annotation

Seven states have laws which duplicate UVC § 11-1004(b) as it was revised in 1971:

Colorado	Illinois	North Dakota	Washington
Georgia	Kansas	Utah	

Idaho duplicates the 1971 Code, substituting "18" for the Code's "12" inches.

Two states have laws that are probably in substantial conformity with this provision:

Oregon—Law provides:

> Where parallel parking is permitted and parking on the left side of the highway is permitted, a driver shall stop or park a vehicle on a one-way highway either on the right side thereof in accordance with the requirements of subsection (1) of this section or on the left side of the highway. When a driver stops or parks a vehicle on the left side, he shall position the vehicle so that the left-hand wheels are parallel to and within 12 inches of the left curb or, if none, as close as possible to the left edge of the left shoulder.
>
> Where parallel parking is permitted on the right or left side of a highway and marked parking spaces are provided, when a driver stops or parks a vehicle where the parking spaces are marked, he shall position the vehicle so that it faces the direction in which vehicles in the adjacent lane of the roadway are required to travel and so that the wheels are within the parking space markings which are parallel to the curb or, if none, to the edge of the shoulder.

Pennsylvania—Law provides:

> Except as otherwise provided in this section, every vehicle standing or parked upon a one-way highway shall be positioned parallel to the curb or edge of the highway in the direction of authorized traffic movement with its right-hand wheels within 12 inches of the right-hand curb or, in the absence of a curb, 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, in the absence of a curb, as close as practicable to the left edge of the left-hand shoulder.

Six states duplicate this subsection as it appeared in the 1962-1968 editions of the Code:

Alaska	Maryland	New Hampshire
Florida	Nebraska *	South Dakota

* Changes "ordinance" to "authority."

Six jurisdictions have laws that are probably in substantial conformity with the 1962-1968 Code provision:

Delaware—Law differs from the Code by substituting "outside edge of the shoulder" for the phrase "edge of the roadway."

New York—Law differs from the Code only in the introductory clause, which provides: "Except where angle parking is authorized, every vehicle stopped, standing, or parked wholly upon a one-way roadway . . . ." An additional provision reads: "Except where angle parking is authorized, every vehicle stopped, standing, or parked partly upon a roadway shall be so stopped, standing or parked parallel to the curb or edge of the roadway. On a one-way roadway such vehicle shall be facing in the direction of authorized traffic movement . . . ."

Vermont—Law provides:

> 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 and within twelve inches of a curb or, if there is no curb, within twelve inches of the edge of the roadway, in the direction of authorized traffic movement.

Wisconsin—Law provides:

> (1) Upon streets where stopping or parking is authorized or permitted, a vehicle is not lawfully stopped or parked unless it complies with the following requirements:
>
> . . . .
>
> (b) Upon a one-way street or divided street where parking on the left side of the roadway is clearly authorized by official traffic signs or markers, vehicles shall be parked as indicated by such markers;
>
> . . . .
>
> (d) In parallel parking, a vehicle shall be parked facing in the direction of traffic . . . with the left wheels within 12 inches of the curb or edge of the street when parked on the left side.

District of Columbia—§§ 76 and 83 provide, respectively:

> No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement . . . except that on a one-way street the left-hand wheels may be adjacent to and within twelve inches of the left-hand curb, and except as hereinafter provided. If no curb space is available within a reasonable distance, a passenger vehicle may stand parallel and as near as practicable to other parked vehicles, only long enough to take on passengers who are actually waiting at the curb or to leave off passengers; and, unless prohibited by Section 84, a vehicle may stop parallel and as near as practicable to parked vehicles, while loading; provided, that such vehicle while so parked will not unreasonably impede or interfere with orderly two-way traffic, or on a one-way street, that at least one lane be kept open for moving traffic.
>
> In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking.

Puerto Rico—The law requires every motor vehicle on one-way public highways to stand or park alongside the curb or edge of the roadway zone in the direction authorized for the flow of traffic. Their right tires should be not more than 12 inches from the right curb or edge of roadway; the same applies to left tires. The entrance and exit of passengers should be done by the side of the vehicle contiguous to the sidewalk.

California, on one-way roadways, allows parking on the right or left side. If there is a curb, the wheels of the vehicle must be within 18 inches of it. Such parking on divided highways must be authorized, however. Another law provides, as did the 1944 Code, that municipalities may allow parking within 18 inches of the left curb on one-way roadways.

Twelve states have laws authorizing local authorities to permit vehicles to park with their left-hand wheels adjacent to and within 18 inches of the left-hand curb of a one-way roadway. These laws are in verbatim or substantial conformity with the 1944 Code (see Historical Note, *supra*):

Arizona	Montana	Oklahoma	Texas [3]
Arkansas	Nevada [1]	South Carolina [2]	West Virginia
Iowa	New Mexico	Tennessee	Wyoming

1. Nevada uses "highway" instead of "roadway." Additional provisions prohibit standing or parking on the left side of a one-way laned roadway unless permitted by traffic-control devices but allow parking on the left side of a one-way street unless prohibited by signs.
2. The introductory clause of the South Carolina law provides: "The Department with respect to State highways and local authorities with respect to highways under their jurisdiction . . . ."
3. Texas is like the 1968 Code but allows parking within 18 inches of a curb or edge of the roadway.

Four states have laws authorizing local authorities to permit vehicles to park with their left-hand wheels within 12 inches of the left-hand curb of a one-way roadway:

Michigan	Minnesota *	Ohio	Rhode Island

* The Minnesota law grants local authorities additional authority to permit vehicles to park on the left side of a one-way roadway on a state trunk highway with the consent of the State Highway Commissioner.

A New Jersey law authorizes local authorities to permit vehicles to park parallel to and within six inches of the curb on a one-way street.

A Virginia law provides merely that a vehicle may be stopped close to and parallel to the left-hand curb or edge of the roadway on one-way streets.

Eleven states do not have laws comparable to subsection (b):

Alabama	Kentucky	Massachusetts
Connecticut	Louisiana	Mississippi

Hawaii	Maine	Missouri *
Indiana		North Carolina

* See the law quoted in subsection (a), *supra*.

§ 11-1004—Additional Parking Regulations

(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. (Revised, 1971).

Historical Note

Subsection (c) was added to the Code in 1944. UVC Act V, § 113(c) (Rev. eds. 1944, 1948, 1952); UVC § 11-1004(c) (Rev. eds. 1954, 1956, 1962, 1968).

In 1971, requirements for an ordinance and a commission resolution were deleted, as follows:

> Local authorities may [by ordinance] permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or State highway unless the (State highway commission *or State highway engineer*) has determined [by resolution or order entered in its minutes] that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

Statutory Annotation

The Idaho and Illinois laws are in verbatim conformity with the 1971 Code provision.

Four states have laws in substantial conformity with this subsection:

Georgia	Nebraska	Oregon	Utah [1]

1. Includes "by ordinance" and refers to the department of transportation.

Two states provide as follows:

Delaware—Law allows local authorities "within their respective jurisdictions" to permit angle parking on any "highway." The Department of Highways and Transportation may allow angle parking on Federal-aid or State highways it has determined of sufficient width to avoid interference with the free movement of traffic "on the roadway."

Pennsylvania—Law allows angle parking on any highway after an engineering and traffic study has determined that it is of sufficient width. On State-designated highways, prior approval of the department must be obtained.

Seventeen states have laws duplicating subsection (c) prior to its revision in 1971:

Alaska	Kansas	Rhode Island	Washington [1]
Arizona	Montana	South Dakota	West Virginia
Arkansas	Nevada [1,2]	Tennessee [1]	Wyoming
Colorado	New Mexico	Texas [1]	
Florida	Oklahoma [1]		

1. These laws omit reference to "order entered in its minutes." Texas refers to the state highway engineer.

2. Nevada adds that, where devices permit angle parking, a person shall not stop, stand or park other than at the angle indicated by such devices.

Four states have laws that authorize municipalities to permit angle parking and require the approval of a state agency for any such parking on federal-aid or state highways, but differ from the Code by not expressly providing that the agency's approval of local ordinances must be based on a determination that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic:

California—Law requires the Department of Public Works to approve in writing all local ordinances that would permit parking on state highways. The law refers only to state highways and not also to federal-aid highways as the Code does.

New Hampshire—Law provides that the Commissioner of Public Works and Highways must approve all local ordinances that permit angle parking on federal-aid or state highways.

North Dakota—Law provides that local authorities must obtain written authorization from the State Highway Commissioner before permitting angle parking on any federal-aid or state highway.

South Carolina—The law provides that local authorities must obtain written approval of the State Highway Department before permitting angle parking on state highways. The law refers only to state highways and not also to federal-aid highways.

Two states prohibit local authorities from permitting angle parking on state highways:

Iowa—"Local authorities may by ordinance permit angle or center parking on any roadway under their jurisdiction."

Michigan—"Local authorities may by ordinance permit angle parking on a roadway, except that angle parking shall not be permitted on a state trunk line highway."

Ohio authorizes local authorities to permit angle parking on all highways within their jurisdiction, including state highways, without approval by a state agency, provided that a width of at least 25 feet is left available on state routes to permit the free flow of traffic.

Maryland authorizes angle parking when it would not interfere with traffic and such decisions are made by state and local authorities in their respective jurisdictions.

Puerto Rico allows perpendicular parking where authorized by competent authorities.

Three states have these provisions:

New Jersey—"Upon those streets which have been designated by ordinance and have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb designated and indicated by the ordinance and marks or signs."

Virginia—"A vehicle . . . may be parked at an angle where permitted by the State Highway Commission or local authorities with respect to streets and highways under their jurisdiction."

Wisconsin—"(1) Upon streets where stopping or parking is authorized or permitted, a vehicle is not lawfully stopped or parked unless it complies with the following requirements: . . . . (c) Upon streets where angle parking is clearly authorized by official traffic signs or markers, vehicles shall be parked at the angle and within the spaces indicated." See also, § 349.13(2) (e) permitting state and local authorities to allow angle parking.

Fifteen jurisdictions do not have laws comparable to subsection (c):

Alabama	Louisiana	Missouri
Connecticut	Maine	New York *
Hawaii	Massachusetts	North Carolina
Indiana	Minnesota	Vermont
Kentucky	Mississippi	District of Columbia *

* The District of Columbia regulations do, however, specify places where angle parking is permitted and prohibit all other such parking except as may be temporarily necessary for certain loading or unloading operations. See also, N.Y. Vehicle and Traffic Law § 1641(2) on angle parking authorized by cities and villages.

§ 11-1004—Additional Parking Regulations

(d) The (State highway commission) with respect to highways under its jurisdiction may place signs 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. (Revised, 1971.)

Historical Note

Subsection (d) was added to the Code in 1944. UVC Act V, § 113(d) (Rev. eds. 1944, 1948, 1952); UVC § 11-1004(d) (Rev. eds. 1954, 1956, 1962, 1968).

In 1971, the word "limiting" was added, the requirement for a commission order or resolution was deleted, and the concluding sentence was changed as follows:

> [Such signs shall be official signs and] No person shall stop, stand or park any vehicle in violation of the restrictions *indicated by such devices* [stated on such signs].

Statutory Annotation

Two states, Illinois and Washington, have laws in verbatim conformity with this Code provision.

Two states, Idaho and Kansas, virtually duplicate the Code but substitute "official traffic control devices" for "signs."

A total of 21 states have laws that conform substantially with this subsection:

Arizona	Montana	Rhode Island	Vermont [2]
Arkansas	Nevada [2,4]	South Carolina [2]	West Virginia
Colorado	New Hampshire	South Dakota	Wisconsin [6]
Georgia [1]	New Mexico	Texas [2]	Wyoming
Louisiana [2]	North Dakota [2]	Utah [5]	
Maryland [2,3]	Oklahoma [2]		

1. The Georgia law differs only by referring to a resolution or order in the minutes of the Department of Transportation and by requiring signs to be official.
2. Like the current UVC, these states omit the requirement for an order or resolution entered in the minutes of the state highway commission. Texas refers to the opinion of the State Highway Engineer, and Vermont omits "limits."
3. Law also applies to local authorities.
4. Nevada refers to "official traffic-control devices" instead of "signs." Nevada also has a comparable law applicable to municipalities.
5. Utah substitutes "department of transportation" for "state highway commission," "traffic control devices" for "signs," and omits "limiting."
6. Wisconsin authorizes the commission to "prohibit, limit the time of or otherwise restrict" stopping, standing or parking effective upon erection of appropriate signs.

Five states have laws that are probably in substantial conformity:

Connecticut—Laws authorize Commissioner of Transportation to prohibit, limit and restrict parking on airport roads and highways and to post signs on highways "at any place where the keeping of a vehicle stationary is dangerous to traffic."

Hawaii—Law provides:

> (a) The director of transportation is authorized to and the counties by ordinance may with respect to highways under their respective jurisdictions prohibit or restrict the stopping, standing, or parking of vehicles where the 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.
>
> (b) The director of transportation and the counties with respect to highways under their respective jurisdictions shall place signs which are clearly visible to an ordinarily observant person prohibiting or restricting the stopping, standing, or parking of vehicles on the highway. Such signs shall be official signs and no person shall stop, stand, or park any vehicle in violation of the restrictions stated on such signs.

Michigan—Law requires an engineering survey and provides:

> The state highway commission with respect to state trunk line highways and the county road commission with respect to county roads, acting jointly with the director of the state police, may place signs prohibiting or restricting the stopping, standing or parking or vehicles on a highway where in the opinion of the officials as determined by an engineering survey, the 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 on the highway. The signs shall be official signs and a person shall not stop, stand, or park a vehicle in violation of the restrictions stated on the signs. . . .

Tennessee—Law authorizes the State Department of Highways and Public Works to determine where parking, standing or stopping is to be prohibited on highways because of danger to those using the highways or because of undue interference with the free movement of traffic. The law differs from the Code by limiting the authority of the agency to "highways under its jurisdiction outside of the limits of municipalities." Moreover, the law does not contain the Code language "as evidenced by resolution or order entered in its minutes."

Virginia—Authorizes the State Highway Commissioner to regulate parking on state highways, including the installation of parking meters.

Five states have the following provisions:

California—Law provides:

> (a) The Department of Transportation with respect to highways under its jurisdiction may place signs or markings prohibiting or restricting the parking of vehicles in any of the following areas and under the following conditions:
>
> (1) In areas where, in its opinion, as evidenced by resolution or order entered in its minutes, such parking is dangerous to those using the highway or where the parking of vehicles would unduly interfere with the free movement of traffic thereon.
>
> (2) In areas within one-half mile of the boundary of any unit of the state park system which the Director of Conservation has determined are unusually high fire hazard areas, upon notification of the Department of Transportation of such determination by the Director of Conservation.
>
> (3) In areas within one-half mile of the boundary of any unit of the state park system which the county health officer has determined are areas where a substantial public health hazard would result if camping were allowed, upon notification of the Department of Transportation of such determination by the county health officer.
>
> (b) No person shall park any vehicle in violation of the restrictions stated on such signs or markings.

The law is not applicable to public utility vehicles performing work operations and the driver of any vehicle which is disabled in such a manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle on the roadway.

Delaware—Law authorizes the Department of Highways and Transportation to regulate stopping, standing and parking. Also, "Such prohibitions or restrictions may be declared to be effective either part or all of the time and differing limits may be established for different times

of the day, for different types of vehicles, for different weather conditions, and when other significant factors differ."

Indiana—Law requires an engineering investigation before the state highway commission may prohibit or restrict parking, as follows:

> The state highway commission with respect to highways under its jurisdiction may place signs prohibiting or restricting the stopping, standing or parking vehicles on any highway where, in its opinion, as evidenced by resolution or order entered in its minutes, and engineering investigation has revealed the need for such restriction. Such signs shall be official signs, and no person shall stop, stand, or park any vehicle in violation of the restrictions stated on such signs.

Nebraska—Law provides:

> The Department of Roads or local authority may prohibit or restrict stopping, standing, or parking on highways under their respective jurisdictions outside the corporate limits of any city or village and erect and maintain proper and adequate signs thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions stated on such signs.

Oregon—Law authorizes the Oregon Transportation Commission to regulate, prohibit or control stopping, standing and parking of motor vehicles.

Seventeen jurisdictions do not have directly comparable laws:

Alabama	Maine	New Jersey	Pennsylvania
Alaska	Massachusetts	New York [2]	District of Columbia [3]
Florida	Minnesota	North Carolina	
Iowa	Mississippi	Ohio	Puerto Rico
Kentucky [1]	Missouri		

1. Kentucky authorizes certain counties to restrict parking.
2. In New York, a general authority is granted to the state highway commission or other state agency to restrict or prohibit stopping, standing, or parking on highways under its jurisdiction. See N.Y. Vehicle and Traffic Law § 1621 (1960). New York includes limiting parking, as does the UVC.
3. The District of Columbia regulations grant the Director of Highways and Traffic extensive and detailed powers with respect to parking restrictions.

Citations

13 Alaska Adm. Code § 02.365 (1971).
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S.D. Comp Laws §§ 32-30-2.1 to -2.4 (Supp. 1971).
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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. (Revised, 1968.)

Historical Note

The Code has always contained a provision on unattended motor vehicles. The 1926 and 1930 editions provided as follows:

> No person having control or charge of a motor vehicle shall allow such vehicle to stand on any highway unattended without first effectively setting the brakes thereon and stopping the motor of said vehicle, and when standing upon any *perceptible* grade without turning the front wheels of such vehicle to the curb or side of the highway. (Italicized word added in 1930.)

UVC Act IV, § 27 (1926); UVC Act IV, § 52 (Rev. ed. 1930). In 1934, several changes were made. The phrase "on any highway" was deleted because of the adoption of UVC § 11-101, and the phrase "lock the ignition and remove the key" was added in an attempt to further diminish the likelihood of unintended usage. The provision on setting the brake was repositioned so that this act was required only when the vehicle was left unattended on a perceptible grade. With certain other changes in wording, the provision in the 1934 edition of the Code read:

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

UVC Act V, § 94 (Rev. ed. 1934); UVC Act V, § 112 (Rev. ed. 1938). In 1944, the word "perceptible" was deleted, and the provision on setting the brake was moved to its original position to require such use of a brake even though the vehicle was not on a grade. UVC Act V, § 114 (Rev. eds. 1944, 1948, 1952); UVC § 11-1101 (Rev. eds. 1954, 1956, 1962).

In 1968, the section was amended as follows to make it clear that the duty is to remove the key from the ignition:

> 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*, [and] effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

Statutory Annotation

Six states have laws in verbatim conformity with UVC § 11-1101 as revised in 1968:

Hawaii	Illinois	Ohio
Idaho	Kansas	Texas

Five states have laws in substantial conformity with this provision:

Colorado—Law provides:

> 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 and effectively setting the brake thereon, and, when standing upon any grade,

said person shall turn the front wheels to the curb or side of the highway in such a manner as to prevent the vehicle from rolling onto the traveled way.

Nebraska—The law uses "having control or charge of" instead of "driving or in charge of" and "motor" instead of "engine," as follows:

No person having control or charge of a motor vehicle shall allow such vehicle to stand unattended on a highway without first stopping the motor of such vehicle, locking the ignition, removing the key from the ignition, and effectively setting the brakes thereon and, when standing upon any roadway, turning the front wheels of such vehicle to the curb or side of such roadway.

Oregon—Law provides:

A person driving or in charge of a motor vehicle commits the offense of failure to secure a motor vehicle if he permits it to stand unattended on a highway without first stopping the engine, turning the front wheels to the curb or side of the highway when standing upon any grade, locking the ignition, removing the key from the ignition and effectively setting the brake thereon.

Rhode Island—Law provides:

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 vehicle, and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway, provided, however, the provision for removing the key from the vehicle shall not require the removal of keys hidden from sight about the vehicle for convenience or emergency.

Vermont—Law differs from the Code in three respects: It does not apply to authorized emergency vehicles; setting the brake is required, "air temperatures permitting"; and the law applies to any person and not just to the driver or person in charge of a motor vehicle.

Nine states and the District of Columbia have provisions conforming with this section prior to its revision in 1968:

Alabama	Maryland	Washington
Delaware	New Hampshire	West Virginia
Louisiana	South Carolina	Wyoming

Five states have provisions conforming with the section as it appeared in the 1934 and 1938 editions of the Code, requiring stopping the engine, locking the ignition and removing the key, and, when standing on any perceptible grade, setting the brake and turning the front wheels to the side. Thus, the principal difference between these eight laws and the current Code concerns when the brake must be set. The five states are:

Arkansas	Kentucky	Pennsylvania *
Indiana	Mississippi	

* Pennsylvania requires locking the ignition "in vehicles so equipped," and adds a requirement to place the gear shift lever in a position which will impede movement.

Four states have provisions conforming with the section as it appeared in the 1926 and 1930 editions of the Code, requiring stopping the motor, setting the brake, and, when standing on any grade, turning the front wheels to the side. None of these states has the Code provisions requiring the ignition to be locked and the key removed:

Michigan	New Jersey [1]	North Carolina [2]	South Dakota [3]

1. The New Jersey law is substantially similar to the 1926-1930 Code section.
2. This law applies on highways and public vehicular areas. In addition, North Carolina has a second law (§ 20-124(b)) which requires setting the parking brake, stopping the motor and turning the front wheels to the curb or side of the highway regardless of whether the vehicle is left standing on a grade.
3. Does not require stopping the motor.

Twenty other jurisdictions have laws on this subject, but they do not entirely conform to the current Code section or to any historical version of it. These laws are quoted or discussed below. In summary, however, six of these—Alaska, Florida, Nevada, New Mexico, Utah and Puerto Rico—require removing the key as the Code does. New York requires removing the key from the vehicle. Georgia, Missouri and Tennessee require locking the ignition but not removing the key.

Three of the 20—Montana, North Dakota, and Oklahoma—appear to be virtually identical to the 1962 Code except that the words "locking the ignition, removing the key" have been omitted, and three—Connecticut, Maine and Minnesota—do not require stopping the engine of an unattended vehicle.

Missouri does not require the effective setting of the brake; Iowa, Florida and Nevada, like the 1934 Code, require use of a brake only when the vehicle is on a grade; New Mexico requires either use of the brake "or placing the transmission in parking position." Utah also requires placing the transmission in parking position."

Five of the 20—California, Connecticut, Maine, Massachusetts and Missouri—do not require turning the wheels to the side or curb, and two—Minnesota and Virginia—may require such turning even though the vehicle is not on a grade.

These laws provide as follows:

Alaska—Regulation provides:

A person operating or in charge of a motor vehicle may not leave it parked unattended without first stopping the engine, locking the ignition, removing the key, putting the transmission in gear or in park position and, if on an incline or grade, effectively setting the brake and, if facing downhill or uphill without curbs, turning the front wheels to the curb or side of the roadway or, if facing uphill with curbs, turning the front wheels away from the curb.

California—§ 22515 provides:

No person driving, or in control of, or in charge of, a motor vehicle shall permit it to stand on any highway unattended without first effectively setting the brakes thereon and stopping the motor thereof.

Connecticut—§ 14-228 provides:

Any person who leaves any motor vehicle stationary on the highway without setting the brake in such manner as to prevent such vehicle from moving, unless it is occupied by a person able to control the same, shall be fined not more than twenty dollars for each offense.

Florida—Licensed delivery trucks making deliveries are excepted from the requirement to stop the engine, lock the ignition and remove the key from an unattended vehicle. All unattended vehicles on perceptible grades must have the engine stopped, the brake set and the front wheels turned to the curb or side of the street.

Georgia—§ 68A-1101 virtually duplicates the Code but omits the words, "removing the key from the ignition."

Iowa—§ 321.362 provides:

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, or when standing upon any perceptible grade without effectively setting the brake thereon and turning the front wheels to the curb or side of the highway.

Maine—§ 1112 provides:

No driver of a team having passengers therein conveyed for hire shall leave it without a person in charge or without fastening it securely. No person having control or charge of a motor vehicle shall allow such vehicle to stand upon any way and remain unattended without effectively setting its brakes.

Massachusetts—§ 13 provides, in part:

No person having control or charge of a motor vehicle, except a person having control or charge of a police, fire or other

emergency vehicle in the course of responding to an emergency or a person having control or charge of a motor vehicle while engaged in the delivery or acceptance of goods, wares or merchandise for which the vehicle's engine power is necessary for the loading or unloading of such goods, wares or merchandise, shall allow such vehicle to stand in any way and remain unattended without stopping the engine of said vehicle, effectively setting the brakes thereof or making it fast, and locking and removing the key from the locking device and from the vehicle.

Minnesota—§ 169.36 provides:

No person driving or in charge of a motor vehicle shall permit it to stand unattended without effectively setting the brake thereon and turning the front wheels to the curb or side of the highway.

Missouri—§ 304.150 provides:

No person shall leave a motor vehicle unattended on the highway without first stopping the motor and cutting off the electric current, and no person shall leave a motor vehicle, except commercial motor vehicle, unattended on the highway of any city having a population of more than seventy-five thousand unless the mechanism, starting device or ignition of such motor vehicle shall be locked. The failure to lock such motor vehicle shall not mitigate the offense of stealing the same, nor shall such failure be used to defeat a recovery in any civil action for the theft of such motor vehicle, the insurance thereon, or have any other bearing in any civil action.

Montana—§ 32-21-103 provides:

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway in such a manner as to prevent the vehicle from rolling onto the roadway.

Nevada—Differs from the Code by excepting drivers of commercial vehicles from the duty to stop the engine, lock the ignition and remove the key. Setting the brake is required only on a perceptible grade.

New Mexico—§ 64-7-353, provides:

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, and effectively setting the brake, or placing the transmission in parking position, thereon and, when standing upon any grade, turning the front wheels in such manner that the vehicle will be held by the curb or will leave the highway if the brake fails. A violation of this section shall not mitigate the offense of stealing a motor vehicle, nor shall the provisions of this section or any violation thereof be admissible as evidence in a civil action for the recovery of a stolen motor vehicle, or in any other civil action arising out of the theft of a motor vehicle.

New York—Law provides:

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 vehicle*, and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway, *provided, however, the provision for removing the key from the vehicle shall not require the removal of keys hidden from sight about the vehicle for convenience or emergency.* (Emphasis added.)

North Dakota—§ 39-10-51 provides:

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, effectively setting the brake thereon, and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

Oklahoma—§ 11-1101 provides:

The person driving or in charge of a motor vehicle shall not permit it to stand unattended without first stopping the engine and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

Tennessee—§ 59-863 provides:

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

Utah—Law conforms substantially with the UVC and requires placing the transmission in "park" or the gears in "low" or "reverse" if the vehicle has a manual shift.

Virginia—§ 46.1-281 provides:

No person having control or charge of a motor vehicle shall allow such vehicle to stand on any highway unattended without first effectively setting the hand brake thereon, stopping the motor and turning the front wheels into the curb or side of the highway.

Puerto Rico—§ 1014 provides:

Every vehicle which is to be parked shall be immobilized by the emergency brake and, if on a grade, with the front wheel nearest to the sidewalk diagonally toward the border of the curb or the edge of the highway. In every event the motor of the vehicle shall be turned off and the key taken out of the ignition.

Two states—Arizona and Wisconsin—do not have provisions comparable to those in UVC § 11-1101.

Citations

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13 Alaska Adm. Code § 02.480 (1971).
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Cal. Vehicle Code § 22515 (1960).
Colo. Rev. Stat. Ann. § 42-4-1106 (Supp. 1976).
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Del. Code Ann. tit. 21, § 4180 (Supp. 1966).
Fla. Stat. § 316.097 (1971).
Ga. Code Ann. § 68A-1101 (1975).
Hawaii Rev. Stat. § 291C-121 (Supp. 1971).
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Ill. Ann. Stat. ch. 95½, § 11-1401 (Supp. 1978).
Ind. Stat. Ann. § 9-4-1-116 (1973).
Iowa Code Ann. § 321.362 (1966).
Kans. Stat. Ann. § 8-1573 (1975).
Ky. Rev. Stat. Ann. § 189.430 (1977).
La. Rev. Stat. Ann. § 32:145 (1963).
Me. Rev. Stat. Ann. tit. 29, § 1112 (1965).
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Mich. Stat. Ann. § 9.2376 (1960).
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N.C. Gen. Stat. § 20-163 (1975).
N.D. Cent. Code § 39-10-51 (1960).
Ohio Rev. Code Ann. § 4511.661 (Supp. 1978).
Okla. Stat. Ann. tit. 47, § 11-1101 (1962).
Ore. Rev. Stat. § 487.615 (1977).
Pa. Stat. Ann. tit. 75, § 3701 (1977).
R.I. Gen. Laws Ann. § 31-22-1 (Supp. 1978).
S.C. Code Ann. § 56-5-2570 (1976).
S.D. Comp. Laws § 32-30-5 (Supp. 1971).
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P.R. Laws Ann. tit 9, § 1014 (Supp. 1975).

§ 11-1102—Limitations on Backing

(a) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic. (Revised, 1962.)

(b) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway. (New, 1962.)

Historical Note

Subsection (a) was added to the Code in 1948 and remained unchanged until 1962. Prior to 1962, the Code provided that the driver should not back his vehicle unless "such movement can be made with *reasonable* safety" and without interfering with other traffic. UVC Act V, § 114.5 (Rev. eds. 1948, 1952); UVC § 11-1102 (Rev. eds. 1954, 1956, 1962, 1968).

Subsection (b) was added to the Code in 1962.

Statutory Annotation

Subsection (a).

Twenty-four states have provisions that are in verbatim or substantial conformity with subsection (a):

Alabama [1]	Hawaii	New Hampshire	South Carolina
Alaska	Idaho	New York	South Dakota
Colorado	Illinois	North Carolina	Texas
Delaware	Kansas	North Dakota	Utah
Florida	Maryland	Oregon	Vermont
Georgia	Nebraska	Pennsylvania [2]	Washington

1. Alabama adds "it shall reasonably appear that" after the word "unless."
2. Pennsylvania requires that backing vehicles yield to moving traffic and pedestrians.

Ten states and the District of Columbia have provisions in verbatim or substantial conformity with the 1956 Code provision which required the movement to be made "with *reasonable* safety":

Arizona	Montana	West Virginia
Connecticut [1]	New Mexico	Wisconsin [2]
Louisiana	Rhode Island	Wyoming
	Tennessee	

1. The Connecticut law begins: "No person shall back a vehicle" but is otherwise identical to the 1956 Code.
2. The Wisconsin law does not contain the phrase "without interfering with other traffic."

The laws of nine jurisdictions, which are not identical to the 1956 or 1962 Code provisions, are quoted below. Three of these—California, Iowa and Puerto Rico—require the driver to ascertain that the backing movement can be made with *reasonable* safety, and four—California, Iowa, Ohio, and Virginia—do not expressly prohibit backing when it would interfere with other traffic. Iowa and Nevada require the backing driver to yield the right of way; Ohio requires the backing driver to give ample warning; and Oklahoma broadly prohibits all backing unless necessary to leave a parked position.

California—§ 22106 provides:

> No person shall start a vehicle stopped, standing, or parked on a highway, nor shall any person back a vehicle on a highway until such movement can be made with reasonable safety.

Iowa—§ 321.323 states:

> No person shall operate a vehicle on a highway in reverse gear unless and until such operation can be made with reasonable safety, and shall yield the right of way to any approaching vehicle on the highway or intersecting highway thereto which is so close as to constitute an immediate hazard.

Massachusetts—§ 9 provides:

> Except as otherwise provided in Article VI, Section 2A, the driver of any vehicle before starting, stopping, turning from a direct line, or backing shall first see that such movement can be made in safety. If such movement cannot be made in safety or if it interferes unduly with the normal movement of other traffic, said driver shall wait for a more favorable opportunity to make such a movement. If the operation of another vehicle should be affected by a stopping or turning movement, the driver of such other vehicle shall be given a plainly visible signal, as required by Chapter 90, Section 14B of the General Laws (Ter. Ed.).

Nevada—Duplicates the Code, and prohibits backing into an intersection, or over a crosswalk, or around a street corner, and requires a person backing a vehicle to yield the right-of-way to moving traffic and pedestrians.

New Jersey—§ 39:4-127 provides:

> No vehicle shall back or make a turn in a street, if by so doing it interferes with other vehicles, but shall go around a block or to a street sufficiently wide to turn in without backing.

Another law (§ 39:4-126) provides, in part, "that no person shall start or back a vehicle unless and until such movement can be made with safety."

Ohio—§ 4511.38 provides:

> Before backing, operators of vehicles, streetcars, or trackless trolleys shall give ample warning, and while backing they shall exercise vigilance not to injure person or property on the street or highway.

Oklahoma—§ 11-1102 provides:

> No vehicle shall be backed upon any street or highway except for such distance as may be necessary to permit the vehicle to enter the proper driving lane from a parked position. Such backing shall be done only after the driver of said vehicle has ascertained that such movement can be made without endangering other traffic.

Virginia—§ 46.1-216 provides:

> Every driver who intends to start, back, stop, turn or partly turn from a direct line shall first see that such movement can be made in safety and whenever the operation of any other vehicle may be affected by such movement shall give such signals as are required in §§ 46.1-217, 46.1-218 or 46.1-220, plainly visible to the driver of such other vehicle, of his intention to make such movement.

Puerto Rico—§ 954 provides:

> No driver shall move a vehicle in reverse on a public highway unless such movement can be made with reasonable safety on a relatively short section of road and without interfering with or interrupting traffic.

The remaining eight states do not have comparable provisions:

Arkansas	Kentucky	Michigan	Mississippi
Indiana	Maine	Minnesota	Missouri

Subsection (b).

Twenty-seven states have provisions in verbatim or substantial conformity with this subsection:

Alabama	Idaho	New Hampshire	South Carolina
Alaska	Illinois	New Mexico [4]	South Dakota
Colorado	Kansas	New York	Texas
Delaware [1]	Louisiana [2]	North Dakota	Utah
Florida	Maryland	Ohio [5]	Vermont
Georgia	Minnesota [3]	Pennsylvania	Washington
Hawaii	Nebraska	Rhode Island [6]	

1. Highway must be designated as controlled-access highway by the Department of Transportation.
2. Louisiana adds "except as a result of an emergency caused by an accident or breakdown of a motor vehicle."
3. Minnesota excepts authorized emergency vehicles in the course of performing their duties.
4. New Mexico prohibits backing on the shoulder, roadway, entrances and exits of a controlled-access highway.
5. The Ohio law provides: "No person shall back a motor vehicle on a freeway, except in a rest area; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle."
6. The Rhode Island law applies to motor vehicles on freeways.

The Oklahoma law, quoted, *supra*, in the Annotation for subsection (a), prohibits backing on a controlled-access highway unless necessary to

enter a proper driving lane from a parked position. Massachusetts bans backing to enter an off ramp or from any ramp on a limited-access highway. Puerto Rico prohibits moving a vehicle in reverse upon the walk or roadway zone of a controlled-access highway.

Citations

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13 Alaska Adm. Code § 02.485 (1971).
Ariz. Rev. Stat. Ann. § 28-891 (1956).
Cal. Vehicle Code § 22106 (1960).
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La. Rev. Stat. Ann. § 32:281 (Supp. 1972).
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Neb. Rev. Stat. § 39-675 (1974).
Nev. Rev. Stat. § 484.449 (1975).
N.H. Rev. Stat. Ann. § 262-A:74 (1966).
N.J. Rev. Stat. § 39:4-127 (1961).
N.M. Stat. Ann. § 64-7-354, renumbered by H.B. 112, CCH ASLR 161, 538 (1978).
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Ohio Rev. Code Ann. § 4511.38 (Supp. 1966).
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Tex. Rev. Civ. Stat. art. 6701d, § 173 (Supp. 1972).
Utah Code Ann. § 41-6-106 (Supp. 1977).
Vt. Stat. Ann. tit. 23, § 1113 (Supp. 1978).
Va. Code Ann. § 46.1-216 (1967).
Wash. Rev. Code Ann. § 46.61.605 (Supp. 1966).
W. Va. Code Ann. § 17C-14-2 (1966).
Wis. Stat. Ann. § 346.87 (1958).
Wyo. Stat. Ann. § 31-5-226 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 109 (1963).
P.R. Laws Ann. tit. 9, § 954 (Supp. 1975).

§ 11-1103—Driving Upon Sidewalk

No person shall drive any vehicle other than by human power upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. (Revised, 1975.)

Historical Note

This section was added to the Code in 1968 and revised into its present form in 1975. Prior to 1968, this provision appeared in the National Committee's *Model Traffic Ordinance* (§ 9-7 in the 1962 edition).

The section was revised in 1975 to make perfectly clear that it does not, and was never intended to, apply to bicycles and other devices moved solely by human power. See also, UVC § 11-1209, *infra*.

No person shall drive any vehicle *other than by human power* upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

Statutory Annotation

Idaho duplicates the Code, and one other state—Pennsylvania—has a law which virtually duplicates UVC § 11-1103 as it was revised in 1975:

> No person shall drive any vehicle except a human-powered vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

Seven states have laws comparable to the revised provision as they prohibit driving "motor" vehicles on sidewalks. These laws are quoted or summarized below:

California—Law provides:

> No person shall operate or move a motor vehicle upon a sidewalk except as may be necessary to enter or leave adjacent property.

A second law authorizes municipalities to allow the operation of electric carts on public sidewalks by persons who are disabled or more than 50 years of age. And, another law authorizes municipalities to allow electric carts operated by employees of the United States Postal Service, government agencies or utility companies on sidewalks.

Connecticut—Law provides:

> No person shall operate any motor vehicle upon, nor shall any motor vehicle be left parked, standing or stopped on or across, any public sidewalk except to cross such sidewalk to enter or leave adjacent areas or to perform necessary sidewalk construction, maintenance or snow removal.

Delaware—Law includes bicycle paths and provides as follows:

> No person shall drive any motor vehicle upon a sidewalk or bicycle path or sidewalk area or bicycle path area except upon a permanent or duly authorized temporary driveway.

Michigan—A provision in the criminal code prohibits operating or riding a motorcycle, moped, or other motor vehicle upon a bicycle path or a sidewalk regularly laid out and constructed for the use of pedestrians, not including crosswalks or driveways. The law excepts motorized wheelchairs.

New York—Law provides:

> No person shall drive a motor vehicle on or across a sidewalk, except that a vehicle may be driven at a reasonable speed, but not more than five miles per hour, on or across a sidewalk in such manner as not to interfere with the safety and passage of pedestrians thereon, who shall have the right of way, when it is reasonable and necessary:
>
> (a) to gain access to a public highway, private way or lands or buildings adjacent to such highway or way;
>
> (b) in the conduct of work upon a highway, or upon a private way or lands or buildings adjacent to such highway or way, or
>
> (c) to plow snow or perform any other public service, for hire, or otherwise, which could not otherwise be reasonably and properly performed.

North Carolina—Law prohibits driving any motor vehicle upon a sidewalk or sidewalk area except upon a permanent or temporary driveway.

Vermont—Law provides:

> No person shall drive any motor vehicle on a sidewalk or on any area designated exclusively for pedestrian traffic, except while crossing a driveway.

Three jurisdictions have laws which prohibit operating vehicles on sidewalks although bicycles are generally excepted from these provisions:

Maryland—Law provides:

> (a) *Driving prohibited.*—Except as provided in subsection (b) of this section, a person may not drive any vehicle on a sidewalk or sidewalk area unless it is a permanent or authorized temporary driveway.
>
> (b) *Exceptions.*—Where permitted by local ordinance, a person may ride a bicycle, play vehicle, or unicycle on a sidewalk or sidewalk area.

Ohio—Law provides:

> No person shall drive any vehicle, other than a bicycle, upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

A subsection provides that the law is not to be construed as prohibiting local authorities from regulating the operation of bicycles in their respective jurisdictions.

District of Columbia—Section 108 of the Traffic & Motor Vehicle Regulations provides:

> Except as provided in Section 11.203 of Title 32 of the District of Columbia Rules and Regulations, the driver of a vehicle shall

not drive within or across any sidewalk area, except at a permanent or temporary driveway.

§ 11.203 provides, in part, as follows:

There shall be no prohibition against any person riding a bicycle upon a sidewalk within the District, so long as the person so riding does not create a hazard; provided, that no person shall ride a bicycle upon a sidewalk within the Central Business District except on those sidewalks expressly designated by Order of the Commissioner, nor shall any person ride a bicycle upon a sidewalk in any area outside of the Central Business District if it is expressly prohibited by Order of the Commissioner and appropriate signs to such effect are posted.

Thirteen states have laws which duplicate the 1968 provision, and therefore do not contain the phrase "other than by human power":

Colorado	Illinois	North Dakota	Texas
Florida [1]	Kansas	South Carolina	Utah
Georgia	Nebraska	South Dakota	Washington
Hawaii [2]			

1. Florida has a second law which prohibits operating any motor vehicle or moped upon a bicycle trail or footpath, except upon a permanent or duly authorized temporary driveway. Fla. Stat. Ann. § 316.2075 (Supp. 1978).
2. The Hawaii law prohibits driving any vehicle upon a "bicycle lane, bicycle path, sidewalk or sidewalk area . . . ." The law has several enumerated exceptions.

Four jurisdictions have laws in substantial conformity with the 1968 provision:

Massachusetts	Nevada	Wisconsin [1]	Puerto Rico [2]

1. Law adds "unless permitted to do so by the local authorities."
2. Exception is for "vehicle entrance" and not "driveway."

Three states have provisions as follows:

New Jersey—Law provides:

No person shall drive or back a horse or vehicle across, or allow the same to stand on a sidewalk unless it be in crossing the sidewalk to go into a yard or lot, and then not without the consent of the owner of the premises. This section shall not prohibit the passing of a horse or vehicle over a sidewalk in front of an alley or passageway with the owner's consent, or any municipality from driving or operating or causing to be driven or operated along or over the sidewalks within the municipality any vehicle for the purpose of maintaining or cleaning said sidewalks.

Oklahoma—§ 40-103 prohibits riding motorcycles and motor scooters on sidewalks in cities and towns.

Virginia—Law provides:

If any person ride or drive any vehicle, including bicycles and motorcycles, on the sidewalks of any city, town or county of this State, except Arlington and Henrico counties, he shall be guilty of a traffic infraction and upon conviction shall be fined not less than five dollars nor more than twenty-five dollars; provided, however, that the governing body of any city, county or town, except Arlington and Henrico counties, may authorize persons to ride bicycles upon the sidewalks in certain areas that have been designated as bicycle routes.

The remaining 20 states do not have comparable provisions:

Alabama	Iowa	Mississippi	Oregon
Alaska	Kentucky	Missouri	Rhode Island
Arizona	Louisiana	Montana	Tennessee
Arkansas	Maine	New Hampshire	West Virginia
Indiana	Minnesota	New Mexico	Wyoming

Citations

Cal. Vehicle Code §§ 21663, 21100.4, 21114.5 (1972, Supp. 1979).
Colo. Rev. Stat. Ann. § 42-4-610 (Supp. 1976).
Conn. Gen. Stat. § 14-250a (Supp. 1978).
Del. Code Ann. tit. 21, § 4136 (Supp. 1978).
Fla. Stat. §§ 316.209 (Supp. 1979).
Ga. Code Ann. § 68A-1103 (1975).
Hawaii Rev. Stat. § 291C-123 (Supp. 1975), amended by H.B. 999, CCH ASLR 942 (1977).
Idaho Code Ann. § 49-703, added by H.B. 197, CCH ASLR 526 (1977).
Ill. Ann. Stat. ch. 95½, § 11-1412.1 (Supp. 1977).
Kans. Stat. Ann. § 8-1575 (1975).
Md. Trans. Code § 21-1103 (1977).
Mass. Rules & Regs. for Driving on State Highways art. IV, § 16 (1977).
Mich. Comp. Laws § 750.419, amended by H.B. 4389, CCH ASLR 117 (1978).
Neb. Rev. Stat. § 39-676 (1974).
Nev. Rev. Stat. § 484.451 (1975).
N.J. Rev. Stat. § 39:4-71 (1973).
N.Y. Vehicle & Traffic Law § 1225a (Supp. 1978).
N.C. Gen. Stat. § 20-160 (1975).
N.D. Cent. Code § 39-10-52.1 (Supp. 1977).
Ohio Rev. Code § 4511.711 (Supp. 1978).
Okla. Stat. Ann. § 40-103 (Supp. 1978).
Pa. Stat. Ann. tit. 75, § 3703 (1977).
S.C. Code Ann. § 56-5-3835, added by H.B. 2843, CCH ASLR 61, 62 (1978).
S.D. Comp. Laws § 32-26-21.1 (1976).
Tex. Rev. Civ. Stat. art. 6701d, § 187 (1977).
Utah Code Ann. § 41-6-106.10 (Supp. 1977).
Vt. Stat. Ann. tit. 23, § 1132 (Supp. 1978).
Va. Code Ann. § 46.1-229 (Supp. 1979).
Wash. Rev. Code Ann. § 46.61.606 (Supp. 1977).
Wis. Stat. Ann. § 346.94 (1971).
17 D.C. Rules & Regs. § 108 (1975).
P.R. Laws Ann. tit. 9, § 1154 (Supp. 1975).

§ 11-1104—Obstruction to Driver's View or Driving Mechanism

(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

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

Historical Note

This section was revised into its present form in 1934 except that the parentheses were added to subsection (b) in 1968 to indicate that the references to a streetcar and its motorman should be omitted in states where no streetcars are in operation. UVC Act V, § 95 (Rev. ed. 1934); UVC Act V, § 113 (Rev. ed. 1938); UVC Act V, § 115 (Rev. eds. 1944, 1948, 1952); UVC § 11-1104 (Rev. eds. 1954, 1956, 1962, 1968).

The 1930 Code section, which did not contain the reference to three persons in subsection (a), provided:

(a) It shall be unlawful for the driver of any vehicle to drive the same when such vehicle is so loaded, or when there are in the front seat of such vehicle such number of persons, as to obstruct the view of the driver to the front or sides or to interfere with the driver's control over the driving mechanism of the vehicle.

(b) It shall be unlawful for any passenger in a vehicle or street car to ride in such position as to interfere with the driver's or operator's view ahead or to the sides, or to interfere with the driver's or operator's control over the driving mechanism of the vehicle or street car.

UVC Act IV, § 53 (Rev. ed. 1930).

Statutory Annotation

Subsection (a).

Thirty-nine states and the District of Columbia have provisions that are in verbatim or substantial conformity with UVC § 11-1104(a):

Alabama	Idaho	Minnesota	Pennsylvania *
Alaska	Illinois	Mississippi	Rhode Island

Arizona	Indiana	Montana	South Carolina
Arkansas	Iowa	Nebraska [4]	South Dakota
California [1]	Kansas	Nevada [5]	Tennessee
Colorado [2]	Kentucky [3]	New Hampshire	Texas
Delaware	Louisiana	New Mexico	Utah
Florida [1]	Maine	North Dakota	Washington
Georgia	Maryland [1]	Ohio [1]	Wyoming
Hawaii	Michigan [1]	Oklahoma	

1. These states are virtually identical to the Code but omit the words "exceeding three."
2. The Colorado law is identical and contains an additional subsection which provides: "(3) No vehicle shall be operated upon any highway unless the driver's vision through any required glass equipment is normal . . . ."
3. Kentucky omits the concluding words "over the driving mechanism of the vehicle" appearing in the Code subsection (a).
4. The Nebraska law is virtually identical to the Code. The only difference is the law's reference to "motor vehicle."
5. Nevada adds a requirement that a driver's vision through any required glass be normal.
6. Pennsylvania duplicates the Code and adds, "or whenever any person in the front seat is not seated."

The comparable laws of 11 other jurisdictions are quoted below. One of these—New York—is in substantial conformity but prohibits more than three persons in the front seat, while the Code would allow more than three so long as there is no obstruction to the driver's view or control. In one other state—Virginia—driving while one's view is obstructed to the side or front is defined as reckless driving.

Connecticut—§ 14-257(a) provides:

> No person shall operate any vehicle upon any public highway or other public place when the operator thereof is crowded or hampered by any person beside or in front of him or by reason of having in such vehicle more than the number of persons for whom reasonable and safe seating space is provided. No person shall operate any motor vehicle, except one in use by a fire or police department or in the regular conduct of business by any public utility or except a state or municipal maintenance vehicle, when any person is riding upon the running board, fender, hood or top of such vehicle.

Massachusetts—Law provides:

> No chauffeur or operator, when operating a motor vehicle, shall have or permit to be on or in such vehicle or on or about his person anything which may interfere with or impede the proper operation of the vehicle or of any of the machinery or appliances by which the vehicle is operated or controlled.

New Jersey—A traffic law (§ 39:4-58) prohibits driving a vehicle that is so "constructed, loaded or covered" as to prevent a clear view of traffic to the sides *or rear* unless "equipped with a device that will show the driver the road to the rear and side." An equipment law (§ 39:3-74) comparable to UVC § 12-404 provides that no person shall drive a vehicle so "constructed, equipped or loaded" as to "unduly interfere with the driver's vision to the front and to the sides."

New York—Law provides:

> No person shall drive a motor vehicle when it is so loaded, or when there are in the front seat such 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. In no event shall there be more than three persons in the front seat of any vehicle, except where such seat has been constructed to accommodate more than three persons and there is eighteen inches of seating capacity for each passenger or occupant in said front seat.

North Carolina—Law provides:

> No person shall operate upon a highway or public vehicular area a motor vehicle which is so loaded or crowded with passengers or property, or both, as to obstruct the operator's view of the highway or public vehicular area, including intersections, or so as to impair or restrict otherwise the proper operation of the vehicle.

Oregon—Law provides:

> (1) A driver shall not operate a vehicle:
>
> (a) Which is so loaded as to obstruct all of his views to the rear, through one or more mirrors and otherwise, or to obstruct his view to the front or sides or to interfere with his control or with the driving mechanism; or
>
> (b) When he has in his lap or in his embrace a person, baggage or encumbrance which prevents the free unhampered operation of the vehicle.

Vermont—Law provides:

> (a) A person shall not operate or attempt to operate a motor vehicle when more than three persons over two years of age, including the operator, are occupying the front seat or seats or are in the front or driving compartment of the motor vehicle. However, this provision does not apply to any motor vehicle the front seat of which was designed by the manufacturer for occupancy by more than three persons, or to any vehicle which has a front seating area which is at least 76 inches in width, as received from the manufacturer. In no case shall a vehicle be operated with more than four persons over two years of age occupying the front seat or seats or who are in the front or driving compartment of the motor vehicle.
>
> (b) In any event, a person may not operate a motor vehicle when it is so loaded 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.

Virginia—Law defining "reckless driving" applies to any person who shall:

> Drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of the vehicle.

West Virginia—Law provides:

> No person shall drive a vehicle when it is so loaded 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.

Wisconsin—Law provides:

> No person shall drive a vehicle when it is so loaded or when there are in the front seat such number of persons, or any persons so situated, as to obstruct the view of the operator to the front or to the sides or as to interfere with the operator having free use of both hands and feet to the operating mechanisms or controls of the vehicle.

Puerto Rico—Law provides:

> (a) No person shall drive a motor vehicle upon a public highway with more than three (3) passengers riding beside him in the front seat, or with less than three (3) passengers when the lateral or front view of the driver is obstructed or when there is interference with the driver's control on the vehicle mechanism.
>
> (b) No person shall drive a motor vehicle upon a public highway with persons, animals or objects obstructing the lateral or front view of the driver or interfering with the driver's control of the vehicle's mechanism.

Missouri does not have a comparable provision.

Subsection (b).

The following 39 states and the District of Columbia have provisions in verbatim conformity with UVC § 11-1104(b), except as noted:

Alabama	Illinois [3]	Nebraska	South Dakota
Alaska	Indiana	Nevada	Tennessee
Arizona	Iowa	New Hampshire	Texas

Arkansas	Kansas	New Mexico	Utah
Colorado [1]	Kentucky [4]	New York	Vermont
Delaware [2]	Maryland	North Dakota	Washington
Florida	Michigan	Ohio	West Virginia
Georgia	Minnesota	Oklahoma	Wisconsin
Hawaii	Mississippi	Rhode Island	Wyoming
Idaho	Montana	South Carolina	

1. Colorado adds that passengers may not create hazards to themselves or others and that drivers may not permit passengers to ride in this manner.
2. Delaware also provides that all persons riding in passenger cars must sit in the seats designed and intended for their use.
3. Illinois also has a subsection prohibiting passengers in school buses from interfering with the driver's view or control.
4. Kentucky omits the reference to "driving mechanism."

Four jurisdictions have provisions that are not in the Code. Louisiana and Oregon prohibit passenger obstruction of the driver's view to the rear and not merely to the front or sides as in the Code, but are otherwise identical to the Code. The California and Puerto Rico laws are quoted below:

California—Law provides:

> No person shall wilfully interfere with the driver of a vehicle or with the mechanism thereof in such manner as to affect the driver's control of the vehicle. The provisions of this section shall not apply to a drivers' license examiner or other employee of the Department of Motor Vehicles when conducting the road or driving test of an applicant for a driver's license nor to a person giving instruction as a part of a course in driver training conducted by a public school, educational institution or a driver training school licensed by the Department of Motor Vehicles.

Puerto Rico—Law provides:

> It shall be illegal for any person to travel in a motor vehicle in such a position as to obstruct the view or hinder the movement of the driver, or in any manner hamper or interfere with the control of the mechanism of the vehicle. Likewise, it shall be illegal to drive a motor vehicle under the conditions stated in this subsection.

The remaining eight states do not have provisions prohibiting interference with the driver's view or control by a passenger:

Connecticut	Massachusetts	New Jersey	Pennsylvania
Maine	Missouri	North Carolina	Virginia

Citations

Ala. Code tit. 32, § 32-5-6 (1975).
Alaska Stat. § 28.35.170; 13 Alaska Adm. Code § 02.495 (1971).
Ariz. Rev. Stat. Ann. § 28-893 (1956).
Ark. Stat. Ann. § 75-652 (1957).
Cal. Vehicle Code §§ 21700, 21701 (1972).
Colo. Rev. Stat. Ann. § 42-4-201 (1973).
Conn. Gen. Stat. Ann. § 14-257 (Supp. 1966).
Del. Code Ann. tit. 21, § 4186 (1974, Supp. 1978).
Fla. Stat. § 316.093 (1971).
Ga. Code Ann. § 68A-1104 (1975).
Hawaii Rev. Stat. § 291C-124 (Supp. 1971).
Idaho Code Ann. § 49-704, amended by H.B. 197, CCH ASLR 527 (1977).
Ill. Ann. Stat. ch. 95½, § 11-1406 (Supp. 1977).
Ind. Stat. Ann. § 9-4-1-117 (1973).
Iowa Code Ann. § 321.363 (1966).
Kans. Stat. Ann. § 8-574 (1964).
Ky. Rev. Stat. Ann. § 189.470.
La. Rev. Stat. Ann. § 32:282 (1963).
Me. Rev. Stat. Ann. tit. 29, § 1372 (Supp. 1970).
Md. Ann. Code § 21-1104 (1977).
Mass. Ann. Laws ch. 90, § 13 (1957).
Mich. Stat. Ann. § 9.2377 (1973).
Minn. Stat. Ann. § 169.37 (1960).
Miss. Code Ann. § 63-3-1203 (1972).
Mont. Rev. Codes Ann. § 32-21-106 (1961).
Neb. Rev. Stat. § 39-677 (Supp. 1976).
Nev. Rev. Stat. § 484.453 (1975).
N.H. Rev. Stat. Ann. § 262-A:76 (1966).
N.J. Rev. Stat. §§ 39:3-74, :4-58 (1961).
N.M. Stat. Ann. § 64-7-357, amended by H.B. 112, CCH ASLR 161, 540 (1978).
N.Y. Vehicle and Traffic Law § 1213 (Supp. 1966).
N.C. Gen. Stat. § 20-14-2 (Supp. 1977).
N.D. Cent. Code § 39-10-54 (1960).
Ohio Rev. Code Ann. § 4511.70 (Supp. 1978).
Okla. Stat. Ann. tit. 47, § 11-1104 (1962).
Ore. Rev. Stat. § 487.625 (1977).
Pa. Stat. Ann. tit. 75, § 3704 (1977).
R.I. Gen. Laws Ann. § 31-22-4 (1957).
S.C. Code Ann. § 56-5-3820 (1976).
S.D. Comp. Laws §§ 32-26-43, -44 (Supp. 1971).
Tenn. Code Ann. § 59-866 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 175 (Supp. 1972).
Utah Code Ann. § 41-6-109 (Supp. 1979).
Vt. Stat. Ann. tit. 23, § 1118 (Supp. 1978).
Va. Code Ann. § 46.1-190(c) (1967).
Wash. Rev. Code Ann. § 46.61.615 (Supp. 1966).
W. Va. Code Ann. § 17C-14-4 (1966).
Wis. Stat. Ann. § 346.88 (1958).
Wyo. Stat. Ann. § 31-5-117 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 99 (1959).
P.R. Laws Ann. tit. 9, § 1147 (Supp. 1975).

§ 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 available to moving traffic for a period of time longer than necessary to load or unload passengers. (REVISED, 1975.)

Historical Note

This section was added to the Code in 1956, and amended in 1962, as follows:

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

UVC § 11-1105 (Rev. eds. 1956, 1962, 1968).

In 1975, the section was revised to require passengers opening any door to make certain it is safe to open it. As revised, this rule would apply to a door opened on either side of the vehicle and not just on the side available to moving traffic. Bicycles and other traffic frequently move on both sides of a stopped vehicle.

> No person shall open *any* [the] door *on* [of] a motor vehicle [on the side available to moving traffic] unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on *a* [the] side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. (REVISED, 1976).

Statutory Annotation

One state—Pennsylvania—has a law in verbatim conformity with UVC § 11-1105 as it was revised in 1975. Minnesota and South Carolina have laws in substantial conformity.

Twenty-two states have laws in verbatim or substantial conformity with the 1968 Code section:

Alaska	Idaho	New Hampshire	South Dakota
California [1]	Illinois	New Mexico	Texas
Colorado	Kansas	New York	Utah
Delaware	Maine	North Dakota	Vermont
Georgia	Maryland [3]	Oregon	Washington [4]
Hawaii [2]	Nebraska		

1. Applies to a "vehicle" rather than a "motor vehicle."
2. Hawaii adds "or causing immediate hazard to" following "without interfering with," in reference to the movement of other traffic.
3. Refers to a door on "any side."
4. Refers to a door on the side "adjacent" to moving traffic.

Five states have provisions that are identical to the 1956 Code section and therefore do not include the phrase "and can be done without interfering with the movement of other traffic":

Arkansas	Louisiana	Oklahoma
Florida	Montana	

The District of Columbia has the following provision:

> No person shall open a door of a vehicle on the side where traffic is approaching unless it can be done without interfering with moving traffic or pedestrians and with safety to himself or passengers.

The remaining 21 jurisdictions do not have comparable provisions:

Alabama	Massachusetts	New Jersey	Virginia
Arizona	Michigan	North Carolina	West Virginia
Connecticut	Mississippi	Ohio	Wisconsin
Indiana	Missouri	Rhode Island	Wyoming
Iowa	Nevada	Tennessee	Puerto Rico
Kentucky			

Citations

13 Alaska Adm. Code § 02.500 (1971).
Ark. Stat. Ann. § 75-651(b) (Supp. 1965).
Cal. Vehicle Code § 22517 (Supp. 1966).
Colo. Rev. Stat. Ann. § 42-4-1107 (1973).
Del. Code Ann. tit. 21, § 4187 (Supp. 1966).
Fla. Stat. § 316.099 (1971).
Ga. Code § 68A-1105 (1975).
Hawaii Rev. Stat. § 291C-125 (Supp. 1971), amended by H.B. 999, CCH ASLR 943 (1977).
Idaho Code Ann. § 49-705, added by H.B. 197, CCH ASLR 527 (1977).
Ill. Ann. Stat. ch. 95½, § 11-1407 (1971).
Kans. Stat. Ann. § 8-574d (Supp. 1971).
La. Rev. Stat. Ann. § 32:283 (1963).
Me. Rev. Stat. Ann. tit. 29, § 957 (Supp. 1970).
Md. Trans. Code § 21-1105 (1977).
Minn. Stat. Ann. § 169.315 (Supp. 1978).
Mont. Rev. Codes Ann. § 32-21-112.2 (1961).
Neb. Rev. Stat. § 39-678 (1974).
N.H. Rev. Stat. Ann. § 262-A:77 (1966).
N.M. Stat. Ann. § 64-7-367, renumbered by H.B. 112, CCH ASLR 161, 544 (1978).
N.Y. Vehicle and Traffic Law § 1214 (Supp. 1966).
N.D. Cent. Code § 39-10-54.1 (1974).
Okla. Stat. Ann. tit. 47, § 11-1105 (1962).
Ore. Rev. Stat. § 487.630 (1977).
Pa. Stat. Ann. tit. 75, § 3705 (1977).
S.C. Code Ann. § 56-5-3822, added by H.B. 2843, CCH ASLR 61 (1978).
S.D. Comp. Laws § 32-30-2.5 (Supp. 1971).
Tex. Rev. Civ. Stat. art. 6701d, § 176 (Supp. 1972).
Utah Code § 41-6-108.10 (Supp. 1979).
Vt. Stat. Ann. tit. 23, § 1119 (Supp. 1978).
Wash. Rev. Code Ann. § 46.61.620 (Supp. 1966).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 113 (1963).

§ 11-1106—Riding in House Trailers

No person or persons shall occupy a house trailer while it is being moved upon a public highway.

Historical Note

This section was added to the Code in 1956. UVC § 11-1106 (Rev. eds. 1956, 1962, 1968).

Statutory Annotation

Twenty states have laws that are in verbatim or substantial conformity with the Code:

Arkansas	Illinois	New Hampshire [2]	South Dakota
Connecticut	Kansas	New Mexico [3]	Texas
Florida	Louisiana	New York [4]	Utah [6]
Hawaii	Maryland [1]	Rhode Island [5]	Vermont [7]
Idaho	Nevada	South Carolina [6]	Virginia [8]

1. Maryland substitutes "mobile home" for "house trailer" and adds that it shall be unlawful for drivers to knowingly allow persons to occupy mobile homes being towed on a highway.
2. New Hampshire includes automobile utility trailers. Such trailers are towed by cars or small trucks to haul personal property.
3. Prohibits occupying a towed house trailer and towing a house trailer occupied by any person.
4. Bans riding in "house coach trailers."
5. Prohibits occupation of, or being a passenger in, a house trailer being moved on a highway.
6. South Carolina and Utah omit "or persons."
7. Vermont refers to trailer coaches.
8. Virginia includes camping trailers and provides that a violation is not negligence per se.

The laws of 13 states are quoted or discussed below. Three—California, Oregon and Wisconsin—prohibit driving a vehicle towing an occupied house trailer while the UVC prohibits being in the trailer. Pennsylvania prohibits both. Unlike the UVC, five states (Alaska, Colorado, Maine, Massachusetts and Washington) ban riding in any "trailer" or "semi-trailer" even though it might be specifically designed to transport passengers. The 13 states are:

Alaska—Bans occupying a moving trailer unless the occupant is steering a trailer "designed to be steered from a rear-end position."

California—Bans driving a motor vehicle which is towing a trailer coach or camp trailer containing any passenger. The law is not applicable to "a trailer coach being towed with a fifth-wheel device if the trailer coach is equipped with safety glazing materials wherever glazing materials are used in windows or doors, with an audible or visual signaling device which a passenger inside the trailer coach can use to gain the attention of the motor vehicle driver, and with at least one unobstructed exit capable of being opened from both the interior and exterior of the trailer coach."

A second law provides:

> No person shall drive a motor vehicle upon which is mounted a camper containing any passengers unless there is at least one unobstructed exit capable of being opened from both the interior and exterior of such camper.

Colorado—Bans occupying a trailer while it is being moved upon a public highway.

Delaware—It is unlawful to ride in a towed vehicle except when necessary to steer the towed vehicle.

Georgia—Bans occupying a towed house trailer "while it is being towed by a motor vehicle upon a public highway."

Maine—Law provides:

> No person or persons shall occupy any camp trailer, mobile home, semitrailer or trailer while it is being moved upon a public highway. This section shall not apply to an employee in the necessary discharge of his duties to his employer nor to any trailer being utilized for farming or agricultural purposes.

Massachusetts—"No person or persons shall occupy a trailer or semitrailer while such trailer or semitrailer is being towed, pushed or drawn, or is otherwise in motion upon any way."

Montana—Law provides:

> No person or persons may occupy a house trailer while it is being moved upon a public highway unless the trailer is of a semitrailer design where some part of its own weight and that of its cargo rests upon, or is carried by, its towing unit through the use of a fifth-wheel type trailer hitch, mounted on no less than a one-half (½) ton rated truck.

Ohio—Bans occupying "any travel trailer or nonself-propelled house trailer while it is being used as a conveyance upon a street or highway."

Oregon—Law provides:

> A driver shall not operate a vehicle on a highway while towing any type of trailer containing a passenger except a bus trailer as defined in subsection (2) of ORS 481.005 or an independently steered trailer.

Pennsylvania—Law provides:

> (a) General rule.—No person or persons shall occupy a house trailer, mobile home or boat on a trailer while it is being moved upon a highway.
>
> (b) Towing prohibited.—No person shall tow on a highway a house trailer, mobile home or boat on a trailer occupied by a passenger or passengers.
>
> (c) Exception for certain semitrailers.—A semitrailer which is attached to a truck in an articulating manner by means of a fifth wheel semitrailer coupling device attached to the carrying compartment of the truck may be occupied by a passenger or passengers. The coupling device shall have a two-inch or larger kingpin. All windows shall have safety glass. Some means of

electrical or electronic communications approved by the department is required between the cab of the truck and the semitrailer.

Washington—"No person or persons shall occupy any trailer while it is being moved upon a public highway, except a person occupying a proper position for steering a trailer designed to be steered from a rear-end position."

Wisconsin—Section 346.94 provides in part:

(8) Except as provided in sub. (8m), no person may operate a motor vehicle towing any mobile home or boat on a trailer upon a highway when any person is in such mobile home or boat.

(8m)(a) No person may operate a motor vehicle towing a fifth-wheel mobile home upon a highway when any person under the age of 12 years is in the fifth-wheel mobile home unless one person 16 years of age or older is also in the fifth-wheel mobile home.

(b) No person may operate a motor vehicle towing a fifth-wheel mobile home upon a highway with any person in such mobile home unless the fifth-wheel mobile home is equipped with a two-way communications system in proper working order and capable of providing voice communications between the operator of the towing vehicle and any occupant of the fifth-wheel mobile home.

Nineteen jurisdictions do not have provisions comparable to UVC § 11-1106:

Alabama	Michigan	New Jersey	West Virginia
Arizona	Minnesota	North Carolina	Wyoming
Indiana	Mississippi	North Dakota	District of
Iowa	Missouri	Oklahoma	Columbia
Kentucky	Nebraska	Tennessee	Puerto Rico

Citations

13 Alaska Adm. Code § 02.510 (1971).
Ark. Stat. Ann. § 75-806(e) (Supp. 1971).
Cal. Vehicle Code §§ 21712, 23129 (Supp. 1979).
Colo. Rev. Stat. Ann. § 42-4-113 (Supp. 1976).
Conn. Gen. Stat. Ann. § 14-296a (Supp. 1966).
Del. Code Ann. tit. 21, § 4191 (Supp. 1978).
Fla. Stat. § 316.101 (1971).
Ga. Code § 68A-1106 (1965).
Hawaii Rev. Stat. § 291C-126 (Supp. 1971).
Idaho Code Ann. § 49-706, added by H.B. 197, CCH ASLR 527 (1977).
Ill. Ann. Stat. ch. 95½, § 11-1408 (1971).
Kans. Stat. Ann. § 8-574e (Supp. 1971).
La. Rev. Stat. Ann. § 32:284 (1963).
Me. Rev. Stat. Ann. tit. 29, § 958 (Supp. 1978).
Md. Trans. Code § 21-1106 (1977).
Mass. Ann. Laws ch. 90, § 13 (Supp. 1971).
Mont. Rev. Codes Ann. § 32-21-112.1 (Supp. 1977).
Nev. Rev. Stat. § 484.455 (1965).
N.H. Rev. Stat. Ann. § 262:A-78 (1977).
N.M. Stat. Ann. § 64-7-366, renumbered by H.B. 112, CCH ASLR 161, 544 (1978).
N.Y. Vehicle and Traffic Law § 1227 (1972).
Ohio Rev. Code § 4511.701 (1973).
Ore. Rev. Stat. § 487.625 (1977).
Pa. Stat. Ann. tit. 75, § 3706 (1977).
R.I. Gen. Laws § 31-22-19 (Supp. 1971).
S.C. Code Ann. § 56-5-3826, added by H.B. 2843, CCH ASLR 61 (1978).
S.D. Comp. Laws § 32-14-11 (Supp. 1971).
Tex. Rev. Civ. Stat. art. 6701d, § 177 (Supp. 1972).
Utah Code Ann. § 41-6-109.5 (Supp. 1979).
Vt. Stat. Ann. tit. 23, § 1344 (Supp. 1971).
Va. Code Ann. § 46.1-172.1 (1972).
Wash. Rev. Code Ann. § 46.61.625 (Supp. 1966).
Wis. Stat. Ann. § 346.94(8) (Supp. 1978).

§ 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. (REVISED, 1971.)

Historical Note

The 1926 and 1930 editions of the Code contained this provision:

> The driver of a motor vehicle traversing defiles, canyons or mountain highways shall hold such motor vehicle under control and as near the right-hand side of the highway as reasonably possible and upon approaching any curve where the view is obstructed within a distance of two hundred feet along the highway shall give audible warning with a horn or other warning device.

UVC Act IV, § 28 (1926); UVC Act IV, § 56 (Rev. ed. 1930).

In 1934, this section was revised to read as follows:

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

It was not again amended until 1971. UVC Act V, § 96 (Rev. ed. 1934); UVC Act V, § 114 (Rev. ed. 1938); UVC Act V, § 116 (Rev. eds. 1944, 1948, 1952); UVC § 11-1105 (Rev. ed. 1954); UVC § 11-1107 (Rev. eds. 1956, 1962, 1968).

The requirement for a driver entirely on the right side of the roadway to use the horn was ended in 1971, as follows:

> 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* [highway] 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 [shall give audible warning with the horn of such motor vehicle].

Statutory Annotation

Eight states have laws in verbatim conformity with UVC § 11-1107, except as noted:

California [1]	Georgia [2]	Illinois	South Carolina
Colorado	Idaho	North Dakota	Utah

1. Also requires yielding by drivers descending on narrow roadways where the width is insufficient for two vehicles to pass.
2. The Georgia law applies to the driver of a "vehicle," and not the driver of a "motor vehicle," as does the Code.

Kansas has a law which is virtually identical to the Code, differing only by substituting "highways with steep grades" for the UVC's "mountain highways."

Four other states—Arizona, Montana, Nevada and Oklahoma—have omitted the portion of the Code section requiring an audible signal on approaching a curve where the view is obstructed. In these states, see laws comparable to UVC § 12-401(d) requiring use of a horn whenever "reasonably necessary to insure safe operation." Thus, the laws of these states generally provide that the driver of a motor vehicle traveling through defiles or canyons or on mountain highways must hold such motor vehicle under control and as near the right-hand edge of the roadway as is reasonably possible.

Twelve states are in verbatim conformity with UVC § 11-1107 prior to its revision in 1971:

Arkansas	Mississippi	New York	Texas

Kentucky *	New Hampshire	South Dakota	West Virginia
Minnesota	New Mexico	Tennessee	Wyoming

* Kentucky omits "or canyons."

Two states—Alabama and Nebraska—have laws that are identical to the 1930 Code provision quoted in the Historical Note, *supra*.

Two states have these variations:

Iowa—Law provides:

> The driver of a motor vehicle traveling through defiles or on approaching the crest of a hill or grade shall have such motor vehicle under control and on the right-hand side of the roadway and, upon approaching any curve where the view is obstructed within a distance of two hundred feet along the highway, shall give audible warning with the horn of such motor vehicle.

New Jersey—Law provides:

> The driver of a motor vehicle traversing a steep grade or mountain highway shall hold the vehicle under control and as near the right-hand side of the highway as reasonably possible, and when traveling upon a down grade upon a highway, shall not coast with the gears of the vehicle in neutral. When approaching a curve where the view is obstructed within a distance of two hundred feet along the highway, he shall give audible warning with a horn or other warning device.

The remaining 21 states, the District of Columbia and Puerto Rico, do not have comparable provisions:

Alaska	Indiana	Michigan	Pennsylvania
Connecticut	Louisiana	Missouri	Rhode Island
Delaware	Maine	North Carolina	Vermont
Florida	Maryland	Ohio	Virginia
Hawaii	Massachusetts	Oregon	Washington
			Wisconsin

Citations

Ala. Code tit. 32, § 32-5-62 (1975).
Ariz. Rev. Stat. Ann. § 28-894 (1956).
Ark. Stat. Ann. § 75-653 (1957).
Cal. Vehicle Code § 21662 (1960).
Colo. Rev. Stat. § 42-4-611 (Supp. 1976).
Ga. Code Ann. 68A-1107 (1975), amended by H.B. 1434, CCH ASLR 2266 (1978).
Idaho Code Ann. § 49-707, amended by H.B. 197, CCH ASLR 527 (1977).
Ill. Ann. Stat. ch. 95½, § 11-1409 (Supp. 1977).
Iowa Code Ann. § 321.364 (1966).
Kans. Stat. § 8-1579 (1975).
Ky. Rev. Stat. Ann. § 189.420 (1977).
Minn. Stat. Ann. § 136.38 (1960).
Miss. Code Ann. § 63-3-1205 (1972).
Mont. Rev. Codes Ann. § 32-21-107 (1961).
Neb. Rev. Stat. § 39-679 (1974).
Nev. Rev. Stat. § 484.457 (1975).
N.H. Rev. Stat. Ann. § 262-A:79 (1966).
N.J. Rev. Stat. § 39:4-55 (1961).
N.M. Stat. Ann. § 64-7-359, amended by H.B. 112, CCH ASLR 161, 541-42 (1978).
N.Y. Vehicle and Traffic Law § 1215 (1960).
N.D. Cent. Code § 39-10-55 (Supp. 1977).
Okla. Stat. Ann. tit. 47, § 11-1106 (1962).
S.C. Code Ann. § 56-5-3830, amended by H.B. 2843, CCH ASLR 61 (1978).
S.D. Comp. Laws § 32-26-4 (Supp. 1971).
Tenn. Code Ann. § 59-867 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 98 (1960).
Utah Code Ann. § 41-6-110 (Supp. 1977).
W. Va. Code Ann. § 17C-14-8 (1966).
Wyo. Stat. Ann. § 31-5-227 (1977).

§ 11-1108—Coasting Prohibited

(a) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears or transmission of such vehicle in neutral.

(b) The driver of a truck or bus when traveling upon a down grade shall not coast with the clutch disengaged. (Section revised, 1968.)

Historical Note

Subsection (a) has been in the Code since 1926. It was changed in 1968 by adding the words "or transmission."

Subsection (b) was added to the Code in 1934. It was changed in 1968 by substituting "truck or bus" for "commercial motor vehicle," a term that is not defined by the UVC for purposes of rules of the road.

UVC Act IV, § 29 (1926); UVC Act IV, § 57 (Rev. ed. 1930); UVC Act V, § 115 (Rev. eds. 1934, 1938); UVC Act V, § 117 (Rev. eds. 1944, 1948, 1952); UVC § 11-1106 (Rev. eds. 1954, 1956); UVC § 11-1108 (Rev. eds. 1962, 1968).

Statutory Annotation

Ten states have laws in verbatim conformity with both subsections of UVC § 11-1108:

Colorado	Illinois	North Dakota	Utah
Georgia	Kansas	South Dakota	Vermont
Idaho	Maryland		

Texas duplicates subsections (a) and (b), adding a reference to "truck tractors" in (b). Delaware duplicates subsection (a) and includes all motor vehicles in subsection (b), not just trucks and buses. Florida, Hawaii and North Carolina also duplicate subsection (a), adding "or with the clutch disengaged," thereby applying the rule in (b) to all drivers.

Seventeen states and the District of Columbia have provisions in verbatim conformity with the 1962 Code section:

Arizona	Michigan	New Hampshire	Tennessee
Arkansas	Minnesota	Oklahoma	Washington
Indiana	Mississippi	Rhode Island	West Virginia
Iowa	Nevada	South Carolina	Wyoming
Kentucky			

Five states have provisions like subsection (a), but none comparable to (b):

Alabama	Maine	Virginia
California	Nebraska *	

* Nebraska omits "or transmission."

The laws of nine jurisdictions are quoted or discussed below. Among these, it should be noted that five—Alaska, Louisiana, Montana, New York and Pennsylvania—prohibit coasting by the driver of any motor vehicle with the gears in neutral or the clutch disengaged. The nine jurisdictions are:

Alaska—Bans coasting downhill by the driver of any motor vehicle with the gears in neutral or the clutch disengaged.

Connecticut—§ 14-222(a) on reckless driving states: "The operation downgrade, upon any highway, of any commercial motor vehicle with the clutch or gears disengaged . . . shall constitute a violation of the provisions of this section."

Louisiana—§ 285 provides: "The driver of any motor vehicle when traveling upon a downgrade shall not coast with the gears of such vehicle in neutral or with the clutch disengaged."

Montana—§ 32-21-108 provides: "The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral or with the clutch manually disengaged."

New Jersey—§ 39:4-55 provides:

> The driver of a motor vehicle traversing a steep grade or mountain highway shall hold the vehicle under control and as near the right-hand side of the highway as reasonably possible, and when traveling upon a down grade upon a highway, shall not coast with the gears of the vehicle in neutral. When approaching a curve where the view is obstructed within a distance of two hundred feet along the highway, he shall give audible warning with a horn or other warning device.

New Mexico—§ 64-18-59 provides: "The driver of any motor vehicle when traveling upon a downgrade shall not coast with the clutch disengaged."

New York—§ 1216 provides: "The driver of any motor vehicle when traveling upon a downgrade shall not coast with the gears of such vehicle in neutral nor with the clutch disengaged."

Oregon—§ 487.635 provides:

(1) A driver commits the offense of coasting if upon a downgrade he coasts with the gears or transmission of his motor vehicle in neutral or with the clutch disengaged.

(2) This section shall not apply to a driver of a motorized bicycle.

(3) Coasting upon a downgrade is a Class C traffic infraction.

Puerto Rico—§ 1143 prohibits the driver of a motor vehicle from running downgrade upon a public highway with gears in neutral.

Five states do not have laws comparable to UVC § 11-1108:

Massachusetts	Ohio	Wisconsin
Missouri	Pennsylvania	

Citations

Ala. Code tit. 32, § 32-5-63 (1975).
13 Alaska Adm. Code § 02.515 (1971).
Ariz. Rev. Stat. Ann. § 28-895 (1956).
Ark. Stat. Ann. § 75-654 (1957).
Cal. Vehicle Code § 21710 (1960).
Colo. Rev. Stat. Ann. § 42-4-909 (Supp. 1976).
Conn. Gen. Stat. Ann. § 14-222 (Supp. 1965).
Del. Code Ann. tit. 21, § 4187 (Supp. 1978).
Fla. Stat. § 316.094 (1971).
Ga. Code Ann. § 68A-1108 (1975).
Hawaii Rev. Stat. § 291C-127 (Supp. 1971).
Idaho Code Ann. § 49-708, amended by H.B. 197, CCH ASLR 528 (1977).
Ill. Ann. Stat. ch. 95½, § 11-1410 (Supp. 1977).
Ind. Stat. Ann. § 9-4-1-118 (1973).
Iowa Code Ann. § 321.365 (1966).
Kans. Stat. Ann. § 8-1580 (1975).
Ky. Rev. Stat. Ann. § 189.430 (1977).
La. Rev. Stat. Ann. § 32:285 (1963).
Me. Rev. Stat. Ann. tit. 29, § 995 (1965).
Md. Trans. Code § 21-1108 (1977).
Mich. Stat. Ann. § 9.2378 (1973).
Minn. Stat. Ann. § 169.39 (1960).
Miss. Code Ann. § 63-3-1207 (1972).
Mont. Rev. Codes Ann. § 32-21-108 (1961).
Neb. Rev. Stat. § 39-680 (1974).
Nev. Rev. Stat. § 484.459 (1975).
N.H. Rev. Stat. Ann. § 262-A:80 (1966).
N.J. Rev. Stat. § 39:4-55 (1961).
N.M. Stat. Ann. § 64-7-360, renumbered by H.B. 112, CCH ASLR 161, 542 (1978).
N.Y. Vehicle and Traffic Law § 1216 (1960).
N.C. Gen. Stat. § 20-165 (1975).
N.D. Cent. Code § 39-10-56 (Supp. 1977).
Okla. Stat. Ann. tit. 47, § 11-1107 (1962).
Ore. Rev. Stat. § 487.635 (1977).
R.I. Gen. Laws Ann. § 31-22-6 (1957).
S.C. Code Ann. § 56-5-3840 (1976).
S.D. Comp. Laws § 32-24-2 (Supp. 1978).
Tenn. Code Ann. § 59-868 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 99 (Supp. 1972).
Utah Code Ann. § 41-6-111 (Supp. 1977).
Vt. Stat. Ann. tit. 23, § 1121 (Supp. 1978).
Va. Code Ann. § 46.1-200 (1967).
Wash. Rev. Code Ann. § 46.61.630 (Supp. 1966).
W. Va. Code Ann. § 17C-14-8 (1966).
Wyo. Stat. Ann. § 31-5-230 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 100 (1961).
P.R. Laws Ann. tit. 9, § 1143 (Supp. 1975).

§ 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 such vehicle within 500 feet of any fire apparatus stopped in answer to a fire alarm. (REVISED, 1971.)

Historical Note

In the 1926 Code, this provision appeared as part of what is now UVC § 11-405(a)1 and read as follows:

> It shall be unlawful for the driver of any vehicle other than one on official business to follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or to drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

UVC Act IV, § 21(b) (1926). In the 1930 Code, the above provision was removed from sections dealing with right of way and repositioned as a "miscellaneous" rule of the road. UVC Act IV, § 54 (Rev. ed. 1930).

From 1934 until 1971, this section provided:

> The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

UVC Act V, § 98 (Rev. ed. 1934); UVC Act V, § 116 (Rev. ed. 1938); UVC Act V, § 118 (Rev. eds. 1944, 1948, 1952); UVC § 11-1107 (Rev. ed. 1954); UVC § 11-1109 (Rev. eds. 1956, 1962, 1968).

In 1971, a prohibition against stopping within 500 feet of a fire truck stopped in answer to an alarm replaced a prohibition against parking within the same block, as follows:

> 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 such vehicle within 500 feet of any* [drive into or park such vehicle within the block where] fire apparatus [has] stopped in answer to a fire alarm.

Statutory Annotation

The information which follows indicates that all jurisdictions except Missouri restrict following fire trucks and that 47 jurisdictions restrict stopping or parking near such vehicles after they have stopped in answer to a fire alarm. Eight states have provisions which duplicate UVC § 11-1109 as it was revised in 1971:

Idaho	Kansas	Pennsylvania	Utah
Illinois	North Dakota	South Carolina	Washington

Georgia has a law patterned after this section. However, it bans following within 500 feet of fire apparatus and any "other emergency vehicle" and "driving into or parking within 500 feet" of any fire apparatus stopped to answer a fire alarm.

Nineteen states and the District of Columbia duplicate UVC § 11-1109 as it appeared in the UVC from 1934 until 1971:

Arizona	Indiana	Nebraska	Rhode Island
Arkansas	Iowa	Nevada [2]	Texas [3]
Colorado	Minnesota [1]	New Hampshire	West Virginia
Florida	Mississippi	New Mexico	Wyoming
Georgia	Montana	Oklahoma	

1. Minnesota adds a prohibition against driving near fire trucks being driven into a fire station.
2. Nevada substitutes "authorized emergency vehicle" for "one."
3. In addition, Texas has a law prohibiting following within 500 feet of an ambulance using its flashing red lights. It also bans driving or parking at a place where the ambulance has been summoned if it will interfere with its arrival or departure.

The laws of 23 other jurisdictions are quoted or discussed below. Nine of these—Alaska, Alabama, California, Hawaii, Kentucky, Louisiana, New Jersey, Ohio and Wisconsin—restrict following any authorized emergency vehicle answering an emergency call. The Code and the remaining 14 states restrict following a fire apparatus.

Of the 23, 19 prohibit following within 500 feet, although one (New York) applies a lesser distance in cities. California, Massachusetts, New Jersey and Puerto Rico prohibit following within 300 feet and North Carolina within 400 feet outside cities and towns.

Of the 23, Alabama, California, Maine and Puerto Rico do not restrict driving or parking near an apparatus stopped to answer a fire alarm. Six—Connecticut, Maryland, Massachusetts, Tennessee, Vermont and Virginia—restrict such parking but do not prohibit driving into any such area. The remaining 13 states, however, do restrict any such parking or driving.

Of the 20 states that prohibit such driving and/or parking, it should be noted that eight—Alaska, Delaware, Hawaii, Maryland, Massachusetts, Michigan, New Jersey and Virginia—apply their prohibitions within a specified number of feet from the place the fire apparatus has stopped, as does the UVC. New York and North Carolina restrict driving or parking within the same block in cities and within a specific distance in other areas. These laws provide as follows:

Alabama—"It shall be unlawful for the driver of any vehicle, except when traveling on official business relative to the emergency, to follow an authorized emergency vehicle answering an emergency call closer than five hundred (500) feet."

Alaska—Prohibits following within 500 feet of an authorized emergency vehicle displaying either audible or visual signals. This regulation (§ 02.520) does not apply to a driver on official business with respect to the same emergency. Another regulation (§ 02.360(1) (J)) bans stopping within 300 feet of a fire truck stopped in response to an alarm.

California—Law provides:

> No motor vehicle, except an authorized emergency vehicle, shall follow within 300 feet of any authorized emergency vehicle being operated under the provisions of Section 21055.
>
> This section shall not apply to a police or traffic officer when serving as an escort within the purview of Section 21057.

Connecticut—"No driver of a vehicle other than one on official business relating to the emergency shall follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm."

Delaware—Law provides:

> No driver of any vehicle, other than on official business, shall follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within 500 feet where fire apparatus has stopped in answer to a fire alarm. No person shall be deemed to have violated the provisions of this subsection with regard to parking if the act of parking was done prior to the giving of alarm of such fire.

Hawaii—Law prohibits following within 500 feet of any emergency vehicle responding to an emergency, and driving or parking within 500 feet of where the emergency vehicle has stopped for a fire alarm. The law does not apply to drivers on official business.

Kentucky—Bans following within 500 feet of any emergency vehicle using special visual and audible signals, and driving or parking within the block where the emergency vehicle has stopped.

Louisiana—Prohibits following within 500 feet of any authorized emergency vehicle traveling in response to an official call of duty, and bans driving into or parking within the block where any such vehicle has stopped in answer to an official call.

Maine—The driver of any motor vehicle may not follow within 500 feet of any fire apparatus traveling in response to a fire alarm. The law does not restrict parking near such vehicles.

Maryland—Law is identical to the Code, but prohibits following within 500 feet and parking within a radius of 300 feet of where the fire apparatus has stopped in answer to a fire alarm.

Massachusetts—Law provides:

> No person shall drive a vehicle within three hundred feet of any fire apparatus going to a fire or responding to an alarm, nor drive said vehicle, or park or leave the same unattended, within eight hundred feet of a fire or within the fire lines established by the fire department, or upon or beside any traveled way, whether public or private, leading to the scene of a fire, in such a manner as to obstruct the approach to the fire of any fire apparatus or any ambulance, safety or police vehicle, or of any vehicle bearing an official fire or police department designation.

Michigan—Law is identical to the Code and prohibits parking within 500 feet of the stopped fire apparatus.

New Jersey—"No driver of any vehicle other than one on official business shall follow any authorized emergency vehicle, traveling in response to an emergency call, closer than 300 feet, or drive nearer to, or park the vehicle within 200 feet of, where any fire apparatus has stopped in answer to a fire alarm."

New York—Law provides:

> The driver of any vehicle other than one on official business shall not follow any fire apparatus within Nassau County or a city traveling in response to a fire alarm closer than two hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. Outside of such county or cities such driver shall not follow any such fire apparatus closer than five hundred feet or drive into or park such vehicle within five hundred feet of the building or area where the fire is located.

North Carolina—Law provides:

> (b) It shall be unlawful for the driver of any vehicle other than one on official business to follow any fire apparatus traveling in response to a fire alarm closer than one block or to drive into or park such vehicle within one block where fire apparatus has stopped in answer to a fire alarm.
>
> (c) Outside of the corporate limits of any city or town it shall be unlawful for the driver of any vehicle other than one on official business to follow any fire apparatus traveling in response to a fire alarm closer than four hundred (400) feet or to drive into or park such vehicle within a space of four hundred (400) feet from where fire apparatus has stopped in answer to a fire alarm.
>
> (e) It shall be unlawful for the driver of a vehicle, other than one on official business, to park and leave standing such vehicle within 100 feet of police or fire department vehicles, public or private ambulances, or rescue squad emergency vehicles which are engaged in the investigation of an accident or engaged in rendering assistance to victims of such accident.

Ohio—"The driver of any vehicle, other than an emergency vehicle on official business, shall not follow any emergency vehicle traveling in response to an alarm closer than five hundred feet, or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm, unless directed to do so by a police officer or a fireman."

Oregon—Law provides:

> Following fire apparatus prohibited. (1) A driver commits the offense of unlawfully following fire or emergency apparatus if:
>
> (a) He follows any fire or emergency apparatus traveling in response to a fire alarm closer than 500 feet; or
>
> (b) He drives or parks his vehicle in a manner which interferes with the fire or emergency apparatus responding to a fire alarm.
>
> (2) Notwithstanding the provisions of subsection (1) of this section, a driver on official fire-fighting, police or emergency business may follow within 500 feet of fire or emergency apparatus traveling in response to a fire alarm and drive into or park his vehicle in the area or vicinity where the apparatus has stopped in response to the alarm.
>
> (3) A person who violates this section commits a Class C traffic infraction.

South Dakota—Law is identical to the 1926 Code section quoted in the Historical Note, *supra*.

Tennessee—Law is identical to the 1968 Code but omits the words "or drive into."

Vermont—The operator of a motor vehicle, other than one on official business, shall not follow any fire apparatus traveling to an emergency closer than 500 feet "or in a manner to interfere with the suppression of a fire or the handling of such emergency or so as to endanger the life of any occupant of such fire apparatus or thereafter park his vehicle so as to interfere with the suppression of a fire or the handling of such emergency."

Virginia—Law provides:

> It shall be unlawful, in any county, city or town, for the driver of any vehicle, other than one on official business, to follow any fire apparatus traveling in response to a fire alarm at any distance closer than five hundred feet to such apparatus or to park such vehicle within five hundred feet of where fire apparatus has stopped in answer to a fire alarm.

See also, § 46.1-248(c) prohibiting stopping a vehicle in the vicinity of a fire, accident, or other area of emergency in such a manner as to create a traffic hazard or interfere with necessary procedures of persons whose duty it is to deal with such emergencies.

Wisconsin—"The operator of any vehicle other than one on official business shall not follow an authorized emergency vehicle responding to a call or alarm closer than 500 feet or drive into or park his vehicle within the block where fire apparatus has stopped in response to an alarm."

Puerto Rico—"It shall be illegal to drive a vehicle at a distance less than three hundred (300) feet from any fire engine on its way in response to a fire emergency, except vehicles in official business."

As noted, Missouri does not have a law comparable to UVC § 11-1109.

Citations

Ala. Code tit. 32, § 32-5-113 (1975).
13 Alaska Adm. Code § 02.520 (1971).
Ariz. Rev. Stat. Ann. § 28-775(a)2 (1956).
Ark. Stat. Ann. § 75-655 (1957).
Cal. Vehicle Code § 21706 (Supp. 1979).
Colo. Rev. Stat. Ann. § 42-4-1205 (1973).
Conn. Gen. Stat. Ann. § 14-296(b) (Supp. 1966).
Del. Code Ann. tit. 21, § 4185 (Supp. 1966).
Fla. Stat. § 316.095 (1971).
Ga. Code Ann. § 68A-1109 (1975).
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§ 11-1110—Crossing Fire Hose

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private road or driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command. (REVISED, 1968.)

Historical Note

This section was added to the Code in 1930. UVC Act IV, § 55 (Rev. ed. 1930); UVC Act V, § 99 (Rev. ed. 1934); UVC Act V, § 117 (Rev. ed. 1938); UVC Act V, § 119 (Rev. eds. 1944, 1948, 1952); UVC § 11-1108 (Rev. ed. 1954); UVC § 11-1110 (Rev. eds. 1956, 1962).

It was amended in 1968 as follows:

> No [streetcar or] vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private *road or* driveway [or streetcar track,] to be used at any fire or alarm of fire, without the consent of the fire department official in command.

UVC § 11-1110 (Rev. ed. 1968).

Statutory Annotation

Six states have laws in verbatim conformity with UVC § 11-1110:

Georgia	Kansas	North Dakota
Idaho	Nebraska	Utah

The laws of 35 jurisdictions are in substantial conformity with this Code section:

Alabama	Kentucky [3]	New Mexico [1]	Tennessee
Arizona [1]	Louisiana [2]	New York [1]	Texas [2]
Arkansas	Maine [1]	Ohio [5]	Vermont [1,7]
Connecticut [1]	Michigan	Oklahoma [1]	Washington [1]
Florida [1]	Minnesota	Oregon	West Virginia
Hawaii	Mississippi	Pennsylvania [1,6]	Wisconsin [2]
Illinois	Montana [1]	Rhode Island [1]	Wyoming [1]
Indiana	Nevada [1,4]	South Carolina [1]	District of
Iowa [2]	New Hampshire [1]	South Dakota	Columbia [2]

1. These states omit references to "streetcar" and "streetcar track."
2. Iowa, Louisiana, Wisconsin and the District of Columbia omit "streetcar" but do refer to a hose laid over a "streetcar track." Louisiana substitutes "highway" for the Code's "street" and Texas and Wisconsin prohibit such driving by a person.
3. Kentucky includes drivers of trains and other equipment.
4. Nevada includes hoses used during practice.
5. Ohio applies to any vehicle, streetcar *or trackless trolley*.
6. Pennsylvania adds that consent may be given by a police officer or other appropriately attired person authorized to direct, control or regulate traffic at the scene.
7. The Vermont law applies to *motor* vehicles and refers to any *highway, alley*, private road or driveway.

The laws of nine jurisdictions are quoted or discussed below. Many of these do not refer to hoses laid in a street or private driveway and may have a broader or more limited application than the Code. See UVC § 11-101. The Alaska law expressly applies "at other locations."

Alaska—Regulation bans driving over any unprotected fire hose.

California—Law provides:

> No person shall drive or propel any vehicle or conveyance upon, over, or across, or in any manner damage any fire hose or chemical hose used by or under the supervision and control of any organized fire department. However, any vehicle may cross a hose provided suitable jumpers or other appliances are installed to protect the hose.

Colorado—Law extends to hoses in use "at any fire or alarm of fire *or practice run*."

Delaware—"No person shall drive any vehicle over any line of hose which has been laid for the purpose of extinguishing a fire, without the consent of the fire department official in command."

Maryland—"Unless he has the consent of the fire department official in command, the driver of a vehicle may not drive over any unprotected hose of a fire department that is laid down on any highway or private driveway."

Massachusetts—"No person shall drive a vehicle over a hose of a fire department without the consent of a member of such department."

North Carolina—"It shall be unlawful to drive a motor vehicle over a fire hose or any other equipment that is being used at a fire at any time."

Virginia—"It shall be unlawful, without the consent of the fire department official in command, for the driver of any vehicle to drive over any unprotected hose of a fire department laid down for use at any fire or alarm of fire."

Puerto Rico—"Every driver driving his vehicle upon a hose of the Fire Service when such hose is being used in a fire or in a fire alarm or fire drill, or other emergency, save when the hose is duly protected or when the officer in charge authorizes such crossing, shall be guilty of a misdemeanor."

Two states—Missouri and New Jersey—do not have traffic laws comparable to UVC § 11-1110.

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§ 11-1111—Putting Glass, Etc., on Highway Prohibited

(a) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway.

(b) Any person who drops or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

Historical Note

This section has been in the Code without change since 1934. UVC Act V, § 100 (Rev. ed. 1934); UVC Act V, § 118 (Rev. ed. 1938); UVC Act V, § 120 (Rev.eds. 1944, 1948, 1952); UVC § 11-1109 (Rev. ed. 1954); UVC § 11-1111 (Rev. eds. 1956, 1962, 1968).

Statutory Annotation

Eighteen states have provisions in verbatim conformity with all three subsections of UVC § 11-1111:

Alabama	Illinois	Nevada	Texas
Arizona	Indiana	New Mexico	Washington
Arkansas	Kansas	Oklahoma	West Virginia
Delaware	Mississippi	Tennessee	Wyoming
Idaho	Montana		

The laws of 30 other jurisdictions contain provisions comparable to one or more of the three subsections of UVC § 11-1111, and are discussed or quoted below. With respect to each subsection, these jurisdictions can be summarized as follows:

(a) Colorado, Nebraska and New York are in verbatim conformity with UVC § 11-1111(a). Virtually all of the remaining 27 jurisdictions have provisions that are probably in substantial conformity.

(b) Florida, Iowa, Michigan and North Dakota are in verbatim conformity with UVC § 11-1111(b), Nebraska and Vermont virtually duplicate this subsection, and 15 jurisdictions are probably in substantial conformity. The nine states that do not have comparable provisions are: Connecticut, Kentucky, Louisiana, Massachusetts, New Hampshire, New Jersey, Oregon, Rhode Island and Wisconsin.

(c) Eight states are in verbatim conformity with UVC § 11-1111(c): Alaska, Colorado, Florida, Iowa, Kentucky, Michigan, New York and North Dakota. Maryland, Nebraska and Vermont virtually duplicate this section, and California, Georgia, Minnesota, Ohio, Oregon, Pennsylvania, Utah, Virginia, the District of Columbia and Puerto Rico are probably in substantial conformity. The remaining nine states do not have comparable provisions: Connecticut, Louisiana, Maine, Massachusetts, Missouri, New Hampshire, New Jersey, Rhode Island and Wisconsin.

The 30 jurisdictions provide as follows:

Alaska—Regulation is identical to subsection (c) but omits "upon a highway."

California—§ 23112 provides:

> (a) No person shall throw or deposit, nor shall the registered owner or the driver, if such owner is not then present in the vehicle, aid or abet in the throwing or depositing upon any highway any bottle, can, garbage, glass, nail, offal, paper, wire, any substance likely to injure or damage traffic using the highway, or any noisome, nauseous or offensive matter of any kind.
>
> (b) No person shall place, deposit or dump, or cause to be placed, deposited or dumped, any rocks or dirt in or upon any highway, including any portion of the right-of-way thereof, without the consent of the state or local agency having jurisdiction over the highway.

Section 23113 provides:

> (a) Any person who drops, dumps, deposits, places or throws, or causes or permits to be dropped, dumped, deposited, placed or thrown, upon any highway or street any material described in Section 23112 shall immediately remove the same or cause the same to be removed.
>
> (b) If such person fails to comply with the provisions of subdivision (a), the governmental agency responsible for the maintenance of the street or highway on which the material has been deposited may remove such material and collect, by civil action, if necessary, the actual cost of the removal operation in addition to any other damages authorized by law from the person made responsible under subdivision (a).

§ 27700 provides that tow cars shall:

> Be equipped with one or more brooms, and the driver of the tow car engaged to remove a disabled vehicle from the scene of an accident shall remove all glass and debris deposited upon the roadway by the disabled vehicle which is to be towed.

Colorado—Law is identical to subsections (a) and (c) of the Code, and a law comparable to (b) provides:

> Any person who drops, or permits to be dropped or thrown, upon any highway or structure any destructive or injurious material or lighted or burning substance shall immediately remove the same or cause it to be removed.

Connecticut—Law does not have provisions comparable to subsections (b) and (c), and portions comparable to subsection (a) prohibit throwing, scattering, spilling or placing trash or offensive material or any nails, tacks, glass, crockery, scrap metal, or like substances onto any highway, state park, forest, or beach. Another provision (§ 53-51a) makes the operator of a vehicle prima facie liable for a violation.

Florida—Law is identical to UVC subsections (b) and (c) but the subsection similar to (a) reads:

> It is unlawful to place or allow to be placed upon any state road any tacks, wire, scrap metal, glass, crockery, or other substance which may be injurious to the feet of persons or animals, or the tires of vehicles, or in any way injurious to the road.

Georgia—§ 68A-1111 prohibits littering a highway in violation of the Georgia Litter Control Law.

Iowa—Two laws duplicate subsections (b) and (c), and a law comparable to subsection (a) provides:

> No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris. No substance likely to injure any person, animal or vehicle upon such highway shall be thrown or deposited by any person upon any highway.

Kentucky—Law is identical to subsection (c) and omits subsection (b). The portion of the law comparable to (a) omits "glass bottles" and inserts "hoop."

Louisiana—"No person, firm or corporation shall intentionally dump, leave or deposit any glass or metallic objects, trash, refuse or garbage on any highway or roadside park, nor on any lands adjacent thereto. Whoever violates the provisions of this subsection shall be fined not more than one hundred dollars nor less than ten dollars." The law does not contain provisions comparable to UVC subsections (b) and (c).

Maine—Law does not have a provision comparable to subsection (c), but provides:

> No person shall throw or place, or cause to be thrown or placed upon any way or bridge, any tacks, nails, wire, scrap metal, glass, crockery or other substance injurious to the feet of persons or animals or to tires or wheels of vehicles. Whoever accidentally, or by reason of an accident, drops from his hand or a vehicle any such substance upon any way or bridge shall forthwith make all reasonable efforts to clear such way or bridge of the same.

Maryland—Law provides:

> (a) *Throwing or depositing certain injurious substances.*—A person may not drop, throw, or place on a highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal, or vehicle on the highway.
>
> (b) *Duty to remove certain substances.*—Any person who drops, throws, or places or permits to be dropped, thrown, or placed on a highway any destructive, hazardous, or injurious material immediately shall remove it or cause it to be removed.
>
> (c) *Wrecked or damaged vehicles.*—Any person removing a wrecked or damaged vehicle from a highway also shall remove from the highway any glass or other injurious substance dropped from the vehicle.
>
> (d) *Refuse on highway or public bridge or in public waters.*—A person may not throw, dump, discharge, or deposit any trash, junk, or other refuse on any highway or public bridge or in any public waters.

Another subsection provides that the owner or driver of the vehicle is presumed to be the violator.

Massachusetts—Laws do not have provisions comparable to those in subsections (b) and (c). A law comparable to subsection (a) provides:

> Whoever, in disposing of garbage, refuse, bottles, cans or rubbish on a public highway or within twenty yards thereof, or on private property without permission, commits a nuisance thereby, shall be punished by a fine of not more than fifty dollars. If a motor vehicle is used in committing such nuisance a conviction under this section shall forthwith be reported by the court to the registrar of motor vehicles, and the registrar may suspend the license of the operator of such vehicle for not more than thirty days, and if it appears from the records of the registrar of motor vehicles that the person so convicted is the owner of the motor vehicle so used, the registrar may suspend the certificate of registration of said vehicle for thirty days.

Michigan—Law is identical to UVC subsections (b) and (c) and adds "rubbish or garbage" to subsection (a).

Minnesota—§ 169.42 provides:

> Subdivision 1. No person shall throw, deposit, place or dump, or cause to be thrown, deposited, placed or dumped upon any street or highway or upon any public or privately owned land adjacent thereto without the owner's consent any glass bottle, glass, nails, tacks, wire, cans, garbage, swill, papers, ashes, refuse, carcass of any dead animal, offal, trash or rubbish or any other form of offensive matter or any other substance likely to injure any person, animal or vehicle upon any such street or highway.
>
> Subd. 2. Any person who drops, or permits to be dropped or thrown, upon any highway any of the material specified in subdivision 1, shall immediately remove the same or cause it to be removed.
>
> Subd. 3. 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.

Missouri—Has no provision comparable to subsection (c) and two laws similar to subsections (a) and (b), which provide:

> Any person who has purposely, accidentally, or by reason of an accident, dropped from his person or any vehicle, any tacks, nails, wire, scrap metal, glass, crockery, sharp stones, or other substances injurious to the feet of persons or animals, or to the tires or wheels of vehicles, including motor vehicles, upon any highway shall immediately make all reasonable efforts to clear the highway of the substances.
>
> No person shall throw or place, or cause to be thrown or placed, any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, refuse, or rubbish of any kind, nature, or description on the right of way of any public road or state highway or in any of the waters of this state or on the banks of any stream, or on any land or water owned, operated or leased by the state, any board, department, agency or commission thereof, or any political subdivision thereof. . . .

Nebraska—Law duplicates subsection (a) and is virtually identical to subsections (b) and (c). An added provision bans materials that may make the highway unsightly.

New Hampshire—Law does not contain subsections (b) and (c); the portion comparable to (a) provides:

> If any person shall put or place, or cause to be put or placed, in or upon any highway, highway right of way, street, square, lane, alley, public bathing place or the approaches thereto, or into or on the ice over any public water, streams or water-course or other public place in any city or town any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, old auto-

mobile or parts thereof, or refuse of any nature whatsoever or any noxious thing, he shall be fined not less than fifty nor more than one hundred dollars. Provided that nothing herein shall be construed as affecting authorized collections of such articles as garbage or refuse.

New Jersey—Laws do not contain provisions comparable to UVC subsections (b) and (c). Laws comparable to (a) provide:

A person who throws, places or deposits any glass or other sharp, injurious or cutting substance in or upon a public highway of this state shall, except when acting under the authority of the governing body of a municipality, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars.

No person shall throw or drop any bundle, object, article or debris of any nature from a vehicle whether in motion or not when such vehicle is on a highway. The words "object, article or debris of any nature" as used in this section shall be deemed to include a lighted cigarette, cigar, match, or live ashes, or any substance or thing in and of itself likely to cause a fire, but such inclusion shall not be deemed to in anywise limit the generality of said words "object, article or debris of any nature."

New York—Law has provisions that are identical to UVC subsections (a) and (c). The portion of the law comparable to subsection (b) requires removal of "any material which interferes with the safe use of the highway."

North Dakota—Law is identical to UVC subsections (b) and (c) and adds "rubbish of any kind" to subsection (a).

Ohio—Law differs from subsection (b) by omitting the concluding words "or cause it to be removed." Laws comparable to (a) and (c) provide:

No person shall place or knowingly drop upon any part of a highway, lane, road, street, or alley any tacks, bottles, wire, glass, nails, or other articles which may damage or injure any person, vehicle, streetcar, trackless trolley, or animal traveling along or upon such highway, except such substances that may be placed upon the roadway by proper authority for the repair or construction thereof.

Any person authorized to remove a wrecked or damaged vehicle, streetcar, or trackless trolley from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle, streetcar, or trackless trolley.

Oregon—Has no provision comparable to UVC subsection (b). Law comparable to (c) applies only to tow truck operators, and laws similar to (a) provide:

Any person who throws, deposits or leaves any glass bottles, glass, nails, tacks, hoops, wire, cans or any other substance likely to injure any person, animal or vehicle upon any road, street or highway of this state, shall be punished . . . .

Any person who throws, dumps, places, deposits or drains, or causes or permits to be drained . . . upon any public road, highway, street, alley or any easement used by the public for public travel . . . any cans, glass, nails, tacks, broken dishes or crockery, carcass of any dead animal, old clothing, old automobile tires, old automobile parts, boards, metal, or any sort of rubbish, trash, debris, or refuse, or any sewage or the drainage from any cesspool or septic tank, or any substance which would mar the appearance, create a stench or detract from the cleanliness or safety of such public way, or would be likely to injure any animal, vehicle or person traveling upon such public way, shall be punished . . . .

Pennsylvania—Law bars throwing or depositing upon a highway any wastepaper, sewerpipes, ashes, household waste, glass, metal, refuse or rubbish, or any dangerous or detrimental substance. Any person dropping, or permitting to drop or throw, any of these articles on a highway must remove or cause them to be removed. Any person removing a wrecked, damaged or disabled vehicle from a highway must remove from the highway or neutralize any glass, oil or other injurious substance resulting from the accident or disablement.

Rhode Island—Law does not contain provisions similar to those in UVC subsections (b) and (c), but is in verbatim conformity with subsection (a), adding: ". . . or likely to deface the beauty or cleanliness of the highway, nor shall any person in removing snow from any driveway, public or private, leave the same in any condition so as to constitute a hazard on the highway."

Utah—Law provides:

(a) It shall be unlawful for any person to throw, deposit, or discard, or to permit to be dropped, thrown, deposited, or discarded upon any public road, highway, park, recreation area or other public or private land, any glass bottle, glass, nails, tacks, wires cans, barbed wire, boards, trash or garbage, or any other substance which would or could mar or impair the scenic aspect or beauty of such land . . . .

(b) Any person who drops, throws, deposits, or discards, or permits to be dropped, thrown, deposited or discarded, upon any public road, highway, park, recreation area or other public or private land any destructive, injurious or unsightly material shall immediately remove the same or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a public road, highway, park, recreation area or other public or private land shall remove any glass or other injurious substance dropped upon the road or highway or in the park, recreation area or other public or private land from such vehicle.

Vermont—Law virtually duplicates subsections (a) to (c). An additional subsection provides that if the injurious substance came from a motor vehicle other than a bus or school bus, the operator, will be presumed to have thrown or dropped it on the highway.

Virginia—Law provides:

If any person shall put or cast into any public road ot this Commonwealth any glass, bottles, glassware, crockery, porcelain or pieces thereof, or any pieces of iron or hard or sharp metal, or any nails, tacks or sharp-pointed instruments of any kind, likely in their nature to cut or puncture any tire of any vehicle or injure any animal traveling thereon, he shall be deemed guilty of a misdemeanor.

No person shall throw or deposit or cause to be deposited upon any highway any glass bottle, glass, nail, tack, wire, can, or any other substance likely to injure any person or animal, or damage any vehicle upon such highway. 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. 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. Any persons violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, punished accordingly.

Wisconsin—Law does not have provisions comparable to UVC subsections (b) and (c). The portions similar to (a) provide:

(5) Placing injurious substance on highway. No person shall place or cause to be placed upon a highway any foreign substance which is or may be injurious to any vehicle or part thereof.

(6) Debris on public or private property. No person shall throw or deposit any type of debris or waste material on or along any highway or on any other public or private property.

(6m) Permitting throwing of debris on highway. No operator of any vehicle shall permit to be thrown or deposited from such vehicle any type of debris or waste material.

(7) Spilling loads of waste or foreign matter. The operator of every vehicle transporting waste or foreign matter on the high-

ways of this state shall provide adequate facilities to prevent such waste or foreign matter from spilling on or along the highways.

District of Columbia—Regulation is identical to all three subsections of UVC § 11-1111 but each applies upon any "street, highway, sidewalk or alley."

Puerto Rico—Law provides:

(a) It shall be illegal to place, deposit, put or throw, or cause to be placed, deposited or thrown onto a public highway or adjoining areas within a right of way easement, rubbish, cans, bottles, papers, ashes, refuse, carcasses of animals, tree branches or trunks, or any like material offensive to health or public safety. Likewise, it shall be illegal to use public highways and adjoining areas within a right of way easement for the deposit or storage of building materials, except those which are to be used in the repair or reconstruction of the public highway. The Secretary, or the municipal authorities where proper, may authorize such deposit or storage of materials when it is for short periods and will not result in a hazard to public safety or an obstruction to traffic.

(b) Any person who throws or lets fall, or allows to throw or to let fall onto a public highway, any of the materials mentioned in the preceding subsection shall immediately remove it or order it removed.

(c) Any person removing a vehicle that is disabled or has been involved in a traffic accident upon a public highway shall remove from the roadway any fragments of crystal or glass, or any portion of grease or oil or any other matter that may have fallen down from such vehicle and spread onto the pavement.

Four states—Hawaii, North Carolina, South Carolina and South Dakota—do not have provisions comparable to UVC § 11-1111 in their vehicle Codes.

Citations

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13 Alaska Adm. Code § 02.530 (1971).
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Mo. Ann. Stat. § 304.160 (1972); § 564.480 (Supp. 1972).
Mont. Rev. Codes Ann. § 32-21-111 (1961).
Neb. Rev. Stat. § 39-683 (1974).
Nev. Rev. Stat. § 484.465 (1975).
N.H. Rev. Stat. Ann. § 262-A:83 (Supp. 1971).
N.J. Rev. Stat. §§ 39:4-63, -64 (1963).
N.M. Stat. Ann. § 64-7-364, amended by H.B. 112, CCH ASLR 161, 542-43 (1978).
N.Y. Vehicle and Traffic Law § 1219 (1960).
N.D. Cent. Code § 39-10-59 (1960).
Ohio Rev. Code Ann. § 4511.74 (1965).
Okla. Stat. Ann. tit. 47, § 11-1110 (Supp. 1978).
Ore. Rev. Stat. §§ 166.630, 164.440, 487.560 (1977).
Pa. Stat. Ann. tit. 75, § 3709 (1977).
R.I. Gen. Laws Ann. § 31-22-9 (Supp. 1967).
Tenn. Code Ann. § 59-871 (1955).
Tex. Rev. Civ. Stat. art. 6701d, §§ 102, 103 (1960).
Utah Code Ann. § 41-6-114, amended by H.B. 246 (1971).
Vt. Stat. Ann. tit. 23, § 1126 (Supp. 1978).
Va. Code Ann. §§ 33-388, -388.1 (1967).
Wash. Rev. Code Ann. §§ 46.61.645, .650 (Supp. 1966).
W. Va. Code Ann. § 17C-14-11 (1966).
Wis. Stat. Ann. §§ 346.94(5)-(7) (1958).
Wyo. Stat. Ann. § 31-5-118 (1977).
D.C. Traffic & Motor Vehicle Regs. Pt. I, § 103 (1957).
P.R. Laws Ann. tit. 9, § 1149 (Supp. 1975).

§ 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 he is operating without obstructing the passage of other vehicles, pedestrians or railroad trains notwithstanding any traffic-control signal indication to proceed. (New, 1971.)

Historical Note

This subsection was added to the Code in 1971. It formerly appeared in all editions of the *Model Traffic Ordinance* from 1934 through 1968. See MTO § 9-1 (Rev. ed. 1968).

Statutory Annotation

Eight states have laws in verbatim conformity with UVC § 11-1112:

Colorado	Idaho	Kansas	Utah
Delaware	Illinois	North Dakota	Washington

Nine other jurisdictions have comparable laws:

Florida—Duplicates the Code except that it omits any references to grade crossings and trains.

Georgia—Law provides:

No driver shall enter an intersection unless there is sufficient space on the other side of the intersection to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

Massachusetts—Law provides that a driver may not enter any marked crosswalk until there is sufficient space beyond it to accommodate his vehicle even though a signal indicates he may proceed. A regulation prohibits entering an intersection or marked crosswalk unless there is sufficient space on the other side to accommodate a vehicle without obstructing traffic even though a signal indicates drivers may proceed. Another law (§ 6(a)) bans all unnecessary obstructions.

New Jersey—A person may not drive into an intersection "if preceding traffic prevents immediate clearance of the intersection."

New York—Law provides:

When vehicular traffic is stopped on the opposite side of an intersection, no person shall drive a vehicle into such intersection, except when making a turn unless there is adequate space on the opposite side of the intersection to accommodate the vehicle he is driving notwithstanding the indication of a traffic control signal which would permit him to proceed.

Ohio—Law duplicates the Code and applies to operators of vehicles, streetcars and trackless trolleys.

Oregon—Law provides:

A driver commits the offense of obstructing cross traffic if he enters an intersection or a marked crosswalk or drives onto any railroad grade crossing when there is not sufficient space on the other side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, pedestrians or railroad trains, notwithstanding any traffic control signal indication to proceed.

Pennsylvania—Law is identical to the UVC except it omits the adjective "marked."

District of Columbia—Regulation is identical to the UVC except that it omits all references to grade crossings and trains. This regulation is among provisions relating to stopping, standing or parking.

Citations

Colo. Rev. Stat. § 42-4-609.5 (Supp. 1976).
Del. Code Ann. tit. 21, § 4130 (Supp. 1978).
Fla. Stat. § 316.107 (1971).
Ga. Code § 68A-1005 (1975).

Idaho Code Ann. § 49-712, added by H.B. 197 CCH ASLR 528 (1977).
Ill. Ann. Stat. ch. 95½, § 11-1425 (Supp. 1977).
Kans. Stat. § 8-1584 (1975).
Mass. Ann. Laws ch. 89, § 11 (Supp. 1970); Mass. Rules & Regs. for Driving on State Highways art. IV, § 6(b) (Jan. 1971).
N.J. Stat. Ann. § 39:4-67 (1973).
N.Y. Vehicle and Traffic Law § 1175 (1970).
N.D. Cent. Code § 39-10-68 (Supp. 1977).
Ohio Rev. Code § 4511.712 (Supp. 1978).
Ore. Rev. Stat. § 487.655 (1977).
Pa. Stat. Ann. tit. 75, § 3710 (1977).
Utah Code § 41-6-109.10 (Supp. 1977).
Wash. Rev. Code Ann. § 46.61.202 (Supp. 1977).
17 D.C. Rules and Regs. § 79(g) (1975).

§ 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. (New section, 1971.)

Prefatory Note

The Annotation which follows covers only the portions of state snowmobile laws that are directly comparable to UVC § 11-1113. Special rules of the road for snowmobile drivers (such as the duty to stop or yield when crossing a highway) are discussed in a separate document. Also because of that document, special rules for snowmobile drivers that are comparable to many rules in the Code have not been included in this book. *

Historical Note

This section was added in 1971.

Statutory Annotation

Subsection (a).

Seventeen states prohibit snowmobile operation on any controlled-access highway in conformity with the UVC except as noted:

Connecticut [1]	Maine [3]	Nebraska [2]	Utah [1,2]
Idaho	Massachusetts	New Jersey [1]	Vermont [2]
Illinois [1,2]	Michigan [1]	New Mexico [1]	Wisconsin [2]
Iowa [1,2]	Minnesota [2]	Rhode Island [2]	
Kansas	Montana		

1. These states prohibit operation on "limited-access highways."
2. These states ban operation on "interstate highways." The Minnesota, Nebraska, Rhode Island and Wisconsin laws do not apply on other controlled-access highways; Illinois adds "toll roads," and Iowa, Minnesota, Nebraska, New Mexico, Rhode Island and Wisconsin include "freeways."
3. Unless a permit has been issued to allow crossing.

Six other states, although generally prohibiting snowmobile use on controlled-access highways, do allow such use in emergencies:

Colorado—Prohibits snowmobile operation on interstate highways and freeways except during an emergency declared by proper state authority.

Indiana—Prohibits snowmobile use on limited-access highways but police officers may authorize such use during emergencies when conventional vehicles can not be used for transportation because of snow or other extreme highway conditions.

New York—Prohibits snowmobiles on thruways, interstate highways and controlled-access state highways except in an appropriately-declared snow emergency or when authorized by a police officer in an emergency situation.

North Dakota—Operation of snowmobiles on interstate highways is prohibited except for emergency purposes.

Ohio—Snowmobile use on any freeway, limited-access or interstate highway is prohibited except during emergencies and then only in a manner determinnd by the Director of Highway Safety.

South Dakota—Prohibits snowmobiles on controlled-access highways except to cross in the ditch of an underpass or at the extreme right of an overpass.

Five other states whose laws are discussed more fully in subsection (b) regulate snowmobiles on all highways. Two—California and Pennsylvania—would probably prevent operation on most controlled-access highways. However, three others—Alaska, Oregon and Washington—would allow snowmobiles on controlled-access highways except on the roadways, shoulders and medians.

New Hampshire specifically allows snowmobile operation on the "right of way of a limited access highway designated as a controlled access highway by the commissioner of public works and highways."

Subsection (b).

Like the UVC, eight states have general prohibitions against operating snowmobiles on the highways:

California	Idaho	Montana	Rhode Island
Connecticut	Kansas	Pennsylvania	Utah

All eight of these states allow snowmobilers to cross the highway (though Pennsylvania allows crossing only a two-lane highway) and all eight require the crossing to be at a right angle to the highway. All but Utah require crossing where there is no obstruction that prevents a safe and quick crossing.

The UVC allows snowmobile operation when snow renders use of the highway by other motor vehicles "impossible." Montana adds "or impractical," and Utah substitutes "impractical." California allows snowmobiles on highways when the roadway is not maintained by snow removal equipment and is closed to ordinary motor vehicles.

Like the UVC, five of the eight states—Idaho, Kansas, Montana, Pennsylvania and Utah—provide for snowmobiles on highways when the appropriate authority permits such operation, and three—Pennsylvania, Rhode Island and Utah—permit snowmobiles on highways during an emergency.

The laws of another 22 states generally prohibit operation on a roadway or part of a highway maintained for use by motor vehicles during the winter:

Alaska [1]	Massachusetts [7]	New Mexico [12]	South Dakota [14]
Colorado [2]	Michigan [3,4,8]	New York [13]	Vermont [16]
Illinois [1,3,4]	Minnesota [9,10,11]	North Dakota [9,10]	Washington [9,10,11]
Indiana [2]	Nebraska [4,9,10]	Ohio [14]	Wisconsin [1,3,17]
Iowa [1]	New Hampshire [5,6]	Oregon [9,10,11,15]	Wyoming
Maine [5,6]	New Jersey		

1. Snowmobiles traveling along a highway must be operated a specified minimum distance from the roadway: Alaska (three feet), Illinois (15 feet), Iowa (five feet) and Wisconsin (10 feet). Illinois allows municipalities to vary the 15 foot requirement.
2. Colorado requires operation as far as practical from the roadway. Indiana allows operation adjacent to a roadway where there is sufficient width to operate a reasonable distance away from the roadway.
3. Illinois and Wisconsin prohibit snowmobiles on state highways. Michigan does not allow snowmobiles on highways in the southern one-third of the state.
4. A snowmobile driver must proceed in the same direction as the nearest traffic on the roadway in Illinois, Michigan and Nebraska.
5. Bans use of sidewalks. See UVC § 11-1103.
6. Maine and New Hampshire ban operation on a plowed snow bank.
7. Massachusetts allows snowmobiles outside the roadway or plowed area and outside the adjacent snow bank.
8. Michigan allows operation at the extreme right side of the highway.
9. Prohibits use of shoulder.
10. Prohibits use of inside bank or slope.

* Additional rules for snowmobile drivers found in state laws are contained in a separate document. For further information, write to the National Committee on Uniform Traffic Laws and Ordinances, 801 No. Glebe Road, Arlington, Va. 22203.

11. Bans snowmobiles from medians.
12. Where conditions permit, New Mexico allows snowmobiles at least 10 feet from the inside of the plow bank.
13. New York allows snowmobiles on the outside of plow banks and on the inside when permitted by local authorities.
14. Allows use of the berm or shoulder when safe (Ohio) or where there is no traversible ditch (South Dakota).
15. Bans snowmobiles on any portion of a highway that is under construction.
16. Vermont prohibits snowmobiles from the plowed portion of a highway and an area five feet to either side thereof.
17. Wisconsin allows snowmobiles to cross any roadway having fewer than five lanes.

Like the UVC, all 22 of these states allow snowmobile drivers to make a direct crossing of the roadway. Eleven require crossing at approximately a 90-degree angle and at a place where there is no obstruction to a safe and quick crossing: Colorado, Illinois, Iowa, Minnesota, Nebraska, New York, North Dakota, Oreogon, Vermont, Washington, and Wyoming. Five states require crossing as directly as possible, in safety and without interfering with traffic: Maine, Massachusetts, Michigan, New Hampshire and Ohio. Five states require only a right-angle crossing: Indiana, New Mexico, South Dakota, Wisconsin and Wyoming. Alaska allows crossing only when safe and does not require crossing at a right angle. Five states permit crossing a divided highway only at intersections: Colorado, Iowa, Minnesota, Nebraska and North Dakota. South Dakota requires all crossings to be as close as possible to intersections while Oregon and Washington, conversely, require crossing at least 100 feet away from an intersection.

The UVC allows snowmobile drivers to use highways when their use by other motor vehicles is "impossible" because of snow. Of the 22 states, Oregon and Washington allow the use of highways covered by snow or ice and closed to other traffic. Eleven states permit use of highways that are not maintained by snow removal equipment: Colorado, Iowa, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New Mexico, New York, Vermont and Wisconsin. South Dakota allows snowmobiles on roadways that have not been plowed or used by other types of motor vehicles for 48 hours or more. Wyoming allows use of any highway closed to "wheeled vehicular traffic."

The Code and 12 of the 22 states would allow snowmobiles on any roadway when authorized by the appropriate state or local agency: Colorado, Indiana, Iowa, Michigan, Nebraska, New York, Ohio, Oregon, South Dakota, Vermont, Washington and Wyoming. Sixteen states allow snowmobile operation during an emergency (Iowa, Minnesota, Nebraska, North Dakota, Oregon and Washington) or during an emergency declared by an appropriate official (Colorado, Indiana, Maine, Massachusetts, Michigan, New Hampshire, New Mexico, New York, Ohio and Wisconsin).

Nine of the 22 states allow snowmobiles on highways during special events of limited duration that are approved by the agency with jurisdiction over the highway: Colorado, Illinois, Indiana, Maine, Michigan, Minnesota, Nebraska, New Mexico and Wisconsin. Eight states authorize snowmobiles to be on the roadway to cross a bridge or culvert: Colorado, Illinois, Iowa, Maine, Michigan, New York, South Dakota and Wisconsin. Minnesota allows snowmobiles to use a bridge when necessary to avoid obstructions to travel. The snowmobile must be in the right lane and enter the highway within 100 feet of the bridge. This law does not apply on interstate highways. Eight states allow snowmobiles on a highway to load or unload from a trailer and gain access to a lawful area of operation: Illinois, Massachusetts, Michigan, New Hampshire, New York, Ohio, Oregon and Wisconsin. Two states (Nebraska and New Hampshire) ban nighttime operation and Maine allows operation at night only to cross the roadway. Massachusetts also bans recreational vehicles from those portions of any way from which a snow vehicle is banned. New Hampshire allows snowmobiles on bicycle trails and pedestrian walkways on interstate, toll and controlled-access highways if they have been designated as snowmobile trails.

Citations

13 Alaska Adm. Code § 02.455 (1971).
Cal. Vehicle Code §§ 23128, 38025 (Supp. 1979).
Colo. Rev. Stat. Ann. §§ 62-13-9, -10 (Supp. 1971).
Conn. Gen. Stat. Ann. § 14-387 (1970).
Idaho Code § 49-713, amended by H.B. 197, CCH ASLR 529 (1977).
Ill. Ann. Stat. ch. 95½, §§ 605-2, -5 (Supp. 1979).
Ind. Ann. Stat. § 47-3711 (Supp. 1971).
Iowa Code Ann. § 321G.9 (Supp. 1978).
Me. Rev. Stat. Ann. tit. 12, § 1977, amended by H.B. 845, CCH ASLR 837 (1975), H.B. 787, CCH ASLR 792 (1973), Gen. Laws 1972, ch. 622, CCH ASLR 228.
Mass. Ann. Laws ch. 90B, § 25 (1975, Supp. 1977).
Mich. Stat. Ann. § 9.3200(12) (Supp. 1978).
Minn. Stat. § 84.87, amended by Gen. Laws 1974, ch. 51, CCH ASLR 109, amended by Gen. Laws 1974, ch. 239, CCH ASLR 463.
Mont. Rev. Codes Ann. § 53-1018 (Supp. 1977).
Neb. Rev. Stat. § 60-2013 (Supp. 1978).
N.H. Rev. Stat. § 269-C:7 (Supp. 1977).
N.J. Gen. Laws 1973, ch. 307, CCH ASLR 509.
N.M. Stat. Ann. § 64-36-8 (1972).
N.Y. Parks and Recreation Law § 25.05, Gen. Laws 1972, ch. 660, CCH ASLR 3205.
N.D. Cent. Code § 39-24-09 (Supp. 1971).
Ohio Rev. Code Ann. §§ 4519.40, .41 (Supp. 1971).
Ore. Rev. Stat. §§ 483.735, .740 (1977).
Pa. Stat. Ann. §§ 7721, 7722 (1977).
R.I. Gen. Laws Ann. § 31-3.2-7 (Supp. 1971).
S.D. Comp. Laws Ann. §§ 32-20A-5, -6, -7, -8 (1976, Supp. 1978).
Utah Code Ann. §§ 41-22-23, -24 (Supp. 1971).
Vt. Stat. Ann. tit. 31, § 806 (Supp. 1978).
Wash. 1971 Gen. Laws, ch. 29, § 10, CCH ASLR 405, 411 (1971).
Wis. Stat. Ann. §§ 350.02, .03 (Supp. 1978).
Wyo. Stat. Ann. § 31-5-801 (1977).

§ 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 except while 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. (New, 1975).

Historical Note

This section was added to the Uniform Vehicle Code in 1975. At the same time, the following section was deleted from the Model Traffic Ordinance:

> § 10-3—Railroad trains and streetcars not to block street
> It shall be unlawful for the directing officer or the operator of any railroad train or streetcar to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five minutes, except that this provision shall not apply to trains or cars in motion other than those engaged in switching.

Statutory Annotation

Utah virtually duplicates this Code provision. It differs only in the fourth exception which provides, "when the train is in motion *or* while engaged in switching operations *or as determined by local authority*."

Thirty states expressly prohibit trains from blocking grade crossings:

Arizona [1]	Kansas [2]	Nebraska [2]	Rhode Island [3]
Arkansas [2]	Kentucky [3]	New Hampshire [3]	South Carolina [3]
Connecticut [3]	Massachusetts [3]	New Jersey [4]	Texas [3]
Delaware [2]	Michigan [3]	New York [3]	Vermont [3]
Florida [4]	Minnesota [2]	North Dakota [1]	Virginia [3]
Idaho [1]	Mississippi [3]	Ohio [3]	West Virginia [2]
Illinois [2]	Missouri [3]	Pennsylvania [3]	Wisconsin [2]
Indiana [2]	Montana [1]		

1. These states permit a train to block a grade crossing for fifteen (15) minutes.
2. These states permit a train to block a grade crossing for ten (10) minutes.
3. These states permit a train to block a grade crossing for five (5) minutes.
4. These states permit a train to block a grade crossing for a reasonable amount of time.

Seventeen of these states exempt moving trains:

Arkansas	Mississippi	Pennsylvania	Virginia
Idaho *	Missouri	South Carolina	West Virginia *
Kansas	Montana	Texas	Wisconsin
Kentucky	North Dakota	Vermont	
Minnesota	Ohio *		

* These states except trains engaged in switching operations from the moving train exemption.

Eleven states require that there be vehicular traffic waiting to use the crossing:

Arizona	Indiana	Ohio
Arkansas *	Michigan	Pennsylvania
Idaho	Mississippi	West Virginia
Illinois	New Jersey	

* The Arkansas provision only applies to passenger trains.

Twelve states make exceptions for emergencies or circumstances beyond the control of the railroad company:

Arizona	Illinois	Michigan	Pennsylvania
Delaware	Indiana	Missouri	West Virginia
Florida	Kentucky	Ohio	Wisconsin

Five states have provisions regarding multiple train situations. Indiana and Michigan have laws that require that after a train passes a crossing, another train cannot pass until all the traffic has passed or until five (5) minutes have elapsed. North Dakota and Rhode Island have similar provisions, but limit the time to three (3) minutes. Massachusetts also limits the time to three (3) minutes, but only applies the law to freight trains.

Five states have provisions which are unique to the individual state:

Arkansas distinguishes between freight and passenger trains. The statute dealing with freight trains provides:

> If any corporation, company, person or persons owning or operating railroad trains in this State for the purpose of carrying freight, suffers or permits the same to remain standing across any public highway, street, alley, or farm crossing, or when it becomes necessary to stop such trains across any public highway, street, alley or farm crossing for more than ten minutes, and fails to leave a space of 60 feet across such public highway, street, alley or farm crossing, shall be fined in any sum not less than five dollars nor more than twenty-five dollars.

Kansas permits stopping if thirty feet of clear roadway is left.

New Hampshire allows railroad commission to raise time limit to nine (9) minutes.

South Carolina requires that person in charge of train must be notified before five (5) minutes begin.

Virginia excepts a passenger train receiving or discharging passengers.

Though the remaining 20 jurisdictions do not have a directly comparable statute, some may have laws which generally prohibit obstructing a highway or which permit municipalities to regulate grade crossings:

Alabama	Iowa	North Carolina	Washington
Alaska	Louisiana	Oklahoma	Wyoming
California	Maine	Oregon	District of
Colorado	Maryland	South Dakota	Columbia
Georgia	Nevada	Tennessee	
Hawaii	New Mexico		

Citations

Ariz. Rev. Stat. Ann. § 40-852 (1974).
Ark. Stat. Ann. §§ 73-718, -719 (1957).
Conn. Gen. Stat. Ann. §§ 16-154,-155 (1975).
Del. Code Ann. tit. 17, § 701 (1974).
Fla. Stat. Ann. § 351.032 (1969).
Idaho Code Ann. § 49-714, added by H.B. 197, CCH ASLR 529 (1977).
Ill. Ann. Stat. ch. 114, § 70 (Supp. 1976).
Ind. Ann. Stat. §§ 8-6-7.5 - *et seq.* (1973).
Kans. Stat. Ann. § 66-273 (1972).
Ky. Rev. Stat. Ann. § 277.200(1) (Supp. 1975).
Mass. Ann. Laws ch. 160, § 151 (Supp. 1975).
Mich. Stat. Ann. § 22.281 (1970).
Minn. Stat. Ann. § 219.383(4) (1945).
Miss. Code Ann. § 77-9-235 (1972).
Mo. Ann. Stat. § 300.360 (1972).
Mont. Rev. Code Ann. § 72-640 (1971).
Neb. Rev. Stat. §§ 16-212, 17-225 (1974).
N.H. Rev. Stat. Ann. §§ 373:15, :16 (1966).
N.J. Rev. Stat. § 39:4-94 (1973).
N.Y. Railroad Law § 53-C (Supp. 1975).
N.D. Cent. Code § 49-11-19 (Supp. 1975).
Ohio Rev. Code Ann. § 5589.21 (1970).
Pa. Stat. Ann. tit. 75, § 3713.
R.I. Gen. Laws Ann. § 39-8-4 (1969).
S.C. Code Ann. § 58-1264 (1962).
Tex. Rev. Civ. Stat. §§ 6701d-5, -6 (Supp. 1975).
Utah Code Ann. § 41-6-95.5 (Supp. 1979).
Vt. Stat. Ann. § 1382 (1970).
Va. Code Ann. § 56-412.1 (Supp. 1974).
W.Va. Code Ann. § 31-2A-2 (1975).
Wis. Stat. Ann. § 192.292 (1957).

§ 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 his 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. (New, 1975.)

Historical Note

This section was added to the Uniform Vehicle Code in 1975.

Statutory Annotation

No state has a comparable law.

ARTICLE XII—OPERATION OF BICYCLES AND OTHER HUMAN POWERED VEHICLES

§ 11-1201—Effect of Regulations

(a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this article.

(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this act.

Historical Note

From 1938 until 1975, the Uniform Vehicle Code contained the following provision:

> (a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this article.
>
> (b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this act.
>
> (c) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

UVC Act V, § 90 (Rev. ed. 1938); UVC Act V, § 93 (Rev. eds. 1944, 1948, 1952); UVC § 11-1201 (Rev. eds. 1954, 1956, 1962, 1968).

In 1975, the definition of "vehicle" was changed to include bicycles. Therefore, the application of rules to cyclists was adequately covered by UVC § 11-101, and subsection (c) was deleted. UVC § 11-1201 (Supp. II 1976). Note that if a bicycle is a "vehicle" a bicycle path becomes a "highway" and all rules of the road apply there under UVC § 11-101. Note the definition of "bicycle" in UVC § 1-105.

Statutory Annotation

Eighteen states have laws in verbatim conformity with UVC § 11-1201, except as noted:

Alabama	Indiana [3]	North Dakota [5]	Texas
Georgia [1]	Kansas	Oklahoma	Washington
Hawaii	Michigan	Rhode Island [6]	West Virginia
Idaho	Nevada	Tennessee	Wyoming
Illinois [2]	New Mexico [4]		

1. Georgia changes "act" to "article" in subsection (b).
2. Illinois substitutes "unlawful" for "a misdemeanor" in subsection (a), and retains subsection (c).
3. Indiana adds at the end of subsection (a): "or by any officer engaged in the lawful discharge of his official duties."
4. The New Mexico law omits "knowingly" before "permit" in subsection (b), and retains subsection (c).
5. North Dakota adds a maximum penalty of $5.00 in (a).
6. Rhode Island substitutes "violation" for "misdemeanor" in (a).

Twenty jurisdictions have provisions in varying degrees of conformity with subsections (a) and/or (b):

Alaska	Maine	New York	Wisconsin
Arizona	Maryland	Pennsylvania	District of
Colorado	Massachusetts	South Carolina	Columbia
Connecticut	Missouri	Utah	Puerto Rico
Delaware	Montana	Vermont	
Florida	Nebraska		

Two of the 20—Montana and South Carolina—have provisions in substantial conformity with subsection (a). Fines for "any person" violating the bicycle rules are proscribed in two states: Pennsylvania, $10; Wisconsin, $10 to $50. The District of Columbia provides a penalty of $300 and/or 10 days and authorizes impounding the bicycle. In Massachusetts, the fine for violation is $20. However, the law additionally provides that any violation by a minor "shall not affect any civil right or liability nor shall such violation be considered a criminal offense," although impoundment for up to 15 days is authorized. Vermont provides that violation of the bicycle rule by any person under 16 is not negligence or evidence of negligence. Three of the 20 set forth fines for violation by persons in certain age categories: Florida provides a civil penalty of $5.00 and allows impounding the bicycle for not more than 90 days, for any person not a juvenile; in Maine, any violator 17 years of age or older is fined not more than $10.00; and Missouri provides that "any person seventeen years of age or older who violates any provision of this act is guilty of an infraction, and upon conviction thereof, shall be punished by a fine of not less than five dollars nor more than twenty-five dollars." In addition, if a person under 17 violates any provision of the act in the presence of an authorized peace officer, the officer may impound the bicycle involved for a period not to exceed five days, upon issuance of a receipt to the child riding it or to the owner.

Sixteen of the 20 jurisdictions have provisions conforming substantially to subsection (b) of the Code, providing that parents or guardians shall not authorize or knowingly permit violations by their child or ward:

Alaska	Florida	Pennsylvania	
Arizona	Maryland [1]	Utah	District of
Colorado	Massachusetts [2]	Vermont	Columbia
Connecticut	Nebraska [3]		Puerto Rico [4]
Delaware	New York		

1. Maryland substitutes "minor" for "child."
2. Parents of persons under 18.
3. Parents and guardians of children under 16 years of age.
4. Puerto Rico provides that no child's father or mother, nor guardian of any pupil may authorize or knowingly permit that child or pupil to violate any of the bicycle provisions.

The remaining 14 states do not have provisions comparable to UVC § 11-1201:

Arkansas	Louisiana	New Jersey	South Dakota
California	Minnesota	North Carolina	Virginia
Iowa	Mississippi	Ohio	
Kentucky	New Hampshire	Oregon	

Citations

Ala. Code tit. 32, § 32-5-290 (1975).
13 Alaska Adm. Code §§ 02.380 (1971).
Ariz. Rev. Stat. Ann. § 28-811 (1956).
Colo. Rev. Stat. Ann. § 42-4-107(13) (1973).
Conn. Gen. Stat. Ann. § 14-286(a) (Supp. 1978).
Del. Code Ann. tit. 21, § 4192 (Supp. 1966).
Fla. Stat. §§ 316.111(10), 316.112 (1975).
Ga. Code Ann. § 68A-1201 (1975).
Hawaii Rev. Stat. § 291C-141 (Supp. 1971).
Idaho Code Ann. § 49-739 (1957).
Ill. Ann. Stat. ch. 95½, § 11-1501 (Supp. 1978).
Ind. Stat. Ann. § 9-4-1-93 (1973).
Kans. Stat. Ann. § 8-1586 (1975).
Me. Rev. Stat. Ann. tit. 29, § 1963 (1965).
Md. Trans. Code § 21-1201 (1977).
Mass. Ann. Laws ch. 85, § 11B (1975).
Mich. Stat. Ann. § 9.2356 (1973).
Mo. Ann. Stat. § 307.193 (Supp. 1979).
Mont. Rev. Codes Ann. § 32-2184 (1961).
Neb. Rev. Stat. § 39-687 (1974).
Nev. Rev. Stat. § 484.501 (1975).
N.M. Stat. Ann. § 64-3-701, H.B. 112, CCH ASLR 161, 277 (1978).
N.Y. Vehicle and Traffic Law § 1230 (1960).
N.D. Cent. Code § 39-10.1-01 (Supp. 1977).
Okla. Stat. Ann. tit. 47, § 11-1201 (1962).
Pa. Stat. Ann tit. 75, §§ 3502, 3503 (1977).
R.I. Gen. Laws Ann. §§ 31-19-1, -2 (Supp. 1978).
S.C. Code Ann. § 56-5-3500 (1976).
Tenn. Code Ann. § 59-872 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 178 (Supp. 1972).
Utah Code Ann. § 41-6-83 (1960).
Vt. Stat. Ann. tit. 23, § 1136 (Supp. 1978).
Wash. Rev. Code Ann. §§ 46.61.700, .750 (Supp. 1966).
W.Va. Code Ann. § 17C-11-1 (1966).
Wis. Stat. Ann. § 346.77 (1958).
Wyo. Stat. Ann. § 31-5-701 (1977).
32 D.C. Regs. §§ 11.201(c), .702 (1974).
P.R. Laws Ann. tit. 9, § 1182 (Supp. 1975).

§ 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. (REVISED, 1975.)

Historical Note

The principle of this section, that rules of the road apply to persons riding bicycles, has been in the Code since the first edition in 1926, when "vehicle" was defined to include "a bicycle or a ridden animal." UVC Act IV, § 1(a)(1926). See § 1-184, *supra*.

In 1930, the following section was added:

> Every person riding a bicycle or an animal upon a roadway and every person driving an animal shall be subject to the provisions of this act applicable to the driver of a vehicle, except those provisions of this act which by their very nature can have no application.

Only minor changes (concerning animals, but not bicycles) were made in 1934. UVC Act IV, § 5 (Rev. ed. 1930); UVC Act V, § 24 (Rev. ed. 1934).

In 1938, the reference to animals was deleted from the section and the exception as to special regulations in the article was added. The revised section provided:

> Every person riding a bicycle upon a roadway shall be subject to the provisions of this act applicable to the driver of a vehicle except as to special regulations in this article and except as to those provisions of this act which by their very nature can have no application.

UVC Act V, § 91 (Rev. ed. 1938).

In 1944, the section was amended to make it clear that bicyclists had certain rights, as well as duties:

> Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this act, except as to special regulations in this article and except as to those provisions of this act which by their nature can have no application.

UVC Act V, § 94 (Rev. eds. 1944, 1948, 1952); UVC § 11-1202 (Rev. eds. 1954, 1956, 1962, 1968).

This section was revised to its present form in 1975. Because bicycles and all other conveyances moved by human power now are "vehicles" under UVC § 1-184 as revised in 1975, this section is no longer as important as it was. Nonetheless, the section does emphasize that cyclists and operators of other human powered vehicles generally must comply with the same rules of the road as other drivers. The phrase "upon a roadway" was deleted because it suggested no rules of the road would apply to cyclists on a shoulder and UVC § 11-101 adequately covers where traffic rules are applicable.

Statutory Annotation

No state has a law which duplicates UVC § 11-1202 as it was revised in 1975.

One state, Rhode Island, is in substantial conformity with this section by providing that a person propelling a vehicle "by human power shall be granted all of the rights and be subject to all of the duties applicable to the driver of any other vehicle" except special regulations and those which are by their nature not applicable.

Twenty-six states have provisions in verbatim or near verbatim conformity with the 1968 Code section:

Alabama	Illinois	Nevada	South Carolina
Alaska [1]	Kansas	New Hampshire [1]	Tennessee
Arizona	Louisiana	New York	Texas
Delaware	Maine [2]	North Dakota	Washington
Florida	Michigan [2]	Oklahoma	West Virginia
Hawaii	Montana	Pennsylvania [4]	Wyoming
Idaho	Nebraska [3]		

1. Alaska and New Hampshire substitute "highway" for "roadway."
2. Maine and Michigan add "or moped" after bicycle.
3. Nebraska provides that any "person who" rides a bicycle "shall have" all the rights of a driver.
4. Pennsylvania substitutes "pedalcycle" for "bicycle."

Three jurisdictions have provisions in substantial conformity with the 1968 Code section:

Colorado—Law applies upon roadways where bicycle travel is permitted and provides that every person riding a bicycle or motorized bicycle shall have all the rights and is subject to all duties "and penalties" applicable to the driver of a vehicle. Exception is made for rules which cannot apply.

Wisconsin—Law provides:

> Subject to the special provisions applicable to bicycles, every person riding a bicycle upon a roadway is granted all the rights and is subject to all the duties which ch. 346 (rules of the road) grants or applies to the operator of a vehicle, except those provisions which by their express terms apply only to motor vehicles or which by their very nature would have no application to bicycles.

District of Columbia—Regulation provides:

> (a) Operators of bicycles have the same rights as operators of motor vehicles.
>
> (b) Every person riding a bicycle on a highway shall be subject to all the duties applicable to the drivers of vehicles under this Title, except as otherwise expressly provided in this chapter, and except for those duties imposed by this Title which, by their nature, can have no reasonable application to a bicycle operator.
>
> (c) This chapter shall apply to all bicycles operated upon all public space in the District of Columbia.

Three states have laws in conformity with this section as it appeared in the 1938 Code:

Indiana Oregon Utah [1]

1. Omits "upon a roadway."

Four states have provisions which conform to the 1930 Code section:

Arkansas Iowa Mississippi Virginia

Thirteen additional jurisdictions have laws comparable to UVC § 11-1202, as quoted or discussed below:

California—Persons riding bicycles on roadways "or any paved shoulder" have the same rights and duties as the driver of a vehicle.

Connecticut—Law provides:

> (a) Every person riding a bicycle, as defined by section 14-286, upon the travelled portion of a highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any vehicle subject to the requirements of the statutes relating to motor vehicles, except as to those provisions which by their nature can have no application and except that each town, city or borough and the state traffic commission within its jurisdiction . . . shall have authority to regulate bicycles. . . .

Georgia—Law provides:

> The provisions of this Title that apply to vehicles, but not exclusively to motor vehicles, shall apply to bicycles except that the penalties prescribed in Code Sections 68A-901(b), 68A-902(a), and 68A-903(a) shall not apply to persons riding bicycles.

Maryland—Law provides:

> Every person operating a bicycle in a public bicycle area has all the rights granted to and is subject to all the duties required of the driver of a vehicle by this title, including the duties set forth in § 21-504 of this title, except:
>
> (1) As otherwise provided in this subtitle; and
>
> (2) For those provisions of this title that by their very nature cannot apply.

Public bicycle area includes "any street, highway, bicycle path or other facility or area maintained . . . for the use of bicycles." Section 21-504 is a law like UVC § 11-504, and expressly requires bicyclists to avoid colliding with pedestrians.

Massachusetts—Law provides that bicyclists have the right to use all highways except controlled-access highways with posted prohibitions. It also provides that persons operating bicycles are subject to traffic laws and regulations and to special rules for bicyclists.

Minnesota—Law provides:

> Every person operating a bicycle shall have all of the rights and duties applicable to the driver of any other vehicle by this chapter, except in respect to those provisions in this chapter relating expressly to bicycles and in respect to those provisions of this chapter which by their nature cannot reasonably be applied to bicycles.

Missouri—Law provides:

> Every person riding a bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle as provided by chapter 304, RSMo, except as to special regulations in sections 307.180 to

307.193 and except as to those provisions of chapter 304 which by their nature can have no application.

New Jersey—Law provides:

> Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by chapter four of Title 39 of the Revised Statutes and all supplements thereto except as to those provisions thereof which by their nature can have no application.
>
> Regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

New Mexico—Law provides:

> "Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle, except as to the special regulations within Sections 64-3-701 through 64-3-707 NMSA 1953."

North Carolina—The definition of vehicle contains the following:

> For the purposes of this chapter bicycles shall be deemed vehicles and every rider of a bicycle upon a highway shall be subject to the provisions of this chapter applicable to the driver of a vehicle except those which by their nature can have no application.

Ohio—Law requires that persons operating bicycles on roadways shall obey "all traffic rules applicable to vehicles."

Vermont—"Every person riding a bicycle is granted all of the rights and is subject to all of the duties applicable to operators of vehicles, except as to those provisions which by their very nature can have no application."

Puerto Rico—Law provides that the provisions relative to traffic of motor vehicles and their drivers shall cover bicycles and their riders, except those provisions which by their nature are inapplicable.

The laws of the remaining two states, because of their definition of the word "vehicle," have an effect comparable to that of the Code section. South Dakota, like the 1926 Code, specifically includes bicycle in its definition of vehicle. Kentucky does not expressly refer to bicycles, but its definition is sufficiently broad to include them.

Citations

Ala. Code tit. 32, § 32-5-291 (1975).
13 Alaska Adm. Code § 02.390 (1971).
Ariz. Rev. Stat. Ann. § 28-812 (1976).
Ark. Stat. Ann. § 75-424 (1957).
Cal. Vehicle Code § 21200 (Supp. 1979).
Colo. Rev. Stat. Ann. § 42-4-107(1) (1973), as amended by S.B. 69, CCH ASLR 888 (1977).
Conn. Gen. Stat. Ann. § 14-286(a) (Supp. 1978).
Del. Code Ann. tit. 21, § 4193 (1974).
Fla. Stat. § 316.111(1) (1975).
Ga. Code Ann. § 68A-1202 (1975), amended by H.B. 1434, CCH ASLR 2267 (1978).
Hawaii Rev. Stat. § 291C-142 (Supp. 1975).
Idaho Code Ann. § 49-740 (1957).
Ill. Ann. Stat. ch. 95½, § 11-1502 (Supp. 1978).
Ind. Stat. Ann. § 9-4-1-94 (1973).
Iowa Code Ann. § 321.234 (1966).
Kans. Stat. Ann. § 8-1587 (1975).
Ky. Rev. Stat. Ann. § 189.010 (12) (1977).
La. Rev. Stat. Ann. § 32:194 (1963).
Me. Rev. Stat. Ann. tit. 29, § 1961 (1978).
Md. Trans. Code art. 66½, § 21-1202 (1977).
Mass. Ann. Laws ch. 85, § 11B (1975).
Mich. Stat. Ann. § 9.2357 (Supp. 1978).
Minn. Stat. Ann. § 169.222 (Supp. 1978).
Miss. Code Ann. § 63-3-207 (1972).
Mo. Ann. Stat. § 307.188 (Supp. 1979).
Mont. Rev. Codes Ann. § 32-2185 (1961).
Neb. Rev. Stat. § 39-686(1) (1974).
Nev. Rev. Stat. § 484.503 (1975).
N.H. Rev. Stat. Ann. § 250:17 (1977).
N.J. Rev. Stat. § 39:4-14.1 (1973).
N.M. Stat. Ann. § 64-3-702, H.B. 112, CCH ASLR 161, 277 (1978).
N.Y. Vehicle and Traffic Law § 1231 (1960).
N.C. Gen. Stat. § 20-4.01(49) (1975).
N.D. Cent. Code § 39-10-02.1 (Supp. 1979).
Ohio Rev. Code Ann. § 4511.55 (Supp. 1978).
Okla. Stat. Ann. tit. 47, § 11-1202 (1962).
Ore. Rev. Stat. § 487.750 (1977).
Pa. Stat. Ann. tit. 75, § 3501 (1977).
R.I. Gen. Laws Ann. § 31-19-3 (Supp. 1978).
S.C. Code Ann. § 56-5-3420 (1976).
S.D. Comp. Laws § 32-14-1(1) (1967).
Tenn. Code Ann. § 59-873 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 179 (Supp. 1972).
Utah Code Ann. § 41-6-84 (Supp. 1979).
Vt. Stat. Ann. tit. 23, § 1136(c) (Supp. 1978).
Va. Code Ann. § 46.1-171 (1974).
Wash. Rev. Code Ann. § 46.61.755 (Supp. 1966).
W. Va. Code Ann. § 17C-11-2 (1966).
Wis. Stat. Ann. § 346.02(4) (1971).
Wyo. Stat. Ann. § 31-5-702 (1977).
32 D.C. Regs. §§ 11.201 (1974).
P.R. Laws Ann. tit. 9, § 1181 (Supp. 1975).

§ 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 his person in a back pack or sling.

Historical Note

A provision comparable to this section was added to the Code in 1938:

> No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

UVC Act V, § 92 (Rev. ed. 1938); UVC Act V, § 95 (Rev. eds. 1944, 1948, 1952); UVC § 11-1203 (Rev. eds. 1954, 1956, 1962, 1968). The provision was revised into its present form in 1975. UVC § 11-1203 (Supp. II 1976).

Statutory Annotation

Utah duplicates the Code provision.

Two states—Pennsylvania and Rhode Island—have laws which virtually duplicate UVC § 11-1203 as it was revised in 1975. The Pennsylvania law differs by substituting "pedalcycle" for "bicycle," and the Rhode Island provision omits the word "adult."

Thirty-three jurisdictions have provisions in verbatim or substantial conformity with this Code section prior to its revision in 1975:

Alabama	Kansas	New Jersey	Tennessee
Arizona	Louisiana	New Mexico	Texas
Colorado [1]	Maine [3]	New York	Vermont
Delaware	Maryland	North Dakota	Washington
Florida	Michigan [4]	Ohio	West Virginia
Georgia	Nebraska	Oklahoma [5]	Wisconsin
Hawaii [2]	Nevada	Oregon	Wyoming
Idaho	New Hampshire	South Carolina	District of Columbia
Indiana			

1. Colorado adds "or motorized bicycle."
2. Hawaii also prohibits more than one person at a time from riding a bicycle equipped with a motor.
3. Maine adds "or moped."
4. Michigan adds "or motorcycle."
5. Oklahoma has a second law (§ 40-103) applicable to motorcycles and bicycles, which provides: "No driver of a . . . bicycle shall carry any other person on, upon or within such vehicle . . . except as hereinafter provided; provided, however, that if any . . . bicycle shall have either a double seating device with double footrests or a sidecar attachment providing a separate seat space within such sidecar attachment for each person riding therein so that such person shall be seated entirely within the body of said sidecar, then it shall be permissible for an operator who has attained the age of sixteen (16) or older to carry a passenger. A demonstration ride by a licensed dealer or his employee is excepted from the provisions hereof . . . . No driver of a . . . bicycle shall pass other vehicles between lanes of traffic traveling in the same direction . . . ."

Six additional jurisdictions have laws comparable to UVC § 11-1203. These laws are quoted or discussed below:

Alaska—Regulation prohibits bicycle riding by any person other than the operator unless the bicycle is equipped with an extra seat.

California—Law provides:

> No operator shall allow a person riding as a passenger, and no person shall ride as a passenger, on a bicycle upon a highway other than upon or astride a separate seat attached thereto. If the passenger is a minor weighing 40 pounds or less, the seat shall have adequate provision for retaining the minor in place and for protecting the minor from the moving parts of the bicycle.

Connecticut—Law provides:

> No person operating a bicycle, as defined by section 14-286, upon a roadway, path or part of a roadway set aside for exclusive use of bicycles shall carry on such bicycle a passenger unless such bicycle is equipped or designed to carry passengers, provided any person who has attained the age of eighteen years may carry any child while such person is operating a bicycle propelled solely by foot or hand power, provided such child is securely attached to his person by means of a back pack, sling or other similar device. The term "child," as used in this subsection, means any person who has not attained the age of four years.

Massachusetts—Law provides:

> The operator shall not carry another person on said bicycle, except on a baby seat attached to the bicycle, provided that such seat is equipped with a harness to hold the person securely in the seat and that protection is provided against feet of said person hitting the spokes of the wheel of the bicycle.

Minnesota—Law provides:

> No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped, except (a) on a baby seat attached to the bicycle, provided that the baby seat is equipped with a harness to hold the child securely in the seat and that protection is provided against the child's feet hitting the spokes of the wheel or (b) in a seat attached to the bicycle operator.

Puerto Rico—Law prohibits carrying more passengers on a bicycle than the seats it has.

The remaining 10 states do not have laws comparable to UVC § 11-1203:

Arkansas	Kentucky	Montana	South Dakota
Illinois	Mississippi	North Carolina	Virginia
Iowa	Missouri		

Citations

Ala. Code tit. 32, § 32-5-292 (1975).
13 Alaska Adm. Code § 02.395 (1971).
Ariz. Rev. Stat. Ann. § 28-813 (1956).
Cal. Vehicle Code § 21204 (Supp. 1979).
Colo. Rev. Stat. Ann. § 42-4-107(3) amended by S.B. 69 CCH ASLR 888 (1977).
Conn. Gen. Stat. Ann. § 286b(d) (Supp. 1978).
Del. Code Ann. tit. 21, § 4192 (Supp. 1966).
Fla. Stat. §§ 316.111(2), (3) (1971).
Ga. Code Ann. § 68A-1203 (1975).
Hawaii Rev. Stat. § 291C-143 amended by S.B. 1853, CCH ASLR 466 (1976).
Idaho Code Ann. § 49-741 (1957).
Ind. Stat. Ann. § 9-4-1-95 (1973).
Kans. Stat. Ann. § 8-577b (Supp. 1971).
La. Rev. Stat. Ann. § 32:195 (1963).
Me. Rev. Stat. Ann. tit. 29, § 1961 (1978).
Md. Trans. Code § 21-1203 (1977).
Mass. Ann. Laws ch. 85, § 11B (1975).
Mich. Stat. Ann. § 9.2358 (Supp. 1978).
Minn. Stat. Ann. § 169.222(2) (Supp. 1978).
Neb. Rev. Stat. § 39-688(4) (1974).
Nev. Rev Stat. § 484.505 (1975).
N.H. Rev. Stat. Ann. § 250:17-a (1977).
N.J. Rev. Stat. § 39:4-12 (1961).
N.M. Stat. Ann. § 64-3-703(B), H.B. 112, CCH ASLR 161, 278 (1978).
N.Y. Vehicle and Traffic Law § 1232 (1960).
N.D. Cent. Code § 39-10.1-03 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.53 (1965).
Okla. Stat. Ann. tit. 47, § 11-1203 (1962).
Ore. Rev. Stat. § 487.750 (1977).
Pa. Stat. Ann. tit. 75, § 3504 (1977).
R.I. Gen. Laws Ann. § 31-19-4 (Supp. 1978).
S.C. Code Ann. § 56-5-3440 (1976).
Tenn. Code Ann. § 59-874 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 180 (Supp. 1972).
Utah Code Ann. § 41-6-85 (Supp. 1979).
Vt. Stat. Ann. tit. 23, § 1137 (Supp. 1978).
Wash. Rev. Code Ann. § 46.61.760 (Supp. 1966).
W. Va. Code Ann. § 17C-11-3 (1966).
Wis. Stat. Ann. § 346.79 (1958).
Wyo. Stat. Ann. § 31-5-703 (1977).
32 D.C. Regs. § 11.203 (1974).
P.R. Laws Ann. tit. 9, § 1181 (Supp. 1975).

§ 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 to any (streetcar or) vehicle upon a roadway. (REVISED, 1968.)

(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. (NEW SUBSECTION, 1975.)

Historical Note

Subsection (a) was added to the Code in 1938. UVC Act V, § 93 (Rev. ed. 1938); UVC Act V, § 96 (Rev. eds. 1944, 1948, 1952); UVC § 11-1204 (Rev. eds. 1954, 1956, 1962). The reference to streetcars was placed in parentheses in 1968. UVC § 11-1204 ed. 1968).

Subsection (b) was added to the Code in 1975. UVC § 11-1204 (Supp. II 1976).

Statutory Annotation

Subsection (a)

Twenty-nine jurisdictions have provisions in verbatim conformity with this subsection, except as noted:

Alabama	Kansas	New Mexico	Texas
Arizona	Maine [2]	New York [4]	Utah
Colorado	Michigan [3]	North Dakota [5]	Washington
Delaware	Minnesota	Ohio [4]	West Virginia
Florida	Montana	Oklahoma	Wyoming
Georgia	Nebraska	Rhode Island	District of Columbia
Hawaii	Nevada	South Carolina	
Idaho	New Jersey [4]		

1. Colorado includes riders of motorized bicycles.
2. Maine includes riders of mopeds.
3. Michigan includes riders of mopeds and motorcycles.
4. The New Jersey, New York and Ohio laws also provide that the operator of any vehicle shall not knowingly permit such attachment. New York also prohibits any person from riding or attaching himself to the outside of any vehicle.
5. North Dakota adds an exception for sleds pulled by a snowmobile.

Eight states (Connecticut, Indiana, Maryland, Oregon, Pennsylvania, Tennessee, Vermont and Virginia) have laws which conform substantially to the Code. Six of these differ in their listing of play vehicles to which the provision applies: Connecticut includes skateboards and Pennsylvania refers to "pedalcycle" instead of bicycle, adds motorcycle, and omits coaster or toy vehicle. Pennsylvania does, however, include a category of "any similar vehicles." Both the Connecticut and Pennsylvania laws also provide that the operator of a vehicle shall not knowingly allow such attachment, and this prohibition extends to the vehicle "owner." The Indiana law does not refer to "sled." The Virginia law does not expressly refer to "coaster" or "sled" but it does apply to "other devices on wheels or runners." The Tennessee and Vermont laws do not refer to "coaster." Vermont also prohibits the person from attaching "himself," includes wagons, and any such toy vehicle that the person will ride. Maryland adds a reference to play vehicles and a sentence providing the section does not apply to "log skids, drags or farm sleds used in agricultural or forestry practices."

Three states have provisions which apply to bicycles only, and also differ from the Code provision in the following respects: The Louisiana law prohibits attaching to "any vehicle upon a highway." The Massachusetts law provides that the operator of a bicycle shall not "permit it to be drawn by any other moving vehicle." Wisconsin has a second provision aimed at the operator of the vehicle which prohibits towing upon a highway any "toboggan, sled, skis, bicycle, skates, or toy vehicle bearing any person."

Alaska prohibits any person from attaching himself or a conveyance upon which he may ride or be towed to a vehicle for the purpose of being towed.

California prohibits driving a motor vehicle knowing that a person on a bicycle, coaster, skates, sled, skis or toy vehicle is being towed by it.

Puerto Rico prohibits a person riding a bicycle, similar vehicle or toy vehicle from hanging onto or joining another vehicle on a public highway.

Missouri has a provision which differs substantially from the Code section:

> No person shall, *without the permission of the owner or person in charge thereof*, climb upon or into, or swing upon any motor vehicle or trailer, whether the same is in motion or at rest, or sound the horn or other sound-producing device thereon, or attempt to manipulate any of the levers, starting device, brakes, or machinery thereof, or set the machinery in motion, or hold to such vehicle while riding a bicycle or other vehicle. (Emphasis added.)

The remaining eight states do not have provisions comparable to UVC § 11-1204 (a):

Arkansas	Iowa	Mississippi	North Carolina
Illinois	Kentucky	New Hampshire	South Dakota

Subsection (b)

Two states—Rhode Island and Utah—have laws in verbatim conformity with this subsection.

Connecticut provides that any person operating a bicycle solely by foot or hand power may attach a bicycle trailer or semitrailer thereto, provided such trailer or semitrailer is designed for such attachment.

Massachusetts provides that bicycle trailers properly attached to the bicycle which allow for firm control and braking may be used.

Pennsylvania allows attaching a trailer or semitrailer to a pedalcycle.

The remaining jurisdictions do not have laws comparable to UVC § 11-1204 (b).

Citations

Ala. Code tit. 32, § 32-5-293 (1975).
13 Alaska Adm. Code § 02.535(h) (1971).
Ariz. Rev. Stat. Ann. § 28-814 (1956).
Cal. Vehicle Code § 21712(e) (Supp. 1979).
Colo. Rev. Stat. Ann. § 42-4-107 (1973), as amended by S.B. 69, CCH ASLR 888 (1977).
Conn. Gen. Stat. Ann. § 14-286b (Supp. 1978).
Del. Code Ann. tit. 21, § 4193 (Supp. 1966).
Fla. Stat. § 316.111(4) (1971).
Ga. Code Ann. § 68A-1204 (1975).
Hawaii Rev. Stat. § 291C-144 (Supp. 1971).
Idaho Code Ann. § 49-742 (1957).
Ind. Stat. Ann. § 9-4-1-96 (1973).
Kans. Stat. Ann. § 8-1589 (1975).
La. Rev. Stat. Ann. § 32:196 (1963).
Me. Rev. Stat. Ann. tit. 29, § 1961 (1978).
Md. Trans. Code § 21-1204 (1977).
Mass. Ann. Laws ch. 85, § 11B (1975).
Mich. Stat. Ann. § 9.2359 (Supp. 1978).
Minn. Stat. Ann. § 169.221(3) (Supp. 1978).
Mo. Ann. Stat. § 560.175 (1953).
Mont. Rev. Codes Ann. § 32-2187 (1961).
Neb. Rev. Stat. § 39-689 (1974).
Nev. Rev. Stat. § 484.507 (1975).
N.J. Rev. Stat. § 39:4-14 (1961).
N.M. Stat. Ann. § 64-19-4 (1960).
N.Y. Vehicle and Traffic Law § 1233 (1970).
N.D. Cent. Code § 39-10.1-04 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.54 (1965).
Okla. Stat. Ann. tit. 47, § 11-1204 (1962).
Ore. Rev. Stat. § 487.795 (1977).
Pa. Stat. Ann. tit. 75, § 3711 (1977).
R.I. Gen. Laws Ann. § 31-19-5 (Supp. 1978).
S.C. Code Ann. § 56-5-3450 (1976).
Tenn. Code Ann. § 59-875 (1968).
Tex. Rev. Civ. Stat. art. 6701d, § 181 (Supp. 1972).
Utah Code Ann. § 41-6-86 (Supp. 1979).
Vt. Stat. Ann. tit. 23, § 1138 (Supp. 1978).
Va. Code Ann. § 46.1-235(b) (1967).
Wash. Rev. Code Ann. § 46.61.765 (Supp. 1966).
W. Va. Code Ann. § 17C-11-4 (1966).
Wis. Stat. Ann. §§ 346.79(4), .94(11) (1971).
Wyo. Stat. Ann. § 31-5-121 (1977).
32 D.C. Regs. § 11.601 (1974).
P.R. Laws Ann. tit. 9, § 1181 (Supp. 1975).

§ 11-1205—Riding on Roadways and Bicycle Paths

(a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use if 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.

(c) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

Historical Note

Subsection (b) was added to the Code in 1938 and revised by adding the second sentence in 1975. Subsections (a) and (c) were added in 1944. UVC Act V, § 94 (Rev. ed. 1938); UVC Act V, § 97 (Rev. eds. 1944, 1948, 1952); UVC § 11-1205 (Rev. eds. 1954, 1956, 1962, 1968, Supp. II 1976).

Statutory Annotation

Subsection (a)

Thirty-two states have provisions in verbatim or substantial conformity with this Code provision:

Alabama	Idaho	Nevada	South Carolina
Alaska	Illinois	New Jersey	Tennessee
Arizona	Kansas	New Hampshire	Texas
Colorado [1]	Louisiana	New Mexico	Utah
Connecticut	Michigan [2]	North Dakota	Vermont
Delaware	Missouri [3]	Ohio [4]	Virginia [5]
Florida	Montana	Oklahoma	West Virginia
Georgia	Nebraska	Rhode Island	Wyoming

1. The Colorado law also applies to operators of motorized bicycles.
2. The Michigan law also applies to operators of mopeds.
3. Missouri substitutes "street or highway" for the Code's first "roadway."
4. Ohio adds a clause requiring bicyclists to obey all rules "applicable to vehicles."
5. Virginia changes "roadway" to "highway" in both instances.

Twelve additional jurisdictions have laws in varying degrees of conformity with this Code provision, as quoted or discussed below.

California—Law provides:

> (a) Any person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction at such time 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, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes) that make it unsafe to continue along the right-hand curb or edge, subject to the provisions of Section 21656. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.
>
> (b) Any person operating a bicycle upon a roadway of a highway, which highway carries traffic in one direction only and has two or more marked traffic lanes, may ride as near the left-hand curb or edge of such roadway as practicable.

Hawaii—Law provides:

> (a) Every person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction

at such time shall ride as near to the right-hand curb or edge of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction; except under any of the following situations:

(1) When preparing for a left turn at an intersection or into a private road or driveway, except where prohibited by official traffic control devices:

(2) When reasonably necessary to avoid conditions (including, but not limited to, fixed or moving objects, 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 vehicle to travel safely side by side within the lane; or

(3) When a roadway is designated and sign-posted to carry traffic in one direction only and has two or more marked traffic lanes, a person operating a bicycle may ride as near to the left-hand curb or edge of such roadway as practicable.

Maine—The law requires every person propelling a bicycle "or a moped" to ride as far as practicable to the right side of the roadway except when making a left turn. Municipalities may, by ordinance and with the approval of the Department of Public Safety and the Department of Transportation, make other provisions for the location of bicycle or moped traffic.

Maryland—Law provides:

Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, except when making or attempting to make a left-hand turn, operating on a one-way street, or when passing a stopped or slower-moving vehicle, exercising due care when passing a vehicle.

Massachusetts—A law applicable only to "motorized bicycles" provides they may keep to the right when passing a motor vehicle which is moving in the travel lane of the way and the operator must signal by either hand his intention to stop or turn.

Minnesota—Law provides:

(a) Every person operating a bicycle upon a roadway shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

(i) When overtaking and passing another vehicle proceeding in the same direction.

(ii) When preparing for a left turn at an intersection or into a private road or driveway.

(iii) When reasonably necessary to avoid conditions, including fixed or moving objects, vehicles, pedestrians, animals, surface hazards, or narrow-width lanes, that make it unsafe to continue along the right-hand curb or edge.

New York—Law provides:

Where no bicycle lane or bicycle path is provided, every person operating a bicycle upon a highway shall ride either as near to the right side of the roadway as practicable or upon a usable shoulder on the right side of the highway.

Oregon—"A person operating a bicycle upon a roadway shall exercise due care when passing a standing vehicle or one proceeding in the same direction, and except on a one-way roadway within a city, ride as near to the right side of the roadway as practicable. On a one-way roadway within a city, a person operating a bicycle shall ride as near to either the right or the left side of the roadway as practicable."

Pennsylvania—The law virtually duplicates the Code, substituting "pedalcycle" for "bicycle," and then makes an exception for the following provision:

One-way highways.—Any person operating a pedalcycle on a roadway of a highway, which highway carries traffic in one direction only and has two or more marked traffic lanes, may ride as near the left-hand curb or edge of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

Washington—Law provides:

Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable *and may utilize the shoulder of the roadway or any specially designated bicycle lane if such exists*, exercising due care when passing a standing vehicle or one proceeding in the same direction.

Wisconsin—Law provides:

Unless preparing to make a left turn, every person operating a bicycle upon a roadway carrying two-way traffic shall ride as near as practicable to the right edge of the unobstructed traveled roadway, including operators who are riding two abreast. . . . One one-way roadways, the operator of the bicycle shall ride as near as practicable to the right edge or left edge of the unobstructed traveled roadway, including operators who are riding two abreast. . . . Every person operating a bicycle upon a roadway shall exercise due care when passing a standing vehicle or one proceeding in the same direction, allowing a minimum of a 3 feet between the bicycle and the vehicle.

Puerto Rico—Any person riding a bicycle on the roadway must keep as close as possible to the right-hand edge of the highway and exercise due precaution on overtaking and passing a standing vehicle or one which is travelling in the same direction, except in roads or sections of the roadway reserved for the exclusive use of bicycles.

The remaining eight jurisdictions do not have laws comparable to UVC § 11-1205(a).

Subsection (b)

Rhode Island and Utah have laws in verbatim conformity with this subsection, and the Connecticut law differs only by adding "as provided in this subsection" following "abreast" in the second sentence.

Twenty-five states have laws in verbatim or substantial conformity to the 1968 Code provision:

Alabama	Idaho	New Hampshire	Tennessee
Alaska	Indiana	New Mexico	Texas
Arizona	Kansas	North Dakota	Vermont
Colorado [1]	Louisiana	Oklahoma	Washington
Delaware	Michigan [2]	Pennsylvania [3]	West Virginia
Florida	Nevada	South Carolina	Wyoming
Georgia			

1. Colorado refers to "lanes" instead of paths, and the law is also applicable to operators of motorized bicycles.
2. The Michigan law is also applicable to motorcycles and mopeds.
3. Pennsylvania substitutes "pedalcycle" for "bicycle."

Four jurisdictions—Minnesota, Ohio, Oregon and the District of Columbia—allow bicycles to be ridden two abreast on roadways. Minnesota bans riding more than two abreast on roadways and provides that bicyclists must not impede the normal and reasonable movement of traffic, and must ride within a single lane on laned roadways. Ohio bans riding bicycles or motorcycles more than two abreast "in a single lane" except on paths or parts of roadways set aside for their exclusive use. Oregon simply provides that persons operating bicycles upon roadways shall not ride more than two abreast. The District of Columbia regulation bans riding two abreast unless it does not endanger the bicyclist "or unduly impede or obstruct traffic," in conformity with the Code provision.

The comparable provisions of eight jurisdictions require riding single file on roadways:

Hawaii—Law provides:

Persons riding bicycles upon a roadway shall ride in single file; provided that upon bicycle lanes and bicycle paths, riding

two abreast shall be permitted when such lane or path is of sufficient width to allow riding two abreast unless otherwise prohibited by rule or ordinance adopted by the director of transportation or by the counties.

Illinois—Law provides:

Persons riding bicycles upon a roadway shall ride single file except on paths or parts of roadways set aside for the exclusive use of bicycles.

Maryland—Bicycles must be ridden in single file on streets and roadways. In "public bicycle areas" bicycles may be ridden no more than two abreast.

Massachusetts—Law requires bicyclist to ride single file on any way except when passing and except in sponsored and approved races.

New Jersey—Law prohibits riding abreast on a roadway except on paths or parts of roadways set aside for exclusive bicycle use.

Virginia—"Persons riding bicycles upon a highway shall not ride two or more abreast except on paths or parts of highways set aside for the exclusive use of bicycles."

Wisconsin—Law provides:

Persons riding bicycles upon a roadway shall ride single file on all roadways which have center lines or lane lines indicated by painting or other markings and in all unincorporated areas. On roadways not divided by painted or other marked centerlines or lane lines, bicycle operators may ride two abreast in incorporated areas.

Puerto Rico—Law prohibits bicyclists from riding "side by side" or far from the right-side border of the curb or edge of the roadway.

The remaining 12 states do not have laws comparable to UVC § 11-1205(b).

Subsection (c)

Twenty-seven states have laws in verbatim or substantial conformity with UVC § 11-1205(c):

Alabama	Maryland [2]	North Dakota	Vermont
Arizona	Montana	Oklahoma	Virginia
Delaware [1]	Nebraska	Rhode Island	Washington
Florida	Nevada	South Carolina	West Virginia
Idaho	New Hampshire	Tennessee	Wisconsin
Kansas	New Jersey	Texas	Wyoming
Louisiana	New Mexico	Utah	

1. Delaware provides that nothing in a new law authorizing bikeways limits the use of bicycles on existing streets except when use of the bikeway is required by the law duplicating UVC § 11-1205(c).
2. Maryland refers to usable path for bicycles "or paved shoulder."

Eleven additional states have provisions comparable to this Code provision, as quoted or discussed below.

Alaska—Regulation provides:

Where a usable path for a bicycle is provided adjacent to a roadway or when shoulders of the highway are adequate, a bicycle rider shall use the path or shoulder and may not use the roadway.

California—Law provides:

(a) Whenever a bicycle lane has been established on a roadway pursuant to Section 21207, any person operating a bicycle upon the roadway at a speed less than the normal speed of traffic moving in the same direction shall ride within the bicycle lane, except that such person may move out of the lane under any of the following situations:

(1) When overtaking and passing another bicycle, vehicle, or pedestrian within the lane or about to enter the lane if such overtaking and passing cannot be done safely within the lane.

(2) When preparing for a left turn at an intersection or into a private road or driveway.

(3) When reasonably necessary to leave the bicycle lane to avoid debris or other hazardous conditions.

(b) No person operating a bicycle shall leave a bicycle lane until the movement can be made with reasonable safety and then only after giving an appropriate signal in the manner provided in Chapter 6 (commencing with Section 22100) in the event that any vehicle may be affected by the movement.

Colorado—Law authorizes banning bicycles from heavily traveled streets and highways where suitable bike paths have been provided. A traffic and engineering investigation and signs are required.

Georgia—Requires use of an adjacent path or "sidewalk designated for use of bicycle riders."

Hawaii—Law provides:

(c) Whenever a usable bicycle lane has been provided on a highway, any person operating a bicycle at a speed less than the normal speed of traffic moving in the same direction at such time shall ride within such bicycle lane, except that such person may move out of the lane under any of the following situations:

(1) When overtaking and passing another bicycle, vehicle, or pedestrian within the lane or about to enter the lane if such overtaking and passing cannot be done safely within the lane;

(2) When preparing for a left turn at an intersection or into a private road or driveway; or

(3) When reasonably necessary to leave the bicycle lane to avoid debris or other hazardous conditions.

Illinois—Law refers to "a usable path or surface" and requires use of the path or surface only if it has been designated by official traffic-control devices.

Michigan—Law differs from the Code by requiring the path to be usable "and designated."

Missouri—Law provides:

Wherever a usable path for bicycles practical for sustained riding for transportation purposes has been officially designated adjacent to a street or highway, bicycle riders shall use such path and shall not use the street or highway.

New York—Law provides:

Whenever a usable path, lane or shoulder for bicycles has been provided on or adjacent to a roadway, bicycle riders shall use such path, lane or shoulder and shall not use the roadway or a portion of the roadway not laned for bicycles.

Oregon—Law provides:

When a bicycle lane adjacent to a roadway or a bicycle path adjacent to or near a roadway has been provided, bicycle riders shall use that lane or path and shall not use the roadway if the state or local authority having jurisdiction over the roadway, after a public hearing, finds that the lane or path is suitable for safe bicycle use at reasonable rates of speed.

Pennsylvania—Law is virtually identical to the Code provision, substituting "pedalcycle" for "bicycle." A second sentence adds that the law does not apply when use of the pedalcycle lane or path is not possible, safe or reasonable.

The remaining 13 jurisdictions do not have laws comparable to UVC § 11-1205(c):

Arkansas	Kentucky	Mississippi	South Dakota
Connecticut	Maine	North Carolina	District of Columbia
Indiana	Massachusetts	Ohio	
Iowa	Minnesota		

Citations

Ala. Code tit. 32, § 32-5-294 (1975).
13 Alaska Adm. Code § 02.400 (1971).
Ariz. Rev. Stat. Ann. § 28-815 (1956).
Cal. Vehicle Code §§ 21202, 21208 (Supp. 1979).
Colo. Rev. Stat. Ann. § 42-4-107 (1973), as amended by S.B. 69, CCH ASLR 889 (1977).
Conn. Gen. Stat. Ann. § 14-286b (Supp. 1978).
Del. Code Ann. tit. 21, § 4196 (1974).
Fla. Stat. §§ 316.111(5) to (7) (1971).
Ga. Code Ann. § 68A-1205 (1975).
Hawaii Rev. Stat. § 291C-145 (Supp. 1977), amended by H.B. 2593, CCH ASLR 64 (1978).
Idaho Code Ann. § 49-743 (1957).
Ill. Ann. Stat. ch. 95½, § 11-1505 (Supp. 1978).
Ind. Stat. Ann. § 9-4-1-97 (1973).
Kans. Stat. Ann. § 8-1590 (1975).
La. Rev. Stat. Ann. § 32:197 (1963).
Me. Rev. Stat. Ann. tit. 29, § 1961 (1978).
Md. Trans. Code § 21-1205 (1977).
Mass. Ann. Laws ch. 85, § 11B (Supp. 1977).
Mich. Stat. Ann. § 9-2360 (Supp. 1978).
Minn. Stat. Ann. § 169.222(4) (Supp. 1978).
Mo. Ann. Stat. § 307.190 (Supp. 1979).
Mont. Rev. Codes Ann. § 32-2188 (1961, Supp. 1977).
Neb. Rev. Stat. § 39-690 (1974).
Nev. Rev. Stat. § 484.509 (1975).
N.H. Rev. Stat. Ann. § 250:17a (1977).
N.J. Rev. Stat. § 39:4-14.2 (1973).
N.M. Stat. Ann. § 64-3-705, H.B. 112, CCH ASLR 161, 278 (1978).
N.Y. Vehicle and Traffic Law § 1234 (Supp. 1978).
N.D. Cent. Code § 39-10.1-05 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.55 (Supp. 1977).
Okla. Stat. Ann. tit. 47, § 11-1205 (1962).
Ore. Rev. Stat. § 487.765 (1977).
Pa. Stat. Ann. tit. 75, § 3505 (1977).
R.I. Gen. Laws Ann. §§ 31-19-6, -7, -8 (Supp. 1978).
S.C. Code Ann. § 56-5-3430 (1976).
Tenn. Code Ann. § 59-876 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 182 (Supp. 1972).
Utah Code Ann. § 41-6-87 (Supp. 1979).
Vt. Stat. Ann. tit. 23, § 1139 (Supp. 1978).
Va. Code Ann. § 46.1-229.1 (1974).
Wash. Rev. Code Ann. § 46.61.770 (Supp. 1977).
W. Va. Code Ann. § 17C-11-5 (1966).
Wis. Stat. Ann. § 346.80 (Supp. 1979).
Wyo. Stat. Ann. § 31-5-704 (1977).
32 D.C. Regs. § 11-203(f) (1974).
P.R. Laws Ann. tit. 9, § 1181 (Supp. 1975).

§ 11-1206—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.

Historical Note

This provision was added to the Code in 1938. It was addressed to any person "riding" a bicycle and required both hands to be free for the handlebars:

> No person riding a bicycle shall carry any package, bundle, or article which prevents the rider from keeping both hands upon the handlebars.

UVC Act V, § 95 (Rev. ed. 1938).

In 1944, the section was amended to require a person "operating" a bicycle to "keep at least one hand" on the handlebars.

> No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars.

UVC Act V, § 98 (Rev. eds. 1944, 1948, 1952); UVC § 11-1206 (Rev. eds. 1954, 1956, 1962, 1968).

The section was amended to its present form in 1975 to require cyclists to have one hand on the handlebars and to prohibit carrying articles which prevent using both hands to operate the bicycle.

UVC § 11-1206 (Supp. II 1976).

Statutory Annotation

One state, Rhode Island, duplicates UVC § 11-1206 as it was revised in 1975, and Connecticut has a similar provision.

Like the Code, five states—Florida, Louisiana, Massachusetts, Nebraska and New Jersey—require one hand on the handlebars at all times. In addition, Massachusetts prohibits bicyclists from carrying any package, bundle or article except in a basket, rack, trailer or other device designed for that purpose. Nebraska also bans removing one's feet from the pedals.

Three states—Indiana, Maryland and Michigan—ban carrying articles which prevent keeping both hands on the handlebars. The Michigan provision is applicable to "bicycles, mopeds and motorcycles."

Thirty jurisdictions have provisions in verbatim or near verbatim conformity with the 1968 Code provision:

Alabama	Kansas	Ohio	Vermont
Alaska	Minnesota [2]	Oklahoma	Washington
Arizona	Montana	Oregon [3]	West Virginia
California [1]	Nevada	Pennsylvania [4]	Wisconsin [1]
Delaware	New Hampshire	South Carolina	Wyoming
Georgia	New Mexico	Tennessee	District of Columbia
Hawaii	New York	Texas	
Idaho	North Dakota	Utah	

1. California and Wisconsin refer to "operator" rather than "driver."
2. Minnesota adds "or from properly operating the brakes of the bicycle."
3. The Oregon provision adds "and having full control at all times."
4. Pennsylvania refers to "pedalcycle" instead of "bicycle."

Puerto Rico prohibits carrying packages or objects projecting beyond the ends of the handlebars on the front and rear ends of the bicycle, and which hamper the rider from keeping at least one hand on the handlebars.

The remaining 11 states do not have provisions comparable to UVC § 11-1206.

Citations

Ala. Code tit. 32, § 32-5-295 (1975).
13 Alaska Adm. Code § 02.405 (1971).
Ariz. Rev. Stat. Ann. § 28-816 (1956).
Cal. Vehicle Code § 21205 (Supp. 1966).
Conn. Gen. Stat. Ann. § 286(b) (Supp. 1978).
Del. Code Ann. tit. 21, § 4195 (Supp. 1966).
Fla. Stat. § 316.111(8) (1971).
Ga. Code Ann. § 68A-1206 (1975).
Hawaii Rev. Stat. § 291C-146 (Supp. 1971).
Idaho Code Ann. § 49-744 (1957).
Ind. Stat. Ann. § 9-4-1-98 (1973).
Kans. Stat. Ann. § 8-1591 (1975).
La. Rev. Stat. Ann. § 32:195c (1963).
Md. Trans. Code § 21-1206 (1977).
Mass. Ann. Laws ch. 85, § 11B (1975).
Mich. Stat. Ann. § 9.2361 (Supp. 1978).
Minn. Stat. Ann. § 169.222(5) (Supp. 1978).
Mont. Rev. Codes Ann. § 32-2189 (1961).
Neb. Rev. Stat. §§ 39-688(2), (3) (1974).
Nev. Rev. Stat. § 484.511 (1975).
N.H. Rev. Stat. Ann. § 250:17a (1977).
N.J. Rev. Stat. § 39:4-12 (1961).
N.M. Stat. Ann. § 64-3-706, H.B. 112, CCH ASLR 161, 278 (1978).
N.Y. Vehicle and Traffic Law § 1235 (1960).
N.D. Cent. Code § 39-10.1-06 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.53 (Supp. 1978).
Okla. Stat. Ann. tit. 47, § 11-1206 (1962).
Ore. Rev. Stat. § 487.760 (1977).
Pa. Stat. Ann. tit. 75, § 3506 (1977).
R.I. Gen. Laws Ann. § 31-19-9 (Supp. 1978).
S.C. Code Ann. § 56-5-3460 (1976).
Tenn. Code Ann. § 59-877 (1955).
Tex. Rev. Civ. Stat. art. 6701d, § 183 (Supp. 1972).
Utah Code Ann. § 41-6-88 (Supp. 1977).
Vt. Stat. Ann. tit. 23, § 1140 (Supp. 1978).
Wash. Rev. Code Ann. § 46.61.775 (Supp. 1966).
W.Va. Code Ann. § 17C-11-6 (1966).
Wis. Stat. Ann. § 346.79(3) (1958).
Wyo. Stat. Ann. § 31-5-705 (1977).
32 D.C. Regs. § 11.203(d) (1974).
P.R. Laws Ann. tit. 9, § 1181 (Supp. 1975).

§ 11-1207—Left Turns

(a) A person riding a bicycle intending to turn left shall follow a course described in § 11-601 or in subsection (b).

(b) A person riding a bicycle 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, the turn shall be made as close as practicable to the curb or edge of the roadway on the far side of the intersection. After turning, the bicyclist shall comply with any official traffic control device or police officer regulating traffic on the highway along which he intends to proceed.

(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, and when such devices are so placed, no person shall turn a bicycle other than as directed and required by such devices. (NEW SECTION, 1975.)

Historical Note

This section was added to the Uniform Vehicle Code to give cyclists an additional way to make a left turn unless a traffic control device indicates a specific course for cyclists to follow..

Statutory Annotation

Rhode Island and Utah have laws similar to the Code section, and Connecticut has a law which provides as follows:

> Each person riding a bicycle upon the travelled portion of a highway and intending to make a left turn after proceeding pursuant to the provisions of section 14-244 of the general statutes or subsection (b) of this section, may in lieu of the procedure prescribed by section 14-241 of the general statutes, approach as close as practicable to the right-hand curb or edge of the highway, proceed across the intersecting roadway and make such turn as close as practicable to the curb or edge of the highway on the far side of the intersection, provided such procedure is not prohibited by any regulation issued by any town, city, borough or the state traffic commission.

In all other states, a cyclist must follow the course specified in UVC § 11-601 unless a different course is indicated by a sign.

Michigan requires drivers of vehicles *and bicycles* to make certain it is safe to turn from a direct line.

Rhode Island adopted a law patterned after this section. As in the Code, it requires cyclists to follow the course that is specified in a sign. If there is no special sign, a cyclist may follow the rule in UVC § 11-601(b) or the one specified in this section. Unlike the Code, the Rhode Island law does not require a cyclist turning left from the right edge to do so at the far side of the intersection. It also requires cyclists turning from the right edge to yield to traffic approaching on the roadway he is leaving. Like the Code, the law requires the cyclist to obey any signal or official controlling traffic on the roadway to be entered.

Citations

Conn. Gen. Stat. Ann. § 14-286(c) (Supp. 1978).
Mich. Stat. Ann. § 9.2348 (Supp. 1978).
R.I. Gen. Laws Ann. § 31-19-15 (Supp. 1979).
Utah Code Ann. § 41-6-87.5 (Supp. 1979).

§ 11-1208—Turn and Stop Signals

(a) Except as provided in this section, a person riding a bicycle shall comply with § 11-604.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the bicycle before turning, and shall be given while the bicycle is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle. (NEW SECTION, 1975.)

Historical Note

This section was added to the Code in 1975 to reduce the duration of a signal because of the need of a cyclist to use both hands in slowing and turning his bicycle.

Statutory Annotation

Rhode Island and Utah have this Code section, and Minnesota has a law in substantial conformity. California and Massachusetts allow cyclists to give signals with either hand but do not indicate the duration of the signal. Connecticut provides that "No person operating a bicycle upon the travelled portion of a highway and intending to make a right or left turn shall be required when making a signal of such intention to make such signal continuously." Though other states do not have laws dealing specifically with signals by cyclists, § 11-604(b), *supra*, should be consulted to determine how long all drivers must signal before turning.

California allows bicyclists to signal a right turn either by extending the hand and arm upward from the left side of the vehicle or by extending the right arm horizontally to the right side of the bicycle.

Citations

Cal. Vehicle Code § 22111 (Supp. 1979).
Conn. Gen. Stat. Ann. § 286(c) (Supp. 1978).
Minn. Stat. Ann. § 169.222(8) (Supp. 1978).
R.I. Gen. Laws Ann. § 31-19-14 (Supp. 1979).
Utah Code Ann. § 41-6-87.7 (Supp. 1979).

§ 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. (NEW SECTION, 1975.)

Historical Note

This section was added to the Uniform Vehicle Code in 1975. Prior to 1975, the Model Traffic Ordinance had a section which read as follows:

> **§ 12-14—Riding on sidewalks**
>
> (a) No person shall ride a bicycle upon a sidewalk within a business district.
>
> (b) The (chief of police) is authorized to erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person and when such signs are in place no person shall disobey the same.
>
> ALTERNATE (b). No person (15) or more years of age shall ride a bicycle upon any sidewalk in any district.
>
> (c) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

Statutory Annotation

Subsection (a)

Eleven jurisdictions have laws comparable to subsection (a) requiring cyclists on sidewalks to yield to pedestrians and to give an audible warning:

Connecticut Michigan Pennsylvania Wisconsin

Delaware	Minnesota [1]	Rhode Island	District of
Massachusetts	Oregon	Utah	Columbia

1. Adds "when necessary."

Subsection (b)

Utah duplicates the Code.

Connecticut has a law in substantial conformity with subsection (b). Bicycles are not to be operated in the areas listed in the Code provision, "when prohibited by any ordinance of any city, town or borough or by any regulation of the state traffic commission."

Five jurisdictions—Delaware, Massachusetts, Minnesota, Pennsylvania and the District of Columbia—have provisions which ban riding on sidewalks in the central business district and elsewhere if signs are posted.

Rhode Island allows "vehicles operated by human power" upon and along sidewalks, and across roadways and along sidewalks, unless prohibited by traffic control devices or signs.

Puerto Rico prohibits riding bicycles on sidewalks or overhead structures designed for the exclusive use of pedestrians.

Subsection (c)

Two states, Rhode Island and Utah, have laws in verbatim conformity with this Code provision.

Connecticut and Minnesota have comparable provisions. The Connecticut law is applicable to every person operating a bicycle solely by hand or foot power, and the Minnesota law is applicable to persons lawfully operating bicycles.

Citations

Conn. Gen. Stat. Ann. §§ 14-286, -286(a) (Supp. 1978).
Del. Code Ann. tit. 21, § 4136 (Supp. 1978).
Mass. Ann. Laws ch. 85, § 11B (1975).
Mich. Stat. Ann. § 9.2360 (Supp. 1978).
Minn. Stat. Ann. § 169.222(4)(c) (Supp. 1978).
Ore. Rev. Stat. § 487.785 (1977).
Pa. Stat. Ann. tit. 75, § 3508 (1977).
R.I. Gen. Laws Ann. §§ 31-19-11, -12 (Supp. 1978).
Utah Code Ann. § 41-6-87.3 (Supp. 1979).
Wis. Stat. Ann. § 346.804 (Supp. 1978).
32 D.C. Regs. § 11-203(h) (1974).
P.R. Laws Ann. tit. 9, § 1181 (Supp. 1975).

§ 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 10 regulating the parking of vehicles. (NEW SECTION, 1975.)

Historical Note

This section was added to the Code in 1975.

Statutory Annotation

Utah duplicates this Code section.

Pennsylvania and Rhode Island have laws which virtually duplicate UVC 11-1210. The Pennsylvania law differs by substituting "pedalcycle" for "bicycle," and the Rhode Island provision comparable to subsection (b) requires that bicycles parked on sidewalks not unduly impede pedestrian or other traffic.

Five additional jurisdictions have provisions comparable to this Code section: California prohibits leaving or parking a bicycle so there is not an adequate path for pedestrian traffic, and local authorities can prohibit bicycle parking by sign. Maryland allows securing a bicycle to a parking meter. Parking is prohibited where pedestrians would be obstructed and where indicated by signs. Massachusetts requires parking on a way or sidewalk so as not to obstruct vehicular or pedestrian traffic. Minnesota allows bicycle parking on roadways at any location where parking is allowed if the bicycle does not obstruct the movement of legally parked motor vehicles. Bicycles may be parked on sidewalks unless prohibited or restricted by local authorities. Bicycles parked on sidewalks must not impede the normal and reasonable movement of pedestrian or other traffic. The District of Columbia allows securing a bicycle to stanchions and certain trees (so long as traffic and pedestrians are not obstructed or unduly impeded), parking in the roadway, against the curb, but bans parking on sidewalks except in racks, against a building or at the curb in a manner that will obstruct pedestrians as little as possible.

Citations

Cal. Vehicle Code § 21210 (Supp. 1979).
Md. Trans. Code § 21-1208 (1977).
Mass. Ann. Laws ch. 85, § 11B (1975).
Minn. Stat. Ann. § 169.222(9) (Supp. 1979).
Pa. Stat. Ann. tit. 75, § 3509 (1977).
R.I. Gen. Laws Ann. § 31-19-13 (Supp. 1978).
Utah Code Ann. § 41-6-87.4 (Supp. 1979).
32 D.C. Regs. § 11-503 (1974).

§ 11-1211—Bicycle Racing

(a) Bicycle racing on the highways is prohibited by § 11-808 except as authorized in this section.

(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.

(c) 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. (NEW SECTION, 1975.)

Historical Note

This section was added to provide an exception from the racing ban in UVC § 11-808 for bicycles.

Statutory Annotation

Two states, Rhode Island and Utah, have laws in verbatim conformity with UVC § 11-1211.

Minnesota has a law patterned after the Code provision which is applicable to "bicycle events, parades, contests, or racing on a highway, and provides as follows:

> (a) Bicycle events, parades, contests, or racing on a highway shall not be unlawful when approved by state or local authorities

having jurisdiction over that highway. Approval shall be granted only under conditions which assure reasonable safety for all participants, spectators and other highway users, and which prevent unreasonable interference with traffic flow which would seriously inconvenience other highway users.

(b) By agreement with the approving authority, participants in an approved bicycle highway 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.

Six additional states have laws comparable to UVC § 11-1211, as follows:

Massachusetts—The law provides as follows:

Competitive bicycle races may be held on public ways, provided that such races are sponsored by or in cooperation with recognized bicycle organizations and, provided further, that the sponsoring organization shall have obtained the approval of the appropriate police department or departments. Special regulations regarding the movement of bicycles during such races, or in training for races, including, but not limited to, permission to ride abreast, may be established by agreement between the police department and the sponsoring organization.

New Hampshire—A mayor may issue a permit allowing a person to ride a bicycle at any rate of speed for a period of one day. In 1975, New Hampshire adopted another law which provides:

Competitive Bicycle Races. No person shall conduct or participate in any competitive bicycle race on any class I or class III highway or on the state maintained part of a class II highway, unless such race is sponsored by a national, state or municipal bicycle organization and the sponsor of such race has obtained, prior to such race, the written approval of the state police and the police department of each city, town or place in which such race is to be held. Any person who violates this section shall be guilty of a violation.

New York—The law prohibits promotion of, or participation in, an exhibition in which a person competes continuously for more than eight hours in a bicycle race.

Oregon—Bicycle racing is permitted on any highway with approval of, and under conditions imposed by, the department or local authority having jurisdiction over the highway.

Texas—Added the following to its law comparable to UVC § 11-1202:

However, organized, competitive bicycle races may be held on public roads, provided that the sponsoring organization shall have obtained the approval of the appropriate local law enforcement agencies. The sponsoring organization and the local law enforcement agency may establish by agreement special regulations regarding the movement of bicycles during such races, or in training for races, including, but not limited to, permission to ride abreast and other regulations to facilitate the safe conduct of such races or training for races. "Bicycle" as used herein means a nonmotorized vehicle propelled by human power.

Wisconsin—Bicycle races or contests which do not last more than 150 hours are exempted from the general ban on endurance contests.

Citations

Mass. Ann. Laws ch. 85 § 11B (1975).
Minn. Stat. Ann. § 169.222(10) (Supp. 1978).
N.H. Rev. Stat. § 250:17-b (1977).
N.Y. Penal Law § 245.05 (1967, Supp. 1973).
Ore. Rev. Stat. § 487.790 (1977).
R.I. Gen. Laws Ann. § 31-19-18 (Supp. 1978).
Tex. Rev. Civ. Stat. art. 6701d, § 179 (1977).
Utah Code Ann. § 41-6-87.9 (Supp. 1979).
Wis. Stat. Ann. § 175.15 (1957).

ARTICLE XIII—SPECIAL RULES FOR MOTORCYCLES (NEW, 1968.)

Prefatory Note

Recognizing the increasing number and popularity of motorcycles, the National Committee in 1968 reviewed existing rules of the road, and a substantial number of recently-enacted state laws, in the interest of formulating such special or supplementary provision as might be necessary to foster the safe operation of motorcycles and to provide a basis for uniformity in such rules. The result was the addition to the Uniform Vehicle Code of §§ 11-1301 to 11-1306, containing provisions primarily designed to protect persons riding on 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 act, except as to special regulations in this article and except as to those provisions of this act which by their nature can have no application. (New, 1968.)

Historical Note

A person operating a motorcycle has the same rights and duties as the driver of any other vehicle. Though perhaps not absolutely essential from a technical viewpoint, this new section will serve to impress drivers of other motor vehicles with the fact that motorcyclists have equal rights and to impress motorcyclists with the fact that they must obey all rules of the road.

This general rule has two exceptions: Adherence to rules that cannot be applied to motorcycles is not required; and motorcycle operators are required to comply with special provisions applicable to motorcycles instead of or in addition to other rules that are superseded, modified or supplemented by the special motorcycle provisions.

Statutory Annotation

Eleven states have laws which duplicate or nearly duplicate this provision:

Colorado	Hawaii	Nebraska	Pennsylvania
Florida	Kansas	New York	Tennessee
Georgia	Maryland	North Dakota	

Five states have laws that are clearly in substantial conformity:

Indiana	Minnesota	South Carolina
Iowa	Montana	

Nevada provides that motorcycle and moped drivers are entitled to all rights and are subject to all duties applicable to drivers of *motor* vehicles. There is no express exception stated for special motorcycle rules.

Citations

Colo. Rev. Stat. § 42-4-1301 (1973).
Fla. Stat. § 316.208 (Supp. 1979).
Ga. Code § 68A-1301 (1975).
Hawaii Rev. Stat. § 291C-151 (Supp. 1975).
Ind. Ann. Stat. § 9-8-9-2(g) (1973).
Iowa Code Ann. § 321.275 (Supp. 1978).
Kans. Stat. Ann. § 8-1593 (1975).
Md. Trans. Code § 21-1301 (1977).
Minn. Stat. Ann. §§ 169.974(3)(c), (5)(g) (Supp. 1979).
Mont. Rev. Code Ann. § 32-21-105(8) (Supp. 1977).
Neb. Rev. Stat. § 39-692 (1974).
Nev. Rev. Stat. § 486.331 (1965).
N.Y. Vehicle and Traffic Law § 1250 (Supp. 1978).
N.D. Cent. Code § 39-10.2-01 (Supp. 1977).
Pa. Stat. Ann. tit. 75, § 3521 (1977).
S.C. Code § 56-5-3610 (1976).
Tenn. Code Ann. § 59-882 (Supp. 1978).

§ 11-1302—Riding on Motorcycles

(a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator. (Formerly § 11-1103; Revised, 1968.)

Historical Note

This section was added to the Code in 1948. From 1948 until 1968, it read as follows:

> 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 rear or side of two persons, or upon another seat firmly attached to the rear or side of the operator.

UVC Act V, § 1114.6 (Rev. eds. 1948, 1952); UVC § 11-1103 (Rev. eds. 1954, 1956, 1962).

In 1968, it was repositioned, renumbered, and revised as follows:

> § 11-1302[11-1103]—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.

Statutory Annotation

In terms applicable to operators and passengers of motorcycles, this provision is designed to prohibit carrying more persons than the vehicle is designed and equipped to carry. In addition, the operator and any passenger must each ride upon a permanent and regular seat. The 1968 change toward the end of the subsection is grammatical, not substantive.

Except as noted, the following 33 jurisdictions are in verbatim conformity with the Code:

Alaska	Iowa	New Mexico [7]	Texas
Arizona	Kansas [4]	New York	Utah [9]
Colorado	Louisiana [5]	North Dakota	Vermont [10]
Connecticut [1]	Maine [6]	Pennsylvania [8]	Virginia [11]
Delaware	Massachusetts	Rhode Island	Washington
Florida [2]	Minnesota	South Carolina	Wyoming
Georgia	Montana	South Dakota	District of
Hawaii [3]	Nebraska	Tennessee	Columbia
Idaho	New Jersey		

1. The Connecticut law substitutes "properly equipped" for "designed" in the following clause appearing in the Code: ". . . . unless such motorcycle is designed to carry more than one person. . . ."

2. A second Florida law (§ 316.100) prohibits riding on any part of a vehicle not designed or intended for use by passengers.

3. A second Hawaii law (§ 291C-11) makes it illegal to have passengers under seven years of age on motorcycles.

4. Kansas has a second requirement that there be a seat for any passenger.

5. A second Louisiana law (§ 32:192) bans more than one person on a motor-driven cycle.

6. Maine expressly includes motor-driven cycles.

7. The New Mexico law applies to "motorcycles, motor scooters and motor-driven cycles." So does the UVC. See the definition of "motorcycle" in UVC § 1-135.

8. Pennsylvania adds that no passenger may sit in front of the operator of a motorcycle.

9. The Utah law applies to a person operating a motorcycle "or motor-driven cycle." Such vehicles are "motorcycles" under the Code definition. See UVC § 1-135.

10. Vermont expressly includes mopeds.

11. The Virginia law is virtually identical to the Code and concludes "or upon another seat firmly attached to the rear or side of the seat for the operator." It does not apply to motorcycles with three or four wheels, however.

The laws of an additional 16 jurisdictions are quoted or discussed below:

Alabama—§ 58(29) provides:

> A person operating a motorcycle shall not ride other than upon the permanent and regular seat attached thereto, or carry any other person, nor shall any other person ride upon such motorcycle other than upon such permanent and regular seat if designed for two persons or upon another seat firmly attached to the rear or side of the operator.

Arkansas—§ 75-1702 provides:

> Hereafter it shall be unlawful for any person in the State of Arkansas:
>
> (a) to ride any motor-driven cycle other than upon or astride a permanent or regular seat attached thereto;
>
> (b) for any motor-driven cycle to be used to carry more than one person unless it is equipped with a side-car or an extra seat and supports for the passenger's feet;
>
> (c) for more than two [2] persons to ride on any motor-driven cycle;
>
> (d) under sixteen (16) years of age to carry another person as a passenger upon a motor-driven cycle.

California—§ 27800 provides:

> It is unlawful for a driver of a motorcycle or a motorized bicycle to carry any other person thereon, except on a seat securely fastened to the machine at the rear of the driver and provided with footrests, or in a side car attached to a motorcycle and designed for the purpose of carrying a passenger. . . .

Illinois—Law provides:

> The operator of a motorcycle shall ride only astride the permanent and regular seat or saddle attached thereto, and the operator shall not permit more than one other person to ride thereon nor shall such other person ride on the motorcycle unless it is designed to carry 2 people, in which event the passenger shall also ride astride the permanent and regular seat or saddle if it is designed for 2 persons, or astride another seat or saddle firmly attached to the rear of the operator; however, any seat or saddle designed for a passenger must be equipped with permanent handgrips and, in addition, the motorcycle must be equipped with footrests adjusted to fit such passenger. A sidecar may be attached to a motorcycle in which additional persons may ride.

As to footrests, see UVC § 11-1305(a), *infra*. The Code does not require handgrips on motorcycle seats and saddles.

Indiana—Law provides:

> Not more than one passenger in addition to the operator shall be carried by a motorcycle having only two wheels in contact with the ground or pavement, and no passengers shall be carried in addition to the driver or operator except upon a firmly attached and regular seat designed for passenger use.

Kentucky—Law prohibits persons from riding as passengers on a motorcycle "except on a seat permanently attached to that vehicle and specifically designed to carry the operator or passenger in a safe manner."

Maryland—Law conforms to the Code provision, differing only in style:

> (1) The operator of a motorcycle may ride the motorcycle only on the permanent and regular seat attached to it.

(2) The operator of a motorcycle may not carry any other person nor may any other person ride on a motorcycle unless the motorcycle is designed to carry more than one person, in which event a passenger may ride on the permanent and regular seat, if designed for two persons, or on another seat firmly attached to the motorcycle at the rear or side of the operator.

Michigan—Law provides:

(a) A person propelling a bicycle or operating a motorcycle or motor-driven cycle shall not ride other than upon or astride a permanent and regular seat attached thereto. (b) No bicycle or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped. (c) No motor-driven cycle shall be used to carry more than 1 person at any one time.

Nevada—A person driving a motorcycle or moped must ride upon a permanent and regular seat and no motorcycle or moped may carry more than one person unless designed by the manufacturer to carry more than one person. A passenger must ride in a sidecar, astride a seat attached at the rear of the driver, or behind the driver and astride a permanent and regular seat designed for two persons.

New Hampshire—Law duplicates the UVC but concludes "in a sidecar firmly attached to the side of the motorcycle."

North Carolina—§ 20-140.2(b) provides:

No person shall operate any motorcycle or motor scooter upon a highway when the number of persons upon such motorcycle, including the operator, shall exceed the number of persons which it was designed to carry.

Ohio—§ 4511.53 provides:

A person operating a bicycle or motorcycle shall not ride other than upon the permanent and regular seat attached thereto, nor carry any other person upon such bicycle or motorcycle other than upon a firmly attached and regular seat thereon, nor shall any person ride upon a bicycle or motorcycle other than upon such a firmly attached and regular seat.

No bicycle or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

Oklahoma—§ 11-1103 provides:

No person shall drive a motorcycle, motor scooter, or a motorbicycle while transporting more than one passenger, except a motorcycle, motorscooter, or motorbicycle factory-designed for the purpose of carrying additional passengers.

A second law provides:

No driver of a two or three wheel motor vehicle or bicycle shall carry any other person on, upon or within such vehicle on any street or highway in the State of Oklahoma, except as hereinafter provided; provided, however, that if any two or three wheel motor vehicle with a wheel diameter of twelve inches or greater or any bicycle shall have either a double seating device with double foot rests or a side car attachment providing a separate seat space within such side car attachment for each person riding therein so that such person shall be seated entirely within the body of said side car, then it shall be permissible for an operator who has attained the age of sixteen (16) or older to carry a passenger. A demonstration ride by a licensed dealer or his employee is excepted from the provisions hereof.

Oregon—Law requires operators to sit on a permanent and regular seat in conformity with the Code. Operators may not carry a passenger if the motorcycle is not designed to carry more than one person and if the passenger is not seated as described in the Code.

West Virginia—Law provides:

A person operating a motorcycle, motor-driven cycle or moped shall ride in a seated position facing forward and only upon a permanent operator's seat attached to the vehicle. No operator shall carry any other person nor shall any person ride on such a vehicle unless the vehicle is designed to carry more than one person, in which event a passenger may ride behind the operator upon the permanent operator's seat if it is designed for two persons, or upon another seat firmly attached to the vehicle to the rear of the operator's seat and equipped with footrests . . . or in a sidecar firmly attached to the vehicle. No more than two persons, the operator and one passenger, shall ride the same vehicle at the same time. . . .

Puerto Rico—Law requires everyone operating a motorcycle, motor-driven bicycle or motor scooter to drive it seated on his regular seat and prohibits carrying any other person. No other person may ride on one of these vehicles unless it is designed to carry more than one person, in which case a passenger may ride on the regular seat, if it is designed to carry more than one person, or on an additional rear seat, supplemented both with handholds and stirrups, or on a side seat.

Three states do not have comparable laws relating to persons riding on motorcycles:

Mississippi Missouri Wisconsin *

* Wisconsin does, however, have a law that restricts riding on any portion of any vehicle not designated or intended for passengers. The Wisconsin law provides: "(1) No person shall drive a vehicle when any person other than an employee engaged in the necessary discharge of this duty is upon any portion thereof not designed or intended for the use of passengers. (2) No person other than an employee engaged in the necessary discharge of his duty shall ride upon any portion of a vehicle not designed or intended for the use of passengers."

Handgrips. Nine jurisdictions require that a motorcycle designed to carry a passenger must be equipped with handgrips:

Alaska	Illinois	Pennsylvania
Arizona	New Jersey	Rhode Island
Arkansas	New York	District of Columbia

A proposal to add a similar requirement to the Code in 1968 was disapproved because of evidence that it may be safer for a passenger to hold on to the operator and that handgrips can be hazardous in case of collision. See "Agenda for National Committee Meeting," page 245 (May 29, 1968).

§ 11-1302—Riding on Motorcycles

(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. (New, 1968.)

Historical Note

This subsection was added to the Code in 1968. UVC § 11-1302(b) (Rev. ed. 1968).

Statutory Annotation

To prohibit riding "sidesaddle," subsection (b) requires every person riding on a motorcycle to sit astride the seat, facing forward, and to have one leg on each side of the motorcycle.

Prohibitions against riding "sidesaddle" have been adopted by 31 jurisdictions:

Alaska [1]	Indiana	Nevada [4]	Tennessee
Colorado	Iowa	New York [5]	Utah
Connecticut	Kansas	North Dakota	Vermont [6]
Delaware	Louisiana [2]	Ohio	Washington
Florida	Maryland	Oregon	West Virginia [7]
Georgia	Minnesota [3]	Pennsylvania [5]	Wyoming
Hawaii	Montana	South Carolina	Puerto Rico [8]
Illinois	Nebraska	South Dakota	

1. Alaska bans riding with two feet on the same side.
2. Louisiana concludes, "with not more than one leg on each side of the motorcycle:"
3. The Minnesota law does not apply to sidecar passengers or to motorcycles with three wheels.
4. Nevada requires passengers to ride astride the seat or in a sidecar.
5. New York and Pennsylvania except persons in sidecars.
6. Vermont includes mopeds.
7. In West Virginia, an operator must face forward and riding sidesaddle is prohibited.
8. The Puerto Rico prohibition also applies to motor-driven bicycles and motor scooters.

§ 11-1302—Riding on Motorcycles

(c) No person shall operate a motorcycle while carrying any package, bundle, or other article which prevents him from keeping both hands on the handlebars.

(d) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

Historical Note

These subsections were added to the Uniform Vehicle Code in 1968. UVC § 11-1302 (Rev. ed. 1968).

Statutory Annotation

Subsection (c) prohibits operation of a motorcycle while carrying any article which prevents keeping both hands on the handlebars. As is true for passengers *in* other vehicles under UVC § 11-1104(b), persons riding *on* motorcycles may not ride in a position that will interfere with the driver's view, operation or control under subsection (d) of this section.

Twenty-three states duplicate these subsections:

Colorado	Iowa	Nebraska	South Dakota
Delaware	Kansas	New York	Tennessee
Florida	Louisiana	North Dakota	Utah
Georgia	Maryland	Oregon [1]	Vermont [2]
Hawaii	Minnesota	Pennsylvania	Wyoming [3]
Indiana	Montana	South Carolina	

1. The Oregon provision patterned after (d) applies only to the operator.
2. Vermont includes mopeds.
3. Wyoming adds to (c), "or obstructs his vision or interferes with safe operation."

Puerto Rico prohibits persons riding a motorcycle, motor-driven bicycle or motor scooter from carrying packages or other objects which prevent keeping both hands on the handlebars. No operator may carry a person, nor may such person, ride in such a position as to interfere with operation of the vehicle.

Three additional states have subsection (c): Alaska, Michigan and New Hampshire. Nevada requires operators of motorcycles and mopeds to keep one hand on the handlebar at all times.

Wisconsin prohibits riding in front of the operator.

Citations

Ala. Code tit. 32, § 32-12-23 (1975).
13 Alaska Adm. Code § 02.490 (1971).
Ariz. Rev. Stat. Ann. § 28-892 (1956).
Ark. Stat. Ann. § 75-1702 (Supp. 1975).
Cal. Vehicle Code §§ 27800, 27801(a) (1972, Supp. 1979).
Colo. Rev. Stat. Ann. § 42-4-1302 (1973).
Conn. Gen. Stat. Ann. §§ 14-289a, -289c (Supp. 1969).
Del. Code Ann. tit. 21, § 4185 (Supp. 1978).
Fla. Stat. § 316.108 (1971).
Ga. Code Ann. § 68-1812 (Supp. 1971).
Hawaii Rev. Stat. § 291C-152 (Supp. 1971).
Idaho Code Ann. § 49-761 (1967).
Ill. Ann. Stat. ch. 95½, § 11-1403 (1971).
Ind. Stat. Ann. § 9-8-9-2 (1973).
Iowa Code Ann. § 321.275 (Supp. 1972).
Kans. Stat. Ann. § 8-1594 (1975).
Ky. Rev. Stat. Ann. § 189.285(2) (a) (1977).
La. Rev. Stat. Ann. § 32:191 (Supp. 1972).
Me. Rev. Stat. Ann. tit. 29, § 960 (Supp. 1972).
Md. Trans. Code § 21-1302 (1977).
Mass. Ann. laws ch. 90, § 13 (Supp. 1968).
Mich. Stat. Ann. § 9.2361 (1960); §§ 9.2358(a), (c) (Supp. 1969).
Minn. Stat. Ann. §§ 169.974(5) (a)-(d) (Supp. 1979).
Mont. Rev. Codes Ann. §§ 32-21-105(1)-(4) (Supp. 1967).
Neb. Rev. Stat. §§ 39-692, -693 (1974).
Nev. Rev. Stat. §§ 486.181, .191, .211 (1975).
N.H. Rev. Stat. Ann. § 263:29-d (Supp. 1967); § 262-A:75 (1966).
N.J. Rev. Stat. § 39:3-76.5 (Supp. 1969).
N.M. Stat. Ann. § 64-7-355, amended by H.B. 112, CCH ASLR 161, 538-39 (1978).
N.Y. Vehicle and Traffic Law § 1251 (Supp. 1971).
N.C. Gen. Stat. §§ 20-140.2, -140.4 (1975).
N.D. Cent. Codes § 39-10.2-02 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.53 (Supp. 1978).
Okla. Stat. Ann. tit. 47, § 11-1103 (1962); §§40-103, -104 (Supp. 1968).
Ore. Rev. Stat. § 487.705 (1977).
Pa. Stat. Ann. tit. 75, § 3522 (1977).
R.I. Gen. Laws Ann. § 31-22-3 (1957); § 31-10.1-6 (Supp. 1967), as amended by S.B. 559, CCH ASLR 67 (1968).
S.C. Code Ann. § 56-5-3630, amended by H.B. 2843, CCH ASLR 61, 62 (1978).
S.D. Comp. Laws §§ 32-20-6.1 to -6.4 (Supp. 1971).
Tenn. Code Ann. 59-865 (Supp. 1978).
Tex. Rev. Civ. Stat. art. 6701d, § 174 (Supp. 1972).
Utah Code Ann. § 41-6-107 (1970).
Vt. Stat. Ann. tit. 23, § 1114 (Supp. 1978).
Va. Code Ann. § 46.1-172 (Supp. 1968).
Wash. Rev. Code Ann. §§ 46.61.610 to .613 (1970, Supp. 1977).
W. Va. Code Ann. § 17C-15-44 (Supp. 1979).
Wis. Stat. Ann. §§ 347.487, 346.92 (1967).
Wyo. Stat. Ann. § 31-5-116 (1977).
17 D.C. Regs. § 110(a) (1970).
P.R. Laws Ann. tit. 9, § 1146 (Supp. 1975).

§ 11-1303—Operating Motorcycles on Roadways Laned for Traffic

(a) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.

(b) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) No person shall operate a motorcycle between the lanes of traffic or between adjacent lines or rows of vehicles.

(d) Motorcycles shall not be operated more than two abreast in a single lane.

(e) Subsections (b) and (c) shall not apply to police officers in the performance of their official duties. (New section, 1968.)

Historical Note

This section was added to the Code in 1968 to clarify rules for the proper use of roadways by motorcyclists. UVC § 11-1303 (Rev. ed. 1968.)

Subsection (a) allows motorcyclists to use the full width of a traffic lane and cautions drivers of all other motor vehicles not to encroach upon this use by occupying space in the same lane alongside the motorcycle. These rules supplement, for motorcyclists, the rules in UVC § 11-309(a) for driving on roadways with clearly-marked lanes and UVC § 11-303 requiring passing at a safe distance to the left side of any overtaken vehicle.

Subsection (b) prohibits motorcyclists from passing in the same lane occupied by the overtaken vehicle and supplements UVC §§ 11-303 and 11-304 on passing requirements for motorcyclists. This rule was approved for the same reason motorcycles were granted use of the full width of a lane in subsection (a)—such use is generally necessary for safe operation. Even though subsection (d) allows the operation of two motorcycles abreast in a single lane, no exception from the prohibition on passing another vehicle in the same lane was made for situations involving one motorcycle passing another because such passing would generally be unsafe, particularly when the operator of the overtaken motorcycle has no reason to believe he is about to be passed in the same lane. The restriction on passing does not apply to police officers operating motorcycles in the performance of their official duties by virtue of subsection (e).

Subsection (c) prohibits operating a motorcycle between standing or moving lines or rows of vehicles as well as between lanes. This rule expresses for motorcyclists the general rules of § 11-309(a) requiring driv-

ers to keep entirely within a single, clearly-marked lane, § 11-303(a) requiring passing at a safe distance to the left of the overtaken vehicle, and § 11-304(b) requiring passing on the right to be accomplished with safety. Again, because of subsection (e), this subsection does not apply to police officers operating motorcycles in the performance of their duties.

Subsection (d) prohibits the operation of more than two motorcycles abreast in a single lane. Although permitting the operation of two motorcycles abreast in a single lane is a departure from the general rule in subsection (a) granting each motorcycle the full use of a lane and may reduce each motorcyclist's maneuverability, such operation is customary, improves their visibility at night for other drivers, restricts the ability of other drivers to encroach upon the lane space alongside one motorcycle, and utilizes far less roadway space than riding single file, particularly when many motorcycles are operated in a caravan or motorcade. As to caravans, see also, § 11-310(c).

Subsection (e) excepts police officers operating motorcycles from rules against passing other vehicles in the same lane and operating between adjacent lines or rows of vehicles. Although such operation is hazardous, it was recognized that the performance of official duties may necessitate it, and a failure to provide this exception would hamper an officer's mobility, particularly in congested traffic.

Statutory Annotation

Subsection (a).

Twenty states duplicate this subsection granting motorcycles use of the full width of a linelane:

Colorado	Iowa	Montana	South Dakota
Florida	Kansas	North Carolina	Utah
Georgia	Louisiana	North Dakota	Vermont
Hawaii	Maryland	Oregon	Washington
Indiana	Michigan	South Carolina	Wyoming

Six additional jurisdictions have laws in substantial conformity to this subsection: Minnesota, Nebraska, Nevada, New York, Pennsylvania and Puerto Rico. Minnesota and Nevada provide that "motorcycles may, with the consent of both drivers, be operated not more than two abreast in a single traffic lane." The Nevada provision also applies to mopeds. Nebraska provides that motorcycles "shall be" entitled to full use of a "traffic lane of any highway and no vehicle" shall be driven so as to deprive it of that full use. The Pennsylvania law omits the exception for motorcycles operated two abreast in a single lane. New York provides that all motorcycles are entitled to full use of a lane "and no motor vehicle or motorcycle" shall be driven to deny such use. Puerto Rico applies its law to motorcycles, motor-driven bicycles or motor scooters, and provides that they "have the right to use a full lane." The provision does not apply when these vehicles are "travelling one beside the other in the same lane."

Subsection (b).

Eighteen jurisdictions duplicate this subsection's prohibition against motorcyclists passing in the same lane as the vehicle being passed, except as indicated:

Colorado	Louisiana	New York	Utah
Florida	Maryland	North Dakota	Vermont
Georgia	Minnesota	Pennsylvania	Washington
Iowa	Nebraska	South Carolina	Puerto Rico [2]
Kansas	Nevada [1]		

1. The Nevada provision applies to motorcycles and mopeds.
2. Puerto Rico applies the provision to motorcycles, motor-driven bicycles and motor scooters.

Oregon and Wyoming would allow a motorcyclist to overtake and pass another motorcycle in the same lane.

South Dakota duplicates the Code but adds that the law does not apply to motorcycles being operated two abreast.

Illinois has laws (§§ 11-703 and 11-704(b)) applicable to the driver of a "2 wheeled vehicle" which prohibit passing on the left unless there is an unobstructed lane of traffic available to permit such passing maneuver safely and passing on the right "unless the unobstructed pavement to the right of the vehicle being passed is of a width of not less than eight feet."

Subsection (c).

Ten states duplicate this subsection:

Georgia	Nevada*	Pennsylvania	Washington
Maryland	North Dakota	Vermont	Wyoming
Nebraska	Oregon		

* The Nevada provision applies to motorcycles and mopeds.

Fourteen jurisdictions conform substantially with this subsection:

Colorado	Kansas	New York [1]	South Dakota
Florida	Louisiana	Oklahoma [3]	Utah
Hawaii	Michigan [1]	South Carolina	Puerto Rico [4]
Iowa	Minnesota [2]		

1. Michigan and New York do not expressly provide for situations in which one or more lines of vehicles are stationary.
2. Minnesota refers to lines of "moving or stationary vehicles."
3. Oklahoma refers to lines of traffic "traveling in the same direction."
4. Puerto Rico substitutes "may" for "shall" and the provision is applicable to motorcycles, motor-driven bicycles and motor scooters.

Subsection (d).

Twenty-six jurisdictions conform with this subsection by allowing not more than two motorcycles to be operated abreast in a single lane:

Colorado	Louisiana	Nevada *	South Dakota
Florida	Maryland	New Hampshire	Utah
Georgia	Massachusetts	New York	Washington
Hawaii	Michigan	North Dakota	Wisconsin
Indiana	Minnesota *	Pennsylvania	Wyoming
Iowa	Montana	South Carolina	Puerto Rico
Kansas	Nebraska		

* Minnesota and Nevada allow riding two abreast when both drivers consent to such operation. The Nevada law also applies to mopeds.

One state, Oregon, allows riding two abreast, but would not prohibit riding three or more abreast.

Six states prohibit operating two abreast and thus differ substantially from the UVC:

Connecticut	North Carolina *	Vermont
Maine	Ohio *	Virginia

* These three states prohibit riding two abreast on the *roadway* while the others prohibit such operation in a single lane.

Subsection (e).

Eighteen jurisdictions duplicate this subsection:

Colorado	Louisiana	North Dakota	Utah
Florida	Maryland	Pennsylvania	Vermont
Georgia	Nebraska	South Carolina	Washington
Hawaii	New York	South Dakota	Wyoming
Kansas			Puerto Rico

Oklahoma excepts "authorized emergency vehicles" from special motorcycle regulations, but not from the one requiring the wearing of a crash helmet. See UVC § 11-106 for state laws providing exceptions for authorized emergency vehicles.

Connecticut excepts police motorcycles in the performance of official duties from its prohibition against riding two abreast in a single lane and Nevada exempts them from the prohibition against driving between lanes.

Iowa and South Dakota exempt motorcycles and motor scooters when used in an authorized parade from the requirements of provisions comparable to §§ 11-1301, 11-1302, 11-1303 and 11-1305 of the Code.

Michigan exempts police officers in the performance of their official duties from provisions comparable to §§ 11-1303(a), (c) and (d).

Minnesota exempts police officers in the performance of their official duties from prohibitions comparable to subsections (b), (c) and (d) of § 11-1303.

Citations

Colo. Rev. Stat. Ann. § 42-4-1303 (1973).
Conn. Gen. Stat. Ann. § 14-289b (Supp. 1979).
Fla. Stat. § 316.209 (Supp. 1979).
Ga. Code Ann. § 68A-1303 (1975).
Hawaii Rev. Stat. § 291C-153 (Supp. 1971).
Ill. Ann. Stat. ch. 95½, §§ 11-703, -704 (1971).
Ind. Stat. Ann. § 9-8-9-2(f) (1973).
Iowa Code Ann. § 321.275 (Supp. 1972).
Kans. Stat. Ann. § 8-1595 (1975).
La. Rev. Stat. Ann. § 32:191.1 (Supp. 1972).
Me. Rev. Stat. Ann. tit. 29, § 999 (Supp. 1970).
Md. Trans. Code § 21-1303 (1977).
Mass. Ann. Laws ch. 89, § 4A (Supp. 1977).
Mich. Stat. Ann. § 9.2360 (Supp. 1978).
Minn. Stat. Ann. §§ 169.974(5) (e), (f), (h) (Supp. 1979).
Mont. Rev. Codes Ann. §§ 32-21-105(6), (7) (Supp. 1967).
Neb. Rev. Stat. § 39-694 (1974).
Nev. Rev. Stat. §§ 486.341, .351 (1975).
N.H. Rev. Stat. Ann. § 263:29-(e) (Supp. 1967).
N.Y. Vehicle and Traffic Law § 1252 (Supp. 1971).
N.C. Gen. Stat. § 20-146.1 (Supp. 1977).
N.D. Cent. Code § 39-10.2-03 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.55 (1965).
Okla. Stat. Ann. tit. 47, § 40-103 (Supp. 1969).
Ore. Rev. Stat. §§ 487.715, .720 (1977).
Pa. Stat. Ann. tit. 75, § 3523 (1977).
S.C. Code Ann. § 56-5-3640 (1976).
S.D. Comp. Laws §§ 32-20-9.1 to -9.5 (Supp. 1971).
Utah Code Ann. § 41-6-107.2 (1970).
Vt. Stat. Ann. tit. 23, § 1115 (Supp. 1978).
Va. Code Ann. § 46.1-190(d) (Supp. 1978).
Wash. Rev. Code Ann. § 46.61.608 (Supp. 1977).
Wis. Stat. Ann. § 346.595 (1971).
Wyo. Stat. Ann. § 31-5-116 (1977).
P.R. Laws Ann. tit. 9, § 1146 (Supp. 1975).

§ 11-1304—Clinging to Other Vehicles

No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle (or streetcar) on a roadway. (New, 1968.)

Historical Note

This section was added to the Code in 1968. UVC § 11-1304 (Rev. ed. 1968).

Statutory Annotation

Fifteen states duplicate this section, except as noted:

Colorado	Louisiana	North Dakota	Vermont [2]
Georgia	Maryland	South Carolina	Washington
Hawaii	Nebraska [1]	South Dakota	Wyoming [3]
Kansas	New York	Utah	

1. Nebraska differs only by applying its law to a person "who rides upon a motorcycle."
2. The Vermont law also applies to mopeds.
3. Wyoming inserts "moving" before "vehicle" but is otherwise identical.

Oklahoma provides that no rider of a motorcycle or motor scooter shall hold to any moving vehicle for the purpose of being propelled.

Oregon conforms but would allow such clinging if the motorcycle is disabled and being towed.

A Wisconsin law provides that "no person riding upon a motor-driven cycle shall attach the same or himself to any other moving vehicle upon a highway."

Puerto Rico prohibits any person riding on a motorcycle, motor-driven bicycle or motor scooter from hanging onto, or linking it to another vehicle on a roadway zone.

Citations

Colo. Rev. Stat. § 42-4-1304 (1973).
Ga. Code § 68A-1304 (1975).
Hawaii Rev. Stat. § 291C-154 (Supp. 1975).
Kans. Stat. Ann. § 8-1596 (1975).
La. Rev. Stat. Ann. § 32:191.2 (Supp. 1979).
Md. Trans. Code § 21-1304 (1977).
Neb. Rev. Stat. § 39-695 (1974).
N.Y. Vehicle and Traffic Law § 1253 (Supp. 1978).
N.D. Cent. Code § 39-10.2-04 (Supp. 1977).
Okla. Stat. Ann. tit. 47, § 40-103 (Supp. 1978).
Ore. Rev. Stat. § 487.725 (1977).
S.C. Code § 56-5-3620(d) (1976).
S.D. Comp. Laws § 32-20-6.5 (Supp. 1971).
Utah Code Ann. § 41-6-107.4 (1970).
Vt. Stat. Ann. tit. 23, § 1116 (Supp. 1978).
Wash. Rev. Code § 46.61.614 (Supp. 1977).
Wis. Stat. Ann. § 346.94(10) (1971).
Wyo. Stat. Ann. § 31-5-116(k) (1977).
P.R. Laws Ann. tit. 9, § 1146 (Supp. 1976).

§ 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. (New section, 1968.)

Historical Note

This section was added to the Code in 1968. UVC § 11-1305 (Rev. ed. 1968).

Statutory Annotation

Subsection (a).

Thirty-nine jurisdictions have laws requiring motorcycles carrying passengers to be equipped with footrests for the passenger:

Alaska	Indiana	Nevada [2]	Tennessee
Arkansas	Iowa	New Hampshire	Utah
California [1]	Kansas	New Jersey	Vermont [2]
Colorado	Kentucky	New York	Virginia
Delaware	Louisiana	North Dakota	Washington [4]
Florida	Maine	Oklahoma	West Virginia
Georgia	Maryland	Oregon	Wisconsin
Hawaii	Massachusetts	Pennsylvania [3]	Wyoming
Idaho	Minnesota	Rhode Island	District of
Illinois	Nebraska	South Carolina	Columbia

1. California requires the passengers to use the footrests whenever the motorcycle is in motion.
2. The Nevada and Vermont laws also apply to mopeds.
3. Pennsylvania also requires handholds for passengers.
4. Washington requires foot pegs for each person the motorcycle is designed to carry. They must be of an approved type.

Subsection (b).

Twenty-eight jurisdictions have laws comparable to subsection (b) and, unless otherwise noted, prohibit handlebars more than 15 inches above the operator's seat:

Alaska	Illinois	New Mexico	Tennessee
Arizona	Indiana	New York	Vermont
Connecticut	Iowa	Ohio	Virginia
Delaware [1]	Louisiana	Oklahoma [3]	Washington
Florida	Maryland	Rhode Island [4]	Wisconsin
Georgia	Nevada [2]	South Carolina	Wyoming
Hawaii	New Jersey	South Dakota	Puerto Rico [5]

1. Delaware adds that the operator must keep one hand on the handlebars while moving.
2. The Nevada and Vermont provisions also apply to mopeds.
3. Oklahoma prohibits handlebars in excess of 12 inches in height "measured from the crown or point of attachment."
4. The Rhode Island law applies on highways "or in any parking area for 10 or more motor vehicles."
5. Puerto Rico's law is applicable to riders of motorcycles, motor-driven bicycles and motor scooters.

Eleven additional states have laws comparable to UVC § 11-1305(b), as quoted or discussed below:

California—No person shall drive any two-wheel motorcycle "equipped with handlebars so positioned that the hands of the driver, when upon the grips, are at or above his shoulder height when sitting astride the seat."

Kansas—Law virtually duplicates the California provision and concludes, "with the vehicle in an upright position."

Maine—No person shall operate on the highway any motorcycle or motor-driven cycle equipped with handlebars show handgrips are higher than the shoulder level on the driver of the motorcycle.

Michigan—The law is also applicable to mopeds, and provides as follows:

> A person shall not operate on a public highway of this state a motorcycle or moped equipped with handlebars that are higher than 15 inches from the lowest point of the undepressed saddle to the highest point of the handle grip of the operator.

Minnesota—No person shall operate any motorcycle equipped with handlebars if any part of such handlebars extend above the shoulders of the operator while seated with both feet on the ground.

Nebraska—No person shall operate any motorcycle with handlebars more than fifteen inches above the mounting point of the handlebars.

New Hampshire—A motorcycle shall not be operated "on a public highway" with "grips" more than 15 inches higher than the seat or saddle for the operator.

Oregon—Law provides: "No person shall drive any motorcycle equipped with handlebars to positioned that the hands of the driver, when upon the grips, are at or above his shoulder height when sitting astride the seat."

Pennsylvania—Handlebar height is limited to shoulder-height of the operator while properly seated upon the motorcycle.

Utah—The law is applicable to motorcycles and motor-driven cycles and simply prohibits handlebars above shoulder height.

West Virginia—Law prohibits operation of a motor cycle, motor-driven cycle or moped "on which the handlebars or grips are more than 15 inches higher than the uppermost part of the operator's seat when the seat is not depressed by any manner."

Citations

Alaska Adm. Code §§ 02.490, 04.290 (1971).
Ariz. Rev. Stat. Ann. §§ 28-964(B), (C) (Supp. 1970).
Ark. Stat. Ann. § 17-1703 (Supp. 1967).
Cal. Vehicle Code § 27800 (Supp. 1979); § 27801(b) (1972).
Colo. Rev. Stat. Ann. § 42-4-231(4) (1973).
Conn. Gen. Stat. Ann. § 14-80(b) (Supp. 1979).
Del. Code Ann. tit. 21, § 4185 (Supp. 1978).
Fla. Stat. § 316.278 (1971).
Ga. Code Ann. § 68A-1305 (1975).
Hawaii Rev. Stat. § 291C-155 (Supp. 1971).
Idaho Code Ann. § 49-849, Gen. Laws 1971, ch. 105.
Ill. Ann. Stat. ch. 95½, §§ 11-1403, -1405 (1971).
Ind. Stat. Ann. § 9-8-9-4 (1973).
Iowa Code Ann. § 321.275(11) (Supp. 1975).
Kans. Stat. Ann. § 8-1597 (1975).
Ky. Rev. Stat. Ann. § 189.285(2)(b) (1977).
La. Rev. Stat. Ann. § 32:191.3 (Supp. 1972).
Me. Rev. Stat. Ann. tit. 29, §§ 960, 999 (1978).
Md. Trans. Code § 21-1305 (1977).
Mass. Ann. Laws ch. 90, §§ 7J, 13 (1975).
Mich. Stat. Ann. § 9.2361(1) (Supp. 1978).
Minn. Stat. Ann. §§ 169.974(3)(a), (b) (Supp. 1979).
Neb. Rev. Stat. § 39-696 (1974).
Nev. Rev. Stat. §§ 486.181(3), .201 (1975).
N.H. Rev. Stat. Ann. § 263:29a (1977).
N.J. Rev. Stat. §§ 39:3-76.3 to -76.6 (Supp. 1969).
N.M. Stat. Ann. § 64-20-42.1 (1972).
N.Y. Vehicle and Traffic Law §§ 381(5), (10) (1970).
N.D. Cent. Code § 39-10.2.05 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.53 (Supp. 1978).
Okla. Stat. Ann. tit. 47, § 40-103 (Supp. 1978).
Ore. Rev. Stat. § 487.710 (1977).
Pa. Stat. Ann. tit. 75, § 3524 (1977).
R.I. Gen. Laws Ann. § 31-10.1-5 (1968); § 31-10.1-6 (Supp. 1978).
S.C. Code Ann. § 56-5-3650 (1976)
S.D. Comp. Laws § 32-20-3 (1967).
Tenn. Code Ann. § 59-937 (Supp. 1978).
Utah Code Ann. § 41-6-107.6 (1970).
Vt. Stat. Ann. tit. 23, § 1117 (Supp. 1978).
Va. Code Ann. §§ 46.1-172, -302.2 (1974).
Wash. Rev. Code Ann. § 46.61.610 (Supp. 1977); §§ 46.61.611, .613 (1970).
W.Va. Code Ann. § 17C-15-44 (Supp. 1979).
Wis. Stat. Ann. §§ 347.486, .487 (1971).
Wyo. Stat. Ann. § 31-5-116 (1977).
17 D.C. Regs. § 110(a) (1970).
P.R. Laws Ann. tit. 9, § 1146 (Supp. 1975).

§ 11-1306—Equipment for Motorcycle Riders

(a) No person shall operate or ride upon a motorcycle unless he is wearing protective headgear which complies with standards established by the commissioner.

(b) No person shall operate a motorcycle unless he is wearing an eye-protective device of a type approved by the commissioner, except when the motorcycle is equipped with a windscreen.

(c) This section shall not apply to persons riding within an enclosed cab or on a golf cart. (REVISED, 1971.)

(d) The commissioner is hereby authorized to approve or disapprove protective headgear and eye-protective devices required herein, and to issue and enforce regulations establishing standards and specifications for the approval thereof. The commissioner shall publish lists of all protective headgear and eye-protective devices by name and type which have been approved by him. (New section, 1968.)

Historical Note

This section was added to the Code in 1968. UVC § 11-1306 (Rev. ed. 1968).

Subsection (a) requires motorcycle operators and passengers to wear protective headgear meeting approved standards.

Subsection (b) requires the operator also to wear a device affording protection to his eyes. This requirement does not apply to any passenger and does not apply when the motorcycle has a windscreen.

Subsection (c) exempts persons riding within an enclosed cab from the requirements of subsections (a) and (b). The reference to golf carts was added in 1971.

Statutory Annotation

Subsection (a).

Twenty-eight jurisdictions require persons riding motorcycles to wear protective headgear, in conformity with this Code subsection. The laws generally refer to "protective headgear," "protective helmet," "safety helmet," or "crash helmet," and specifically require that such headgear either be of a type approved by the commissioner or meet standards adopted by the commissioner or specified in the law. The 28 jurisdictions are:

Alabama	Michigan [1]	New York	Virginia [4]
Arkansas	Minnesota	North Carolina	West Virginia [1,3]
Florida [1]	Mississippi	North Dakota	Wisconsin
Georgia	Missouri	Pennsylvania [3]	Wyoming [1]
Indiana	Nebraska [2]	South Carolina	District of Columbia
Kentucky	Nevada	Tennessee	Puerto Rico [5]
Maryland	New Jersey	Vermont [1]	
Massachusetts			

1. These states specifically require that the helmet be on the person's head.
2. Nebraska does not require use of helmets by persons participating in any authorized parade.
3. Pennsylvania and West Virginia also apply this requirement to motor-driven cycles and Pennsylvania excepts motorized pedalcycles.
4. Virginia excepts persons riding motorcycles with wheels that are eight inches or less in diameter.
5. The Puerto Rico law applies to operators and passengers on motorcycles, motor-driven bicycles and motor scooters while the vehicle is in motion.

Fourteen additional states have laws requiring persons in specified age groups to wear protective headgear when riding on motorcycles: Kansas, under 16; Arizona, Hawaii, Idaho, Louisiana, Montana, New Hampshire, New Mexico (includes passengers), Oklahoma, Oregon, South Dakota, Texas and Utah, under 18; Delaware, up to 19 years (includes passengers);

and, the Alaska law provides that "adults" may not be required to wear helmets while riding motorcycles if they have a driver's license endorsed to permit operation of a motorcycle.

Ohio has a law which provides as follows:

> No person who is under the age of eighteen years, or who holds a motorcycle operator's endorsement or license bearing a "novice" designation that is currently in effect as provided in section 4507.13 of the Revised Code, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a protective helmet on his head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet.

Section 4507.13 requires the "novice" designation for licensees 18 years of age or older who have not previously been licensed to operate a motorcycle by Ohio or any other jurisdiction recognized by Ohio. The "novice" designation is effective for one year after date of issuance of the license or endorsement.

The eight states that do not have requirements comparable to UVC § 11-1306(a) are: California, Colorado, Connecticut, Illinois, Iowa, Maine, Rhode Island and Washington.

Subsection (b).

Thirty-eight jurisdictions have laws requiring the use of approved eye-protective devices. States marked with an asterisk require use of such devices by both operators and passengers while the Code requires them only for operators. The 38 jurisdictions are:

Alaska	*Indiana [1]	New Jersey	*Tennessee
Arizona	Kansas	New Mexico	Utah [3]
*Arkansas	Kentucky	New York	Vermont [4]
*Colorado	Louisiana	Ohio	Virginia
Connecticut	Maryland	Oklahoma	Washington
*Delaware	Massachusetts	*Pennsylvania	*West Virginia
Florida	Michigan [2]	Rhode Island	Wisconsin
Georgia	Minnesota	South	District of
*Hawaii	*Nevada	Carolina	Columbia
*Illinois	New Hampshire	South Dakota	Puerto Rico

1. Operators and passengers must have such devices "in their possession."
2. Only when the motorcycle is operated in excess of 35 miles per hour.
3. The Utah law applies only on highways with posted speeds higher than 35 miles per hour.
4. Vermont does not specifically require eye devices to be approved.

Nineteen of the jurisdictions listed above conform to the Code by excepting persons riding on motorcycles equipped with a windscreen: Alaska, Arizona, Connecticut, Hawaii, Kansas, Louisiana, Maryland, Massachusetts, Nevada, New Jersey, New York, South Carolina, South Dakota, Tennessee, Virginia, Washington, Wisconsin, the District of Columbia and Puerto Rico.

Subsection (c).

Eleven states do not require persons in enclosed cabs to wear helmets or eye protective devices:

Alaska	Louisiana	Nevada	Utah
Florida	Maryland	North Dakota	Wyoming
Kansas	Minnesota	South Dakota	

The following eight states have comparable provisions:

Arizona—An exception is provided for vehicles designed to travel on three wheels that have a cab or use electric power.

Arkansas—Exempts three-wheel motorcycles with a cab and windshield which do not exceed 20 h.p. and which are used by municipal police departments.

Georgia—Helmets are not required for persons in enclosed cabs or motorized carts, a motor vehicle with three or more wheels, weighing 1300 pounds, which cannot exceed 20 mph and which carries one or two persons.

Kentucky—The law excludes by special definition "tractors and vehicles on which the operator and passengers ride in an enclosed cab."

Oregon—Exempts persons in enclosed cabs or three wheeled motorcycles designed to travel at speeds under 15 mph.

South Carolina—Three-wheeled motorcycles are excepted.

Tennessee—Crash helmets are not required for persons riding in an enclosed cart or in golf carts.

Texas—The law excludes by special definition "a tractor or any three-wheeled vehicle equipped with a cab, seat and seat belt and designed to contain the operator of the vehicle within the cab."

Nevada, New York and Wisconsin except motorcycles that are being operated in officially authorized parades. However, the Wisconsin exception applies only to the eye-protection requirement.

Other states may exclude certain vehicles by definition of the term "motorcycle." See the Annotation for § 1-135, *supra*.

Subsection (d).

Thirty-four jurisdictions conform with subsection (d) by specifically requiring or authorizing establishment of minimum standards for headgear and eye-protective devices:

Alaska [1]	Louisiana	New Mexico	Utah
California	Maryland	New York	Virginia
Colorado [2]	Michigan	North Carolina	Washington
Florida	Mississippi [1]	Oklahoma	West Virginia
Georgia	Montana [1]	Oregon	Wyoming [1]
Idaho	Nebraska	Pennsylvania	District of
Illinois	Nevada	South Carolina	Columbia
Kansas	New Hampshire	South Dakota	Puerto Rico [1]
Kentucky	New Jersey	Texas	

1. Helmets only.
2. Eye protective devices only.

The Alabama law specifies the required standards for helmets.

In the remaining states with comparable laws, the authority of the commissioner to establish approval procedures can be implied from the wording of the statutes. In addition, laws comparable to UVC § 12-102 (authorizing the commissioner to approve or disapprove "any lighting device or other safety equipment") should be consulted.

Citations

Ala. Code tit. 32, §§ 32-12-40 to -44 (1975).
Alaska Stat. § 28.35.270 (1977).
Ariz. Rev. Stat. Ann. § 28-964 (1976).
Ark. Stat. Ann. § 75-1703 (Supp. 1975).
Cal. Vehicle Code § 27802 (Supp. 1971).
Colo. Rev. Stat. Ann. § 42-4-231 (1973), as amended by S.B. 111, CCH ASLR 93 (1977).
Del. Code Ann. tit. 21, § 4185 (1974).
Fla. Stat. § 316.287 (1971).
Ga. Code Ann. §§ 68A-1306, -1401 (1975).
Hawaii Rev. Stat. § 286-81 (Supp. 1971), amended by S.B. 244, CCH ASLR 1037 (1977).
Idaho Code Ann. § 49-761A (1967), amended by S.B. 1397, CCH ASLR 429 (1978).
Ill. Ann. Stat. ch. 95½, § 11-1404 (Supp. 1979).
Ind. Stat. Ann. § 9-8-9-3 (1973).
Kans. Stat. Ann. § 8-1598 (Supp. 1976).
Ky. Rev. Stat. Ann. §§ 189.285(1)(b), (2)(c), (3), (4) (1977).
La. Rev. Stat. Ann. §§ 32:190, :190.1 (Supp. 1978).
Md. Trans. Code § 21-1306 (1977).
Mass. Ann. Laws ch. 90, § 7 (Supp. 1977).
Mich. Stat. Ann. §§ 9.2358(d), 9.2408(1) (Supp. 1972).
Minn. Stat. Ann. § 169.974(4) (Supp. 1979).
Miss. Code Ann. § 63-7-64 (Supp. 1975).
Mo. Ann. Stat. § 302.020(3) (Supp. 1968).
Mont. Rev. Codes Ann. § 32-21-105.1 (Supp. 1977).
Neb. Rev. Stat. § 60-403.02 (1974).
Nev. Rev. Stat. § 486.231 (1975).
N.H. Rev. Stat. Ann. §§ 263:29-b, -c (1977, Supp. 1977).
N.J. Rev. Stat. §§ 39:3-76.7 to -76.10 (Supp. 1969).
N.M. Stat. Ann. §§ 64-7-355(B), -356, amended by H.B. 112, CCH ASLR 161, 539-40 (1978).
N.Y. Vehicle and Traffic Law §§ 381(6)-(10) (1970).

N.C. Gen. Stat. § 20-140.4 (1975).
N.D. Cent. Code § 39-10.2-06 (Supp. 1977).
Ohio Rev. Code Ann. § 4511.53 (Supp. 1978).
Okla. Stat. Ann. tit. 47, § 40-105(G) (Supp. 1978).
Ore. Rev. Stat. § 487.730, amended by S.B. 287, CCH ASLR 697 (1977).
Pa. Stat. Ann. tit. 75, § 3525 (1977).
S.C. Code §§ 56-5-3660 to -3690 (1972).
S.D. Comp. Laws §§ 32-20-4 (Supp. 1978).
Tenn. Code Ann. §§ 59-934 (Supp. 1978).
Tex. Rev. Civ. Stat. art. 6701c, §§ 2-7 (1969).
Utah Code Ann. § 41-6-107.8 (Supp. 1979).
Vt. Stat. Ann. tit. 23, §§ 1256, 1257 (Supp. 1978).
Va. Code Ann. § 46.1-172 (1974).
Wash. Rev. Code Ann. §§ 46.37.530, 46.61.613 (Supp. 1972).
W. Va. Code § 17C-15-44 (Supp. 1979).
Wis. Stat. Ann. § 347.485 (1967).
Wyo. Stat. Ann. §§ 31-5-116(o), (r) (1977).
17 D.C. Regs. § 110 (1970); D.C. Register (Feb. 23, 1970).
P.R. Laws Ann. tit. 9, § 1146 (Supp. 1975).

ARTICLE XIV—STREETCARS

§ 11-1401—Traffic Laws Apply to Operators of Streetcars

Every operator of a streetcar upon any roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Chapter and Chapter 10, except regulations and provisions which by their nature can have no application. (New, 1968.)

Historical Note

Because of the diminishing number of streetcars, Code references to streetcars and motormen of streetcars were deleted by the National Committee in 1968 from the following sections: 10-106(a), 10-107(a), 11-201(a), 11-202(e), 11-406, 11-903 and 11-1110.

It has been reported that streetcars are now operated in only four states: California, Louisiana, Masachusetts and Pennsylvania.

Since streetcars are not "vehicles," as that term is defined by UVC § 1-184, the National Committee recommends the adoption by states or municipalities where streetcars are still in operation of the above provision applying such rules of the road as can be reasonably applied to streetcars and streetcar motormen.

Statutory Annotation

One state, Pennsylvania, duplicates this Code section.

Though no other state has a general provision identical to the above section, a substantial number have particular rules of the road that specifically require compliance by streetcar drivers. Some of these rules are shown in the Annotations to §§ 10-106(a), 10-107(a), 11-201(a), 11-202(e), 11-406, 11-903 and 11-1110. Other pertinent state laws are noted throughout this book.

Citations

Pa. Stat. Ann. tit. 75, § 3106 (1977).

§ 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. (Renumbered, 1968.)

Historical Note

Subsection (a) originated from a provision in the 1926 Code that provided:

> The driver of a vehicle shall not overtake and pass upon the left any interurban or street car proceeding in the same direction, whether actually in motion or temporarily at rest when a travelable portion of the highway exists to the right of such street car.

The provision was amended in 1930 to prohibit drivers from passing a streetcar on the left except on one-way streets or where the location of the streetcar tracks made it necessary to pass on the left. Also, the reference to an "interurban" car was deleted. The 1930 subsection provided:

> The driver of a vehicle shall not overtake and pass upon the left any streetcar proceeding in the same direction, whether actually in motion or temporarily at rest. This provision shall not apply on one-way streets nor upon streets where the tracks are so located as to prevent compliance with the rule.

The provision was revised into its present form in 1934. A prohibition against driving to the left of a streetcar, as well as overtaking and passing on the left, was added. A new exception, when so directed by a police officer, was also added.

Subsection (b), as adopted in 1926, provided:

> The driver of a vehicle overtaking any railway, interurban or street car stopped or about to stop for the purpose of receiving or discharging any passenger, shall bring such vehicle to a full stop at least ten feet in the rear of such street car and remain stationary until any such passenger has boarded such car or reached the adjacent sidewalk, except that where a safety zone has been established, or at an intersection where traffic is controlled by an officer or a traffic stop-and-go signal, a vehicle need not be brought to a full stop before passing any such railway, interurban or street car, but may proceed past such car at a speed not greater than is reasonable or proper and in no event greater than ten miles an hour and with due caution for the safety of pedestrians.

Several changes were made in this subsection in 1930. The reference to a railway or interurban car was deleted. A driver was required to stop his vehicle "to the rear of the nearest running board or door" of a stopped streetcar instead of 10 feet to the rear. The portion of the 1926 provision that permitted a driver to pass at a reasonable speed a streetcar stopped at an intersection controlled by a police officer or traffic signal was deleted. The portion that permitted a driver to pass a streetcar stopped where a safety zone had been established was retained, but the requirement that the speed of the vehicle be not greater than 10 miles an hour was deleted. The provision was also amended to provide expressly that it had no application to passing on the left of any streetcar on a one-way street. As a result of the 1930 amendments, the subsection provided:

> The driver of a vehicle overtaking any street car stopped or about to stop for the purpose of receiving or discharging any passenger shall stop such vehicle to the rear of the nearest running board or door of such street car and keep it stationary until any such passenger has boarded such car or reached a place of safety, except that where a safety zone has been established, a vehicle need not be stopped before passing any such street car, 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. This provision shall not apply to passing upon the left of any street car on a one-way street.

The subsection was again amended in 1934 and phrased substantially in its present form. The description of a driver's duty when overtaking a streetcar on the right was placed in a separate section (see § 11-302, *infra*), leaving this subsection to deal solely with passing on the left side of a streetcar. The 1934 subsection provided:

> The driver of any vehicle when permitted to overtake and pass upon the left of a street car which has stopped for the purpose of receiving or discharging any passenger shall reduce speed and many proceed only upon exercising due caution for pedestrians and shall accord pedestrians the right-of-way when required by other sections of this act.

In 1954, the word "act" was changed to "chapter." UVC Act IV, § 23 (1926); UVC Act IV, § 42 (Rev. ed. 1930); UVC Act V, § 80 (Rev.ed. 1934); UVC Act V, § 98 (Rev. ed. 1938); UVC Act V, § 100 (Rev. eds. 1944, 1948, 1952); UVC § 11-1301 (Rev. eds. 1954, 1956, 1962). This section was renumbered in 1968. UVC § 11-1402 (Rev. ed. 1968).

Statutory Annotation

Nineteen jurisdictions have streetcar laws comparable to UVC § 11-1402:

Alabama	Indiana [1]	Nebraska	Pennsylvania [2]
Arkansas [1]	Iowa [1]	New Jersey	Texas [1]
California [2]	Kentucky	North Carolina	Utah
Colorado [1]	Michigan	Ohio	District of
Illinois [1]	Mississippi [1]	Oregon	Columbia [1]

1. The laws of these eight jurisdictions are in verbatim conformity with UVC § 11-1402.
2. California and Pennsylvania are the only two states in this list that actually have streetcar lines in operation. The California law differs slightly from § 11-1402(a) in phraseology and does not contain a provision comparable to subsection (b) on passing on the left. See however, the California law quoted in § 11-1403, *infra*, covering overtaking a streetcar generally. The law provides: "The driver of a vehicle shall not overtake and pass upon the left, nor shall any driver of a vehicle drive upon the left side of, any interurban electric or streetcar proceeding in the same direction whether the streetcar is actually in motion or temporarily at rest, except: (a) When so directed by a police or traffic officer. (b) When upon a one-way street. (c) When upon a street where the tracks are so located as to prevent compliance with this section." The Pennsylvania law is in substantial conformity with the 1926 Code. It provides: "The driver of a vehicle shall not overtake and pass upon the left, any interurban or streetcar proceeding in the same direction, whether actually in motion or temporarily at rest, when a travelable portion of the highway exists to the right of such streetcar, even though such portion of the highway is occupied or obstructed: Provided, however, this provision shall not apply to one-way streets."

Historical Note

Until 1934, the Code made no distinction between overtaking a stopped streetcar on the left or on the right. It simply described a driver's duty upon approaching such a streetcar. See the Historical Note to § 11-1401, *supra*.

In 1934, separate provisions were adopted, one permitting drivers to pass on the left slowly and cautiously, and the above section, generally requiring drivers overtaking on the right to stop to the rear of the bus until all passengers have boarded or reached a place of safety. No changes have been made in this section since it was added in 1934. UVC Act IV, § 23(b) (1926); UVC Act IV, § 42(b) (Rev. ed. 1930); UVC Act V, § 81 (Rev. ed. 1934); UVC Act V, § 99 (Rev. ed. 1938); UVC Act V, § 101 (Rev. eds. 1944, 1948, 1952); UVC § 11-1302 (Rev. eds. 1954, 1956, 1962).

This section was renumbered in 1968. UVC § 11-1403 (Rev. ed. 1968).

Statutory Annotation

Twenty-one jurisdictions have streetcar laws comparable to UVC § 11-1403:

Alabama	Iowa [1]	New Jersey	Texas [1]
Arkansas [1]	Kentucky	North Carolina	Utah
California [2]	Michigan	Ohio	Vermont
Colorado [1]	Mississippi [1]	Oregon	District of
Illinois	Missouri	Pennsylvania [2]	Columbia [1]
Indiana [1]	Nebraska		

1. The laws of these seven jurisdictions are in verbatim conformity with § 11-1403.
2. These two states are the only ones in this list that have streetcar lines in operation. The California law, like the Code prior to 1934, does not distinguish between passing on the left and passing on the right. It provides: "(a) The driver of a vehicle overtaking any interurban electric or streetcar stopped or about to stop for the purpose of receiving or discharging any passenger shall stop the vehicle to the rear of the nearest running board or door of such car and thereupon remain standing until all passengers have boarded the car or upon alighting have reached a place of safety, except as provided in subdivision (b) hereof. (b) Where a safety zone has been established or at an intersection where traffic is controlled by an officer or a traffic control signal device, a vehicle need not be brought to a stop before passing any interurban electric or streetcar but may proceed past such car at a speed not greater than 10 miles per hour and with due caution for the safety of pedestrians. (c) Whenever any trolley coach or bus has stopped at a safety zone to receive or discharge passengers, a vehicle may proceed past such trolley coach or bus at a speed not greater than 10 miles per hour." The Pennsylvania law provides: "No operator of a vehicle who meets or overtakes a street passenger car, that has stopped for the purpose of taking on or discharging passengers, shall pass said car on the side on which the passengers get on or off, until the car has started, and until any passengers who may have alighted have reached the side of the highway, except that, where a safety zone has been established, or at an intersection where traffic is controlled by a peace officer or a traffic signal, a vehicle need not be brought to a full stop before passing any such railway, interurban or streetcar, but may proceed past such car at a speed not greater than is reasonable or proper, and in no event greater than ten (10) miles an hour and with due caution for the safety of pedestrians."

§ 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. (Renumbered, 1968.)

§ 11-1404—Driving on Streetcar Tracks

(a) The driver of any vehicle proceeding upon any streetcar track in front of a streetcar upon a street shall remove such vehicle from the track as soon as practical after signal from the operator of said streetcar.

(b) When a streetcar has lawfully entered and is crossing an intersection, no driver of a vehicle shall drive upon or across the car tracks within the intersection in front of the streetcar when there is hazard of a collision.

(c) The driver of a vehicle upon overtaking and passing a streetcar shall not turn in front of such streetcar so as to interfere with or impede its movement. (Renumbered, 1968.)

Historical Note

The provisions of this section first appeared in the 1930 Code, as follows:

> (a) It shall be unlawful for the driver of any vehicle proceeding upon any street car track in front of a street car upon a street, to fail to remove such vehicle from the track as soon as practicable after signal from the operator of said street car.
>
> (b) When a street car has started to cross an intersection, no driver of a vehicle shall drive upon or cross the car tracks within the intersection in front of the street car.

In 1934, subsection (a) was revised into its present form and subsection (c), in its present form, was added. Subsection (b) was revised into its present form in 1948. UVC Act IV, § 43 (Rev. ed. 1930); UVC Act V, § 82 (Rev. ed. 1934); UVC Act V, § 100 (Rev. ed. 1938); UVC Act V, § 102 (Rev eds. 1944, 1948, 1952); UVC § 11-1303 (Rev. eds. 1954, 1956, 1962).

This section was renumbered in 1968. UVC § 11-1404 (Rev. ed. 1968).

Statutory Annotation

Only New Jersey is in verbatim conformity with this section of the Code. Six states are probably in substantial conformity:

Arkansas	Iowa	Mississippi
Colorado	Michigan	Texas

Seven more jurisdictions have comparable provisions: The Illinois, Indiana, and Ohio laws are similar to the Code in requiring a driver to move his vehicle when signaled by the streetcar operator and in forbidding a turn in front of a streetcar so as to interfere with or impede its movement, but they do not contain provisions comparable to the one in subsection (b). The Iowa, Oregon, Utah and District of Columbia laws require a driver to move his vehicle from the tracks upon a signal from the streetcar operator and instruct drivers not to drive into an intersection when a streetcar is in it and there is hazard of collision, but they do not contain provisions like the one in subsection (c) of § 11-1404.

Citations

Ala. Code tit. 36, § 22 (1959).
Ark. Stat. Ann. §§ 75-633, -634, -635 (1957).
Cal. Vehicle Code §§ 21756, 21757 (1960).
Colo. Rev. Stat. Ann. §§ 13-5-61, -62, -63 (1964).
Ill. Ann. Stat. ch. 95½, §§ 11-1101 to -1103 (1971).
Ind. Ann. Stat. §§ 47-2110, -2111, -2112 (1966).
Iowa Code Ann. §§ 321.335 to .339 (1966).
Ky. Rev. Stat. Ann. §§ 189.340, .360.
Mich. Stat. Ann. §§ 9.2363 to .2365 (1960).
Miss. Code Ann. §§ 8205, 8206, 8207 (1957).
Neb. Rev. Stat. § 39-755 (1960).
N.J. Rev. Stat. §§ 39:4-38, 40 (1961).
N.C. Gen. Stat. § 20-159 (1965).
Ore. Rev. Stat. §§ 483.326, .328.
Pa. Stat. Ann. tit. 75, § 1017 (1960).
Tex. Rev. Civ. Stat. art. 6701d, §§ 82, 83, 84 (1960).
Utah Code Ann. §§ 41-6-91, -92, -93 (1960).
Vt. Stat. Ann. tit. 23, § 1038 (1967).
D.C. Traffic & Motor Vehicle Regs. Pt. I, §§ 71, 72, 73 (1961).

CHAPTER 15

RESPECTIVE POWERS OF STATE AND LOCAL AUTHORITIES

§ 15-101—Provisions Uniform Throughout State

The provisions of this act shall be applicable and uniform throughout this State and in all political subdivisions and municipalities therein and no local authority shall enact or enforce any ordinance on a matter covered by the provisions of this act unless expressly authorized. (REVISED, 1968 and 1971.)

Historical Note

UVC § 15-101 originated from a provision in the 1926 edition of the Code which provided that local authorities "shall have no power or authority . . . to enact or enforce any rule or regulation contrary to the provisions of this act. . . ." UVC Act IV, § 34 (1926). In 1930, this provision was re-worded as follows:

> The provisions of this act shall be applicable and uniform throughout this State and in all political subdivisions and municipalities therein and no local authority shall enact or enforce any rule or regulation in conflict with the provisions of this act unless expressly authorized herein.

UVC Act IV, § 6 (Rev. ed. 1930). In 1934, the above provision was amended to prohibit local authorities from enacting any *ordinance*, rule or regulation in conflict with the provisions of the act, and a sentence was added, providing that: "Local authorities may, however, adopt additional traffic regulations which are not in conflict with the provisions of this act." UVC Act V, § 25 (Rev. ed. 1934); UVC Act V, § 27 (Rev. eds. 1938, 1944, 1948, 1952).

In 1954, when the five acts comprising the Uniform Vehicle Code were consolidated into a single document, the reference to "act" was replaced by the reference to "chapters 10, 11, 12, 13 and 14 of this act." UVC § 15-101 (Rev. eds. 1954, 1956). Also, in 1962, the word "additional" was deleted from the second sentence as a result of court decisions holding that it had the effect of banning ordinances that duplicated state traffic laws. Prior to 1968, this section read as follows:

> The provisions of chapters 10, 11, 12, 13 and 14 of this act shall be applicable and uniform throughout this State and in all political subdivisions and municipalities therein and no local authority shall enact or enforce any ordinance, rule or regulation in conflict with the provisions of such chapters unless expressly authorized herein. Local authorities may, however, adopt traffic regulations which are not in conflict with the provisions of such chapters.

In 1968, it was amended as follows to make state laws pre-emptive of local ordinances:

> The provisions of chapters 10, 11, 12, 13 and 14 of this act shall be applicable and uniform throughout this State and in all political subdivisions and municipalities therein and no local authority shall enact or enforce any ordinance [, rule or regulation in conflict with the provisions of such chapters unless expressly authorized herein] *on a matter covered by the provisions of such chapters unless expressly authorized.* [Local authorities may, however, adopt traffic regulations which are not in conflict with the provisions of such chapters.]

In 1971, the references to "chapters 10, 11, 12, 13 and 14" were deleted so that the entire UVC has state-wide, pre-emptive application.

These recent revisions reflect the recommendation of the National Committee that there be one comprehensive traffic law of state-wide application and that ordinances should not conflict with, duplicate or cover any matter adequately encompassed in a state vehicle code provision. In approving this substantial change, the National Committee expressed the view that the enactment of thousands of local ordinances which merely repeat state traffic laws would be undesireable from the standpoint of intrastate and interstate uniformity. At the same time, the Committee recognized that the adoption and implementation of this revision and its attendant reliance on one state-wide, pre-emptive law containing basic rules of the road may require consideration of a number of important factors in many states and the Committee reiterated its recommendation for the development and maintenance of a suitable model traffic ordinance in each state. See the further discussion of these points in the "Foreword" to the 1968 revised edition of the *Model Traffic Ordinance*.

Statutory Annotation

Eight states—California, Florida, Georgia, Hawaii, Idaho, Maryland, New Jersey and Pennsylvania—have laws within their traffic codes that are in conformity with this Code section, prohibiting local ordinances on any matter covered in the state code. In addition, New York has a law which prohibits conflicting ordinances and duplication of any state traffic law, except as otherwise provided; and Vermont provides that municipal motor vehicle regulations must not duplicate or contradict any provision of its entire vehicle code. The laws of these 10 states are quoted or discussed below:

California—§ 21 of the Vehicle Code provides:

> Except as otherwise expressly provided, the provisions of this code are applicable and uniform throughout the State and in all counties and municipalities therein, and no local authority shall enact or enforce any ordinance on the matters covered by this code unless expressly authorized herein.

This law would generally prohibit ordinances on any matter covered by the entire State Vehicle Code as would the 1971 UVC revision.

Florida—§ 316.007 duplicates the Code as to rules of the road, accidents and equipment. Section 316.002 provides that it is unlawful for a local authority to pass or enforce any ordinance conflicting with a state traffic law.

Georgia—§ 68A-1501 virtually duplicates the Code. It makes the revised rules of the road applicable in all counties and municipalities and provides that no local authority may enact or enforce an ordinance on a matter covered by the revised rules unless specifically authorized to do so.

Hawaii—Law provides:

> This chapter shall be applicable and uniform throughout the State and in all political subdivisions therein provided that any

matter not covered in this chapter relating to the rules of the road may be subject to appropriate county ordinances in any county.

Idaho—Law substitutes "this title" for "this act" but is otherwise identical to the Code.

Maryland—§ 25.101.1 provides:

(a) *Provisions statewide in effect.*—Except as otherwise expressly provided, the provisions of the Maryland Vehicle Law are statewide in their effect.

(b) *Limitation on local authority.*—Except as otherwise expressly authorized by a public local law on the regulation of taxicabs and taxicab drivers or by any public general law, no local authority or political subdivision of this State may:

(1) Require the registration or licensing or any vehicle or driver in addition to the registration and licensing required or authorized in the Maryland Vehicle Law;

(2) Impose on the owner or driver of any vehicle any tax, registration fee, license fee, assessment, or charge of any kind for the use of a vehicle on any highway in this State; or

(3) Otherwise make or enforce any local law, ordinance, or regulation on any subject covered by the Maryland Vehicle Law.

(c) *Provisions exclusive of local regulation.*—Except as otherwise provided in the Maryland Vehicle Law:

(1) The provisions of the Maryland Vehicle Law prevail over all local legislation and regulation on any subject with which the Maryland Vehicle Law deals;

(2) All public local laws, ordinances, and regulations that are inconsistent or identical with or equivalent to any provision in the Maryland Vehicle Law are repealed; and

(3) The charters of all political subdivisions of this State are modified to prohibit the political subdivision from making or enforcing any ordinance or regulation in violation of the Maryland Vehicle Law:

(d) *Local regulation of taxicabs.*—Notwithstanding any other provision of this section, The Maryland Vehicle Law does not preclude enactment, adoption, or enforcement of:

(1) A public local law for the regulation of taxicabs and taxicab drivers; or

(2) An ordinance or regulation adopted under such a public local law.

Like the California and the UVC, this provision would generally prohibit ordinances on matters covered by the entire state vehicle Code.

New Jersey—§ 39:4-197 provides:

No municipality shall pass an ordinance or resolution on a matter covered by or which alters or in any way nullifies the provision of this chapter or any supplement to this chapter . . . .

The law then enumerates certain exceptions comparable to provisions in UVC § 15-102. The New Jersey law does not specifically indicate that state laws are applicable and uniform throughout the state, as does the Code. In addition, § 39:4-202 of the New Jersey statutes provides that no resolution, ordinance or regulation can be effective until submitted to and approved by the director of motor vehicles.

New York—§ 1600 provides:

The provisions of this chapter shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein and no local authority shall enact or enforce any local law, ordinance, order, rule or regulation in conflict with the provisions of this chapter unless expressly authorized herein. No local authority shall enact or duplicate any provision of this chapter as a local law, ordinance, order, rule or regulation, except that any local authority authorized to supersede any provision of this chapter may enact any such provision in a modified or amended form.

This law applies to all provisions of the state vehicle Code. Another New York law, § 1604, prohibits enactment of any ordinance, rule or regulation contrary to or inconsistent with state laws. For a law authorizing cities with a population of over one million to enact ordinances that may supersede state laws in certain specified instances, see N.Y. Vehicle and Traffic Law § 1642 (1960, Supp. 1969).

Pennsylvania—§ 6101 provides:

The provisions of this title shall be applicable and uniform throughout this Commonwealth and in all political subdivisions in this Commonwealth, and no local authority shall enact or enforce any ordinance on a matter covered by the provisions of this title unless expressly authorized.

Vermont—§ 1008(c) provides:

Municipal motor vehicle regulations shall not duplicate or contradict any provision of this title.

Eighteen states have laws in conformity with this section as it appeared in the 1934-1962 editions of the Code, except as noted:

Illinois [1]	Mississippi	Oregon	Utah [4]
Indiana	Montana [3]	Rhode Island	Washington [5]
Iowa	Nebraska	South Carolina	West Virginia
Kansas	New Mexico	Texas	Wyoming [6]
Minnesota [2]	Oklahoma		

1. Illinois adds: "but such regulations shall not be effective until signs giving notice thereof are posted upon or at the entrances to the highway or part thereof." Another law (§ 11-208.1) repeats that state traffic laws *and regulations* shall be applicable *and uniformly applied* throughout Illinois, and in all political subdivisions and local government units. Another (§ 11-208.2) provides that the Ill. Vehicle Code limits authority of home rule units to adopt inconsistent regulations unless specifically authorized.

2. Minnesota omits the word "additional" in the second sentence and adds: "provided, that when any local ordinance regulating traffic covers the same subject for which a penalty is provided for in this chapter then the penalty provided for violation of said local ordinance shall be identical with the penalty provided for in this chapter for the same offense."

3. Another law, § 32-2131, provides that local authorities are not prohibited from "enacting as ordinances any and all provisions of this act and any and all other acts regulating traffic, pedestrians, vehicles and operators thereof, not in conflict with state law or federal regulations and to enforce the same within their jurisdiction."

4. The second sentence of the Utah law provides: "Local authorities may, however, adopt regulations consistent with this act, and additional traffic regulations which are not in conflict therewith."

5. The Washington law refers to the provisions of "this title" and therefore applies to all state laws pertaining to motor vehicles.

6. Wyoming omits "and no local authority shall enact or enforce any ordinance, rule or regulation in conflict with the provisions of such chapter unless expressly authorized herein" and substitutes: "Local authorities may, however, adopt by ordinance, traffic regulations either similar to the regulations contained herein, or additional regulations so long as they are not in conflict with the provisions of this act. . . ."

Three states—Alaska, Michigan and Ohio—have laws in conformity with the 1930 Code provision quoted, *supra*, in the Historical Note, except that they all omit the concluding phrase "unless expressly authorized herein." Thus, traffic laws in these states apply throughout the state and conflicting municipal regulations are prohibited.

Six states, Delaware, Maine, North Carolina, North Dakota, South Dakota and Virginia—have laws comparable to the 1926 Code noted, *supra*, and therefore merely prohibit local authorities from enacting or enforcing any rule or regulation contrary to the provisions of the state traffic code. The South Dakota law expressly bans ordinances which duplicate state laws on drunk driving. The Virginia law refers to "this title" and therefore would include all state motor vehicle laws appearing in title 46.1. See the Virginia laws in title 18.1 describing the offenses of driving while intoxicated and driving while ability is impaired by alcohol, and the chemical test and implied consent provisions, which authorize or contemplate ordinances on these subjects.

Other states have the following comparable laws:

Colorado—§ 42-4-108 provides:

(1) The provisions of this article shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein. Cites and counties and incorporated cities and towns shall regulate and enforce all traffic and parking restrictions on streets which are state highways as provided in

section 43-2-135 (1) (g), C.R.S. 1973, and all local authorities may enact and enforce traffic regulations on other roads and streets within their respective jurisdictions. All such regulations shall be subject to the following conditions and limitations:

(a) All local authorities may enact, adopt, or enforce traffic regulations which cover the same subject matter as the various sections of this article and such additional regulations as are included in section 42-4-109, except as otherwise stated in paragraphs (c) to (e) of this subsection (1).

(b) All local authorities may, in the manner prescribed in parts 3 and 4 of article 12 of title 31, C.R.S. 1973, adopt by reference all or any part of a model municipal traffic code which embodies the rules of the road and vehicle requirements set forth in this article and such additional regulations as are provided for in section 42-4-109; except that, in the case of state highways, any such additional regulations shall have the approval of the state department of highways.

(c) No local authority shall adopt, enact, or enforce on any street which is a state highway any ordinance, rule, or resolution which alters or changes the meaning of any of the "rules of the road" or is otherwise in conflict with the provisions of this article. For the purpose of this section, the "rules of the road" shall be construed to mean any of the regulations on the operation of vehicles set forth in this article which drivers throughout the state are required to obey without the benefit or necessity of official traffic control devices as declared in section 42-4-504 (2).

(d) In no event shall local authorities have the power to enact by ordinance regulations governing the driving of vehicles by persons under the influence of intoxicating liquor or narcotic drugs or whose ability to operate a vehicle is impaired by the consumption of alcohol, the registration of vehicles and the licensing of drivers, and the duties and obligations of persons involved in traffic accidents; but said local authorities within their respective jurisdictions shall enforce the state laws pertaining to these subjects, and in every charge of violation the complaint shall specify the section of state law under which the charge is made and the state court having jurisdiction.

(e) Pursuant to section 43-2-135 (1) (g), C.R.S. 1973, no traffic ordinance or resolution of local authorities shall apply to or become effective for any state highway including any part of the national system of interstate and defense highways until such ordinance or resolution has been presented to and approved in writing by the state department of highways.

Connecticut—§ 14-162 provides:

> No town, city or borough, nor any board or officer thereof, shall make any ordinance respecting the regulation, use, lighting or other equipment of motor vehicles or respecting the use of equipment or accessories upon the same; but any ordinance in force in any town, city or borough in respect to maintaining public service vehicles in a sanitary condition shall remain in force and authority given to any town, city or borough, or to any board or officer thereof, to regulate . . . traffic . . . in streets and public places . . . and ordinances enacted in pursuance of such authority, shall remain in force, and authorities of any town, city or borough shall have power to establish and enforce ordinances fixing traffic routes and public stands for public service vehicles and traffic rules for all vehicles.

This law differs from the Code by not expressly stating that state laws are applicable and uniform throughout the state, and by not expressly prohibiting "traffic rules" on matters already in state law.

Louisiana—§ 32:41 authorizes municipal authorities to create additional regulations controlling traffic "upon non-state maintained highways within their corporate limits under their general police power so long as such regulations do not modify, or conflict with, the provisions of this chapter or regulations of the department and the commissioner adopted pursuant hereto." The phrase "this chapter" refers to Louisiana laws comparable to UVC Chapters 10, 11, 12, 13 and 14. Section 13:1894.1 requires all prosecutions for drunk driving to be brought under the state law.

Missouri—§ 304.120 provides that "no ordinance shall be valid which contains provisions contrary to or in conflict with this chapter, except as herein provided." "This chapter" refers to Missouri laws comparable to UVC Chapters 10, 11, 12, 13 and 14. However, it should be noted that some laws defining serious traffic offenses are in other portions of the Missouri laws.

Nevada—§ 484.777 provides:

> 1. The provisions of this chapter are applicable and uniform throughout this state on all highways to which the public has a right of access or to which persons have access as invitees or licensees.
>
> 2. Unless otherwise provided, any local authority may enact by ordinance traffic regulations which cover the same subject matter as the various sections of this chapter if the provisions of such ordinance are not in conflict with this chapter.
>
> 3. A local authority shall not enact an ordinance:
>
> (a) Governing the registration of vehicles and the licensing of drivers;
>
> (b) Governing the duties and obligations of persons involved in traffic accidents; or
>
> (c) Providing a penalty for an offense for which the penalty prescribed by this chapter is greater than that imposed for a misdemeanor.

Tennessee—§ 59-1028 authorizes incorporated municipalities to "provide additional regulations for the operation of vehicles within said municipality, which shall not be in conflict with the provisions" of state laws pertaining to subjects comparable to those in Chapters 10 through 14 of the Uniform Vehicle Code.

Wisconsin—§ 349.03 makes state laws applicable and uniform throughout the state and prohibits contrary or inconsistent ordinances. In addition, § 349.06 states:

> Except for the suspension or revocation of motor vehicle operators' licenses, any local authority may enact and enforce any traffic regulation which is in strict conformity with chs. 341 to 348 but the penalty for violation of any of its provisions shall be limited to a forfeiture.

The following jurisdictions do not have laws in their vehicle codes that are comparable to UVC § 15-101:

Alabama	Arkansas	Massachusetts	District of Columbia
Arizona	Kentucky	New Hampshire	Puerto Rico

Citations

Alaska Statutes § 28.01.010 (1977).
Cal. Vehicle Code § 21 (Supp. 1969).
Colo. Rev. Stat. Ann. § 42-4-108 (1973).
Conn. Gen. Stat. Ann. § 14-162 (Supp. 1969).
Del. Code Ann. tit. 21, § 4101 (Supp. 1968).
Fla. Stat. § 316.007 (1971).
Ga. Code Ann. § 68A-1501 (1975).
Hawaii Rev. Stat. § 291C-162 (Supp. 1971).
Idaho Code Ann. § 49-581, amended by H.B. 197, CCH ASLR 494 (1977).
Ill. Ann. Stat. ch. 95½, § 11-207 (1971).
Ind. Ann. Stat. § 9-4-1-27 (1973).
Iowa Code Ann. § 321.235 (1966).
Kans. Stat. Ann. § 8-507 (1964).
La. Rev. Stat. Ann. § 32:41 (Supp. 1978).
Me. Rev. Stat. Ann. tit. 29, § 1256 (1964).
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Mich. Stat. Ann. § 9.2305 (1968).
Minn. Stat. Ann. § 169.03 (1960).
Miss. Code Ann § 63-3-209 (1972).
Mo. Ann. Stat. § 304.120 (1959).
Mont. Rev. Codes Ann. §§ 32-2130, -2131 (1961).
Neb. Rev. Stat. § 39-603(3) (1974).
Nev. Rev. Stat. § 484.777, amended by S.B. 26 (1971).
N.J. Rev. Stat. §§ 39:4-197, -202 (1961, Supp. 1968).
N.M. Stat. Ann. § 64-7-8, H.B. 112, CCH ASLR 161, 488 (1978).
N.Y. Vehicle and Traffic Law §§ 1600, 1604 (1960).

N.C. Gen. Stat. § 20-169 (Supp. 1967).
N.D. Cent. Code § 39-07-04 (Supp. 1969).
Ohio Rev. Code Ann. § 4511.06 (1965).
Okla. Stat. Ann. tit. 47, § 15-101 (1962).
Ore. Rev. Stat. §§ 487.015, .025 (1977).
Pa. Stat. Ann. tit. 75, § 6101 (1977).
R.I. Gen. Laws Ann. § 31-12-11 (1956).
S.C. Code Ann. § 56-5-30 (1976).
S.D. Comp. Laws § 32-14-3 (1976).
Tenn. Code Ann. §§ 59-1028, -1029 (1968).
Tex. Rev. Civ. Stat. art. 6701d, § 26 (1969).
Utah Code Ann. § 41-6-16 (1960).
Vt. Stat. Ann. tit. 23, § 1008 (Supp. 1978).
Va. Code Ann. § 46.1-180 (1967).
Wash. Rev. Code Ann. § 46.08.020 (Supp. 1968).
W. Va. Code Ann. § 17C-2-7 (1966).
Wis. Stat. Ann. §§ 349.03, .06 (1967).
Wyo. Stat. Ann. § 31-5-109 (1977).

§ 15-102—Powers of Local Authorities

(a) The provisions of this act shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

1. Regulating or prohibiting stopping, standing or parking;

2. Regulating traffic by means of police officers or official traffic-control devices;

3. Regulating or prohibiting processions or assemblages on the highways;

4. Designating particular highways or roadways for use by traffic moving in one direction as authorized in § 11-308;

5. Establishing speed limits for vehicles in public parks notwithstanding the provisions of § 11-803(a)3;

6. Designating any highway as a through highway or designating any intersection or junction of roadways as a stop or yield intersection or junction; (REVISED, 1971.)

7. Restricting the use of highways as authorized in § 14-113;

8. Regulating the operation of bicycles and requiring the registration and inspection of same, including the requirement of a registration fee;

9. Regulating or prohibiting the turning of vehicles or specified types of vehicles;

10. Altering or establishing speed limits as authorized in § 11-803;

11. Requiring written accident reports as authorized in § 10-115;

12. Designating no-passing zones as authorized in § 11-307;

13. Prohibiting or regulating the use of controlled-access roadways by any class or kind of traffic as authorized in § 11-313:

14. Prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic;

15. Establishing minimum speed limits as authorized in § 11-804(b);

16. Deleted, 1975.

17. Designating and regulating traffic on play streets;

18. Prohibiting pedestrians from crossing a roadway in a business district or any designated highway except in a crosswalk as authorized in § 15-107;

19. Restricting pedestrian crossings at unmarked crosswalks as authorized in § 15-108;

20. Regulating persons propelling push carts;

21. Regulating persons upon skates, coasters, sleds and other 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;* (NEW, 1975.)

24. Adopting such other traffic regulations as are specifically authorized by this act.

(b) No local authority shall erect or maintain any official traffic-control device at any location so as to require the traffic on any State highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the (State highway commission).

(c) No ordinance or regulation enacted under subdivisions (4), (5), (6), (7), (9), (10), (12), (13), (14), (16), (17), or (19) of paragraph (a) of this section shall be effective until official traffic-control devices giving notice of such local traffic regulations are erected upon or at the entrances to the highway or part thereof affected as may be most appropriate. (Section revised, 1968.)

§ 15-103—Adoption by Reference

Local authorities by ordinance may adopt by reference all or any part of the (name of State) Model Traffic Ordinance (include any further description of the ordinance that may be necessary) without publishing or posting in full the provisions thereof, provided that (the enacting ordinance is published and) not less than three copies are available for public use and examination in the office of the (clerk) (commencing at least . . . . . days prior to such adoption).[1] (New, 1968.)

1. This section should be considered together with existing constitutional and legal requirements concerning the adoption and publication of municipal ordinances. Also, many states already have laws relating to municipal adoption of codes by reference and they should also be consulted. Consideration should be given to whether subsequent changes in the model ordinance adopted by reference will be adopted automatically or separately. If a state does not have or contemplate having an official or unofficial model traffic ordinance for use by its municipalities, some consideration might be given to authorizing adoption by reference of a printed code of traffic ordinances compiled by a nationally-recognized organization such as the *Model Traffic Ordinance* of the National Committee on Uniform Traffic Laws and Ordinances.

If the recommendation of the National Committee is followed and a model traffic ordinance is adopted by the state legislature, then this section should be included as a part of that enactment.

§ 15-104—(State Highway Commission) to Adopt Sign Manual

The (State highway commission) shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this act for use upon highways within this State. Such uniform system shall correlate with and so far as possible conform to the system set forth in the most recent edition of the *Manual on Uniform Traffic Control Devices for Streets and Highways* and other

standards issued or endorsed by the Federal Highway Administrator.[2] (REVISED, 1971.)

2. In enacting this provision, states should consider one of the Highway Safety Program Standards issued on June 27, 1967, under the Highway Safety Act, 23 USC § 402(a). Standard 4.4.13 suggests that states and local authorities should utilize devices that "conform with standards issued or endorsed by the Federal Highway Administrator." Any subsequent change in this Standard should be considered in enacting or revising laws comparable to this section. Copies of Standard 4.4.13 can be obtained from the National Highway Traffic Safety Administration, Washington, D.C. 20591, or may be found in 33 *Federal Register* 16560-64 (Nov. 14, 1968) or in 23 *Code of Federal Regulations* § 204.4.

The requirement that a state agency adopt a manual affords maximum flexibility in devising an appropriate and uniform system for traffic-control devices. The agency might, for instance: adopt the *Manual on Uniform Traffic Control Devices for Streets and Highways*; or develop and publish a manual of its own that conforms to that Manual and exceeds its minimum specifications or describes the design and application of supplementary traffic-control devices; or adopt the Manual and devise a supplementary publication—the two becoming the manual for that state.

The alternative to adoption of a manual by a state agency is to require all traffic-control devices installed by state and local authorities to conform to specified standards, such as those issued or endorsed by the Federal Highway Administrator. Although not as flexible, this alternative might foster a high degree of uniformity. States following this alternative would not need a law comparable to § 15-104. Instead, §§ 15-105(a) and 15-106(a) could be modified to require such conformance by state and local authorities.

Regardless of the approach selected, all state and local authorities are urged to follow the system of traffic-control devices recommended in the latest edition of the *Manual on Uniform Traffic Control Devices*. The 1971 edition of this document has been endorsed by the Federal Highway Administrator. In view of Highway Safety Program Standard 4.4.13, however, the use of future editions of this Manual should await the Administrator's endorsement in states desiring to comply with that Standard. In the meantime, the Manual is the national standard for uniformity among traffic-control devices. It is prepared and sponsored by the American Association of State Highway Transportation Officials, Institute of Traffic Engineers, National Committee on Uniform Traffic Laws and Ordinances, National Association of Counties and National League of Cities. Copies of the 1971 Manual may be obtained from the U.S. Government Printing Office, Washington, D.C. 20402 for $3.50 a copy.

Prefatory Note

For many years, it has been recognized that a reasonable degree of standardization or uniformity among traffic-control devices is necessary for the safe use of the highways. This uniformity includes both the obvious external characteristics of a device such as size, color and shape, and less obvious considerations like placement and appropriateness of any particular device.

In acknowledgement of such beliefs, the first edition of the Uniform Vehicle Code, published in 1926, authorized the administrative development in each state of a system of marking and signing highways that would follow the system adopted by other states. In 1934, the Code made this responsibility on the part of each state highway commission mandatory and more definite by providing for the adoption of a manual in each state that would generally follow current national standards, such as the *Manual on Uniform Traffic Control Devices*. In addition, the Code has long contemplated that traffic-control devices employed by state and local authorities must comply with the manual adopted in that state. See §§ 15-105 and 15-106, *infra*.

Under UVC § 11-201(a), drivers are required to obey the instructions of an "official traffic-control device," which is defined as any sign, signal, marking or device designated to regulate, warn or guide traffic. However, any such device must not be inconsistent with law and must be placed or erected under authority of the appropriate government agency. See UVC § 1-139.

The requirements that devices should conform to a state-wide manual based on the national Manual, be consistent with law, and be officially placed should foster a high degree of consistency among traffic-control devices. Though uniformity might be accelerated by prescribing all or certain features of traffic-control devices in the Code and the laws of each state, this approach has consistently heen rejected as unnecessary, undesirable and inappropriate.

The importance of traffic-control devices, and thus their uniformity as well, to many rules of the road in the Uniform Vehicle Code and state traffic laws should also be noted. Many significant rules of the road are dependent upon the existence of a traffic-control device, and can not be applicable or enforced unless the device is in place and legible and, although other rules of the road do not require the presence of traffic-control devices to be effective, a driver's ability to proceed safely may be aided by their deployment.

For these reasons and because UVC §§ 15-104 to 15-106 call for the adoption and use of a manual in each state patterned after the most recent edition of the *Manual on Uniform Traffic Control Devices*, it should be noted that the 1971 edition has been published.

Historical Note

A provision comparable to UVC § 15-104 first appeared in the 1926 edition of the Uniform Vehicle Code:

> (The State highway commission) is hereby authorized to classify, designate and mark both intrastate and interstate highways lying within the boundaries of this State and to provide a uniform system of marking and signing such highway under the jurisdiction of this State, and such system of marking and signing shall correlate with and so far as possible conform to the system adopted in other states.

UVC Act IV, § 58 (1926); UVC Act IV, § 9(a) (Rev. ed. 1930).

In 1934, the responsibility of the state highway commission was made mandatory and the provision was made more precise by requiring conformity with the system approved by the American Association of State Highway Officials:

> (The State highway commission) *shall adopt* [is hereby authorized to classify, designate and mark both intrastate and interstate highways lying within the boundaries of this state and to provide a uniform system of marking and signing such highways under the jurisdiction of this state and] *a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this act for use upon highways within this State*. Such *uniform* system [of marking and signing] shall correlate with and so far as possible conform to the system [adopted in other states] *then current as approved by the American Association of State Highway Officials*.

Note also that, as a result of the 1934 revision, the power of the state highway commission was extended to cover "traffic-control devices" rather than "marking and signing," that it covered all highways in the state and not merely those "under the jurisdiction of this state," and that the manual adopted by the commission was to be consistent with traffic laws. UVC Act V, § 28 (Rev. ed. 1934). See also, the definition of "official traffic-control devices" in UVC § 1-139.

No further changes occurred in this section until 1954 when the five acts comprising the Uniform Vehicle Code were consolidated into a single document. At that time, the phrase "this chapter" replaced the phrase "this act." UVC Act V, § 30 (Rev eds. 1938, 1944, 1948, 1952); UVC § 15-104 (Rev. ed. 1954). No changes were made in 1956. UVC § 15-104 (Rev. ed. 1956).

In 1962, the reference to the system approved by the American Association of State Highway Officials was deleted in favor of a more specific reference to the *Manual on Uniform Traffic Control Devices for Streets and Highways* as follows:

> The (State highway commission) shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this chapter for use upon highways within this State. Such uniform system shall correlate with and so far as possible conform to the system [then current as approved by the American Association of State Highway Officials] *set forth in the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways*.

UVC § 15-104 (Rev. ed. 1962).

With the publication of Highway Safety Program Standard 13, a revision of this section was approved by the National Committee in 1968 to reflect

the federal recommendation that each state develop a system of traffic-control devices that complies with standards issued or endorsed by the Federal Highway Administrator. Since the *Manual on Uniform Traffic Control Devices* (Rev. eds. 1961, 1971) is an approved standard, reference to that document was retained, so that the Code now calls for conformity with the Manual and with any other standard that may be issued or endorsed by the Federal Highway Administrator. In addition to this 1968 revision, an explanatory footnote in the Code was expanded.

The 1968 revision was as follows:

> The (State highway commission) shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this chapter for use upon highways within this State. Such uniform system shall correlate with and so far as possible conform to the system set forth in the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways and other standards issued or endorsed by the Federal Highway Administrator.

The 1971 revision substituted "act" for "chapter" in the first sentence because the manual in each state must be consistent with the entire vehicle code and not just with laws comparable to those in UVC Chapter 15.

Statutory Annotation

Three states—Alabama, Idaho and Kansas—have laws in verbatim conformity with this Code provision.

One state—Indiana—has two laws which, taken together, are identical in substance to this Code section. The first law, § 47-1901, is identical to the 1934-1956 version of the Code section and the second law provides in part:

> The Indiana Manual on Uniform Traffic Control Devices for Streets and Highways shall substantially conform with the Manual on Uniform Traffic Control Devices for Streets and Highways, 1961 Edition, and the Manual for signing and pavement marking for the National System for Interstate and Defense Highways, 1962 Edition, and all other manuals and revisions to the above manuals having the concurrence of the Federal Highway Administrator. All future revisions to the above mentioned manuals may be considered to become a part of the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways, if concurred in by the Indiana State Highway Commission and made a part of the Manual by lawful promulgation. The Indiana State Highway Commission may add control devices to the State Manual in those areas where the Federal Standards are silent.

Thirteen states—Alaska, Arizona, Colorado, Illinois, Maryland, Nebraska, Nevada, New Jersey, North Dakota, Pennsylvania, Vermont, Washington and Wyoming—have laws conforming to the Code insofar as they contain a specific reference to the *Manual on Uniform Traffic Control Devices* or to the National Joint Committee on Uniform Traffic Control Devices:

Alaska—§ 19.10.050 provides:

> The department shall prescribe types of traffic-control signals to regulate traffic on highways. These signals shall correlate with and, as far as possible, conform to the recommendations of the Manual on Uniform Traffic Control Devices as adopted by the American Association of State Highway Officials. The department shall prescribe uniform rules for the placing and installation of traffic-control signals.

A second law, § 19.10.040, requires the department to "classify, designate and mark highways under its jurisdiction" and to provide a uniform system in conformity with "the Manual on Traffic Control Devices as adopted by the American Association of State Highway Officials." This law is identical to the North Dakota provision quoted, *infra*. Another law (§ 19.25.105) regulating advertising excepts direction and official signs if they conform to federal standards for interstate and primary systems.

Arizona—§ 28-641 requires adoption of a manual for a uniform system of traffic-control devices that "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 prepared by the National Joint Committee on Uniform Traffic Control Devices."

Arizona has a second law requiring the Director of its Department of Transportation to prescribe "standard board and road signs or other devices" and to provide a uniform system of marking and signaling state highways *and adjacent pathways for bicycles and pedestrians*. That system must correlate with and so far as possible conform to the system approved by the American Association of State Highway Officials.

Colorado—§ 42-4-501 provides:

> The state department of highways shall adopt a manual and specifications for a uniform system of traffic control devices consistent with the provisions of this article for use upon highways within this state. Such uniform system shall correlate with and insofar 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 related standards issued or endorsed by the federal highway administrator. For compliance with this section the said department shall either publish and distribute a state manual and specifications approved by the state highway commission or shall, by the issuance of a traffic control manual supplement approved by the state highway commission, adopt the said national manual and other related standards subject to such exceptions, additions, and adaptations as are necessary for lawful and uniform application in this state. Said state manual or supplement shall be made available to all municipal and county road authorities and to other concerned agencies in the state.

Illinois—Law provides:

> The Department shall adopt a State manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this Act for use upon highways within this State. The manual shall also specify insofar as practicable the minimum warrants justifying the use of the various traffic control devices. Such uniform system shall correlate with and, where not inconsistent with Illinois highway conditions, conform to the system set forth in the most recent edition of the National Manual on Uniform Traffic Control Devices for Streets and Highways.

Another law (§ 11-310(d)) prohibits the sale or offer of any device to be used on any highway that does not conform with its vehicle code.

Maryland—Law duplicates the 1962 Code section.

Nebraska—§ 39-698 provides:

> The Department of Roads shall adopt the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways as the uniform system of traffic-control devices consistent with the provisions of this act for use upon all highways within this state, and shall issue such supplements and specifications, correlated with and so far as possible conforming to the system set forth in such manual, as may be required to implement such manual in this state and to conform with such other standards as may be issued or endorsed by the federal highway administrator.

Additional laws (§§ 39-602 (45) and 39-613) ban sales of traffic control devices which do not conform to the Manual and supplements or specifications of the Department of Roads.

Nevada—Law is identical to the 1934-1956 Code but adds at the end "and the National Joint Committee on Uniform Traffic Control Devices."

New Jersey—Three laws, which are not entirely consistent, provide as follows:

§ 39:4-183.27

The Commissioner of Transportation shall, from time to time, promulgate rules and regulations concerning the placing, specifications, location and maintenance of highway and traffic signs and markings. In promulgating such rules and regulations, the commissioner shall be guided by the Manual on Uniform Traffic Control Devices for Streets and Highways which has been adopted by the Federal Highway Administrator as a national standard for application on all classes of highways.

§ 39:4-183.6

The Director of the Division of Motor Vehicles may determine the character, type, location, wording or symbol, and use of all traffic signs on the highways of this State; may adopt a manual and specifications for a uniform system of traffic signs consistent with the provisions of this act for use upon public highways within the State. Such uniform system shall correlate with and so far as possible conform to the system then current as specified in the "Manual on Uniform Traffic Control Devices for Streets and Highways."

§ 39:4-191.1

Markings shall be placed only by the authority of a public body or official having jurisdiction as authorized by law, and only for the purpose of regulating, warning or guiding traffic. Where used, these markings shall be uniform in design, position and application. The director may adopt a uniform system of markings consistent with the provisions of this act for use upon public highways within the State. Such a uniform system of markings shall correlate with and so far as possible conform to the current "Manual on Uniform Traffic Control Devices for Streets and Highways."

North Dakota—§ 39-13-06 provides:

The state highway commissioner shall adopt a manual and specifications for a uniform system of traffic-control devices, consistent with the provisions of law, for use upon all highways and streets in 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 promulgated as a national standard by the federal highway administrator.

Pennsylvania—§ 6121 provides:

The department shall publish a manual for a uniform system of traffic-control devices consistent with the provisions of this title for use upon highways within this Commonwealth. The 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, United States Department of Transportation.

Vermont—§ 1025(a) provides:

The United States Department of Transportation Federal Highway Administration's Manual on Uniform Traffic Control Devices for streets and highways as amended shall be the standards for all traffic control signs, signals and markings within the state. Existing signs, signals and markings shall be valid until such time as they are replaced or reconstructed. When new traffic control devices are erected or placed or existing traffic control devices are replaced or repaired the equipment, design, method of installation, placement or repair shall conform with such standards.

Washington—§ 47.36.020 provides:

The highway commission shall adopt specifications for a uniform system of traffic-control signals consistent with the provisions of this title for use upon public highways within this state. Such uniform system shall correlate with and so far as possible conform to the system then current as approved by the American Association of State Highway Officials and as set out in the Manual on Uniform Traffic Control Devices for Streets and Highways.

Another law, § 47.36.030, imposes the same requirements with respect to signs, signals, signboards, guideposts and other devices erected "for the purpose of furnishing information to persons traveling upon such state highways regarding traffic regulations, directions, distances, points of danger and conditions requiring caution, and for the purpose of imposing restrictions upon persons operating vehicles thereon."

Wyoming—§ 31-89 duplicates the 1962 Code section.

One state—Louisiana—does not specifically mention the Manual on Uniform Traffic Control Devices, but does require conformance with systems approved by the Federal Highway Administration, as follows:

The department shall adopt a manual and specifications for a uniform system of traffic control devices consistent with the provisions of this Chapter for use upon highways within this state. Such uniform system shall correlate with and so far as possible conform to the system then current as approved by the United States Department of Transportation, Federal Highway Administration. . . .

A second law requires the Highway Department to provide a uniform system of marking bicycle paths for use by state and local officials.

Eleven states have laws that duplicate or nearly duplicate the provision appearing in the 1934-1956 editions of the Code. Thus, these laws require adoption of a manual and specifications for a uniform system of traffic-control devices which correlates with and, so far as possible, conforms to the current system approved by the American Association of State Highway Officials:

Arkansas	Mississippi	Ohio [3]	Utah
Iowa [1]	Montana [2]	Oklahoma [4]	West Virginia
Minnesota	New Mexico	Texas	

1. Section 321.252 contains additional provisions requiring a uniform system of highway signs for the purpose of "naming, warning, regulating, and guiding traffic to organized off-highway permanent camps, and camp areas, operated by recognized and established civic, religious, and nonprofit charitable organizations."

2. Section 32-2133 is in verbatim conformity, but adds: "provided however, the commission shall adopt for use on controlled-access highways, the interstate sign manual of the American Association of State Highway Officials, February 10, 1958, and approved by the United States Department of Commerce, Bureau of Public Roads, February 21, 1958."

3. The law requires adoption of a uniform system of traffic-control devices, "including signs denoting names of streets and highways," and omits the phrase "consistent with the provisions of this chapter" and the words "then current as approved."

4. The Oklahoma law omits the phrase "consistent with the provisions of this chapter" and adds "and the manual so adopted may be amended or revised from time to time as the commission may deem necessary. The manual so adopted and any amendments and revisions thereof shall be distributed free of charge to the local governing bodies of counties and incorporated cities and towns."

Three additional states—Florida, Georgia and Michigan—have laws which provide for adoption of a manual consistent with the system approved by the American Association of State Highway Officials:

Florida—Law provides:

The Department of Transportation shall adopt a uniform system of traffic control devices for use on the streets and highways of the state. The uniform system shall, insofar as is practicable, conform to the system adopted by the American Association of State Highway Officials and shall be revised from time to time to include changes necessary to conform to a uniform national system or to meet local and state needs. The Department of Transportation may call upon respresentatives of local authorities to assist in the preparation or revision of the uniform system of traffic control devices.

A second law (§ 316.1895) requires adoption and distribution of a uniform system of traffic control devices for use near schools.

Georgia—Law provides:

> The department shall promulgate uniform regulations governing the erection and maintenance on the public roads of Georgia of signs, signals, markings, or other traffic-control devices, such uniform regulations to supplement and be consistent with the laws of this State. Insofar as practical, with due regard to the needs of the public roads of Georgia, such uniform regulations shall conform to the recommended regulations as approved by the American Association of State Highway Officials.

Michigan—Law conforms to the 1934-1956 Code provision insofar as it provides for adoption of a manual consistent with the system approved by the American Association of State Highway Officials but, although virtually identical to the 1934-1956 Code, it vests authority to adopt a manual in two agencies of government—the state highway commissioner and the commissioner of state police. A provision has been added declaring it to be the policy of the state "to achieve, insofar as is practicable, uniformity in the design, and shape and color scheme of traffic signs, signals and guide posts erected and maintained upon the streets and highways within the state with other states."

A second law requires all devices sold or offered to municipalities to conform with the state manual.

Five states have provisions that are comparable to the 1926-1930 Code section quoted in the Historical Note, *supra*. Thus, laws in these states require a system of devices conforming to those used in other states:

Delaware	Oregon [2]	Virginia [3]
North Carolina	South Dakota	

1. Section 136-30 authorizes the state highway commission to classify, designate and mark both intrastate and interstate highways, "including connecting streets of incorporated towns and cities, lying within this State and to provide a system of marking and signing such highways. Highways shall be distinctly marked with some standard uniform design and the number thereon shall correspond with the numbers given the various routes by the commission and shown on official maps issued by the commission. Other guide signs and warning signs shall also be of uniform design." Remaining portions of this law are identical to the 1926 Code provision. See also, the law quoted in the Annotation for § 15-105, *infra*, requiring certain devices to conform with the 1961 Manual on Uniform Traffic Control Devices.

2. Ore. Gen. Laws 1971, ch. 770, § 14(1)(F), may require a permit for any official sign that does not comply with applicable federal regulations.

3. Section 46.1-173 is identical, differing only by stating that the highway commission "may" rather than "is hereby authorized to" classify, designate and mark highways.

Of the remaining 10 states with provisions comparable to this Code section—California, Connecticut, Kentucky, Massachusetts, Missouri, New York, Rhode Island, South Carolina, Tennessee and Wisconsin—only New York and Wisconsin require adoption of a state manual on traffic-control devices that conforms with a nationally accepted standard. The other states merely authorize or require some "uniform system." Two of these—Missouri and South Carolina—authorize, but do not require, adoption of a uniform system of highway signs, signals or markings. In three states—Massachusetts, Missouri, and Tennessee—the authority of the state highway commission is limited to adoption of a manual or system for only certain highways, while the Code requires adoption of a manual for use on all highways. The laws of these 10 states provide:

California—§ 21400 provides:

> The Department of Transportation shall, after consultation with local agencies, adopt rules and regulations prescribing uniform standards and specifications for all official traffic control devices placed pursuant to the provisions of this code, including, but not limited to, stop signs, yield right-of-way signs, speed restriction signs, railroad warning approach signs, street name signs, lines and markings on the roadway, and stock crossing signs placed pursuant to Section 21364.
>
> The Department of Transportation shall determine and publicize the specifications for uniform types of warning signs, lights, and devices to be placed upon a highway by any person engaged in performing work which interferes with or endangers the safe movement of traffic upon such highway.
>
> Only those signs, lights, and devices as are provided for in this section shall be placed upon a highway to warn traffic of work which is being performed on such highway.

Section 21.372 requires the development of warrants for devices for use in school zones. Public Resources Code § 5079.3 requires the adoption of uniform signs for bicycle paths and routes by the Department after consultation with local agencies. And, Cal. Streets & Highways Code § 2375 requires the department to establish uniform specifications and symbols for signs, markers and devices to control bicycle traffic, warn of dangerous conditions, allocate right of way, exclude unauthorized vehicles, and warn other users of bicycle traffic.

Connecticut—§ 14-298 provides that, for the purpose of standardization and uniformity, the state traffic commission "shall adopt and cause to be printed for publication regulations establishing a uniform system of traffic-control signals, devices, signs and markings consistent with the provisions of this chapter for use upon the public highways."

Kentucky—§ 189.337(2) provides:

> The department of highways shall promulgate and adopt a manual of standards and specifications for a uniform system of official traffic-control devices for use upon all roads and streets. The manual and its future revisions and supplements shall be applicable to all roads and streets under the control of the department of highways or any county or incorporated city.

Massachusetts—§ 2 of Chapter 85 requires the department of public works to erect and maintain "on state highways and on ways leading thereto, and on all main highways between cities and towns, such direction signs, warning signs or lights, curb, street or other traffic markings, mechanical traffic signal systems, traffic devices, or parking meters as it may deem necessary for promoting the public safety and convenience and shall likewise install and maintain in accordance with accepted standards of engineering practice, such . . . markings as conditions may require. . . . ."

Missouri—§ 227.220 merely authorizes the highway commission to "prescribe uniform marking and guide boards on the state highways."

New York—§ 1680 contains the following provisions:

> (a) The department of transportation shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this chapter for use upon highways within this state. Such uniform system shall correlate with and so far as practicable conform to nationally accepted standards.
>
> (b) No provision of this chapter shall be deemed to require that such manual contain authority for the future installation of any specific kind or type of traffic-control device or combination of traffic-control devices which in the judgment of the department of transportation does not conform to such nationally accepted standards.

In addition, New York bans selling or leasing any traffic control which does not conform to the current manual unless a certificate has been issued. This law does not apply in New York City.

Rhode Island—§ 31-13-1 establishes a state traffic commission to publish a manual of regulations and specifications establishing a uniform system of traffic-control devices consistent with state traffic laws for the purpose of standardization and uniformity.

A second law (§ 31-13-12) provides that Part VI of the *Manual on Uniform Traffic Control Devices*, prepared by the National Joint Committee on Uniform Traffic Control Devices, relating to traffic controls for construction and maintenance operations is "hereby incorporated by reference and are to be considered the minimum standards relative thereto."

South Carolina—§ 46-301 authorizes, but does not require, the department to adopt a manual of "standards and specifications for a uniform system of traffic-control devices, consistent with the provisions of this chapter, for use upon highways and streets within this state." Like the Rhode Island law, *supra*, this provision does not require conformity with any national standard, since the second Code sentence has been omitted.

Tennessee—§ 54-508 is applicable only to interstate highways, and requires the department to cooperate with the federal government "in formulating and adopting a uniform system of numbering or designating roads of interstate character, within this state, and in the selection and erection of uniform danger signals and safety devices for the protection and direction of traffic on said highways."

Wisconsin—Law provides:

> The highway commission shall adopt a manual establishing a uniform system of traffic control devices for use upon the highways of this state. The system shall be consistent with and, so far as practicable, conform to current nationally recognized standards for traffic control devices.

A second law provides:

> The state highway commission shall adopt rules for the design and installation of stop and yield signs and for the design, installation and operation of traffic-control signals where these signs and devices are permitted by statutes. In amending such rules, the state highway commission shall take into account the needs and conveniences of local authorities as well as the policy of the state to require uniform stop and yield signs and traffic-control signals.

The five jurisdictions in which express provisions comparable to this Code section have not been located are: Hawaii, Maine, New Hampshire, the District of Columbia and Puerto Rico.

Citations

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W. Va. Code Ann. § 17C-3-1 (1974).
Wis. Stat. Ann. § 349.08 (1967), § 84.02(4)(e), added by Gen. Laws 1974, ch. 185, CCH ASLR 85.
Wyo. Stat. Ann. § 31-5-113 (1977).

§ 15-105—(State Highway Commission) to Sign All State (and County) Highways

(a) The (State highway commission) shall place and maintain such traffic-control devices, conforming to its manual and specifications, upon all State (and county) highways as it shall deem necessary to indicate and to carry out the provisions of this act or to regulate, warn or guide traffic.

(b) No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the (State highway commission) except by the latter's permission.

Historical Note

A comparable provision first appeared in the 1930 edition of the Code:

> (The State highway commission) is hereby authorized to determine the character or type of and to place or erect upon state highways traffic-control signals at places where the commission shall deem necessary for the safe and expeditious control of traffic, and so far as practicable all such traffic-control signals shall be uniform as to type and location. No traffic-control signals shall be erected or maintained upon any state highway by any authority other than the State highway commission, except with its written approval.

UVC Act IV, § 9(b) (Rev. ed. 1930). In 1934, this section was amended to require conformity with the State manual on official traffic-control devices and the authority of the State highway commission was made mandatory rather than discretionary. Also, a references to traffic-control "devices" was inserted in place of "signals," and in subsection (b) the reference to "written approval" was deleted and replaced with the word "permission." No further changes have been made since that time. UVC Act V, § 29 (Rev. ed. 1934); UVC Act V, § 31 (Rev. eds. 1938, 1944, 1948, 1952); UVC § 15-105 (Rev. eds. 1954, 1956, 1962, 1968).

Statutory Annotation

Twenty-two states have provisions in verbatim conformity with this Code section, except as noted:

Arizona [1]	Kansas	New Mexico	Utah
Arkansas	Maryland [4]	Ohio [9]	Washington [11]
Colorado	Michigan [5]	Oklahoma [10]	West Virginia
Idaho	Minnesota [6]	Rhode Island	Wyoming
Illinois [2]	Mississippi [7]	South Carolina [9]	
Iowa [3]	Montana [8]	Texas	

1. Arizona § 28-650 (Gen. Laws 1971, ch. 186) requires all persons and entities working on highways to post and maintain appropriate devices in compliance with the state manual to warn persons using the highway.

2. Illinois refers in subsection (a) to "all highways under its jurisdiction." A third subsection requires the department to erect and maintain "guide, warning and direction signs upon highways in cities, towns and villages of which portions or lanes of such highways are under the control and jurisdiction of the department or for which the department has maintenance responsibility."

3. The Iowa law applies to all "primary highways" and adds a provision in subsection (b) which requires that "whenever practical, said devices shall be purchased from the director of the division of corrections of the department of social services."

4. The Maryland law refers to traffic-control devices on "all highways under its jurisdiction." Another law, otherwise in conformity with subsection (b) of the Code, adds "only with the permission and under the direction of the State Highway Administration." Art. 89B, § 71B, requires devices on the interstate system to conform to national standards promulgated by the U.S. Secretary of Transportation.

5. The Michigan law comparable to subsection (b) provides that local authorities shall not "place or maintain any traffic-control device upon any trunkline highway under the jurisdiction of the state highway commissioner except by the latter's permission or upon any county road without the permission of the county road commission having jurisdiction thereof."

6. The Minnesota law applies to "state trunk highways," and adds a provision authorizing erection of signs giving names of cities and population, stating further that the commissioner "may construct and maintain other directional signs upon the trunk highways and such signs shall be uniform." This law also contains an exception which provides that the commissioner "may authorize variations from the manual and specifications for the purpose of investigation and research into the use and development of traffic control devices" and requires notice of such variation to be published in a newspaper of general circulation. A law comparable to subsection (b) begins with "no other authority" rather than the Code's "local" authority.

7. In Mississippi, authority is given to the commissioner of public safety and to the state highway commission and extends to state and county highways.

8. The Montana law contains additional provisions giving the highway commission exclusive jurisdiction over erection of traffic-control devices on any controlled-access highway or controlled-access facility and providing power to remove any unauthorized traffic-control device encroaching upon a right of way of any state highway or any controlled-access highway.

9. The Ohio and South Carolina laws differ by authorizing, rather than requiring, the commission to place the necessary devices.

10. In Oklahoma, the jurisdiction of the department of highways extends to all state and federal highways.

11. The portion of the Washington law comparable to subsection (b) applies to a primary or secondary highway.

Of 25 other jurisdictions with laws comparable to this section, six—California, Florida, Indiana, New York, North Dakota and Pennsylvania—expressly require the use of devices that comply with a state manual on uniform traffic-control devices. These 25 laws provide:

Alabama—Law duplicates subsection (b) but has no provision comparable to (a).

Alaska—The Commissioner of Highways is responsible for erecting and maintaining such signs and other devices as he considers necessary.

California—§ 21350 provides that the state department of public works shall place and maintain "with respect to highways under its jurisdiction, appropriate signs, signals and other traffic-control devices as required hereunder, and may place and maintain, or cause to be placed and maintained, such appropriate signs, signals or other traffic-control devices as may be authorized hereunder or as may be necessary properly to indicate and to carry out the provisions of this code, or to warn or guide traffic upon the highways." Section 21401 provides that "only those official traffic control devices that conform to the uniform standards and specifications promulgated by the Department of Public Works" may be placed on a highway. Another law, § 21104, is comparable to UVC § 15-105(b) and provides:

> No ordinance or resolution . . . is effective as to any highway not under the exclusive jurisdiction of the local authority enacting the same, except that an ordinance or resolution which is submitted to the department of public works by a local legislative body in complete draft form for approval prior to the enactment thereof is effective as to any state highway or part thereof specified in the written approval of such department . . . .

Connecticut—§ 14-298 authorizes the state traffic commission to place and maintain traffic-control signals, signs, markings "and other safety devices, which it deems to be in the interests of public safety" upon highways which fall under the commission's jurisdiction. Section 14-309 provides that "no traffic safety measure or traffic-control device, sign or marking shall be installed or maintained on any state highway or on any bridge of any such highway or within the right of way of any such highway or bridge by the traffic authority of any town, city or borough, except by consent and written approval of the state traffic commission."

Delaware—Law authorizes the Department of Highways and Transportation to install, maintain and remove all devices necessary to implement the vehicle code.

Florida—The Department of Transportation has jurisdiction over all state highways, state institutions and state parks to "place and maintain such traffic control devices which conform to its manual and specifications . . . as it shall deem necessary to indicate and carry out the provisions of this chapter or to regulate, warn or guide traffic." Local authorities may not install devices regulating traffic on a state highway without the department's written approval.

Georgia—Law provides:

> In conformity with its uniform regulations, the department shall place and maintain, or cause to be placed and maintained, such traffic-control devices upon the public roads of the State Highway System as it shall deem necessary to regulate, warn, or guide traffic, except that the department shall place and maintain a sign for each railroad crossing at grade on the State Highway System, warning motorists of such crossing: Provided that each railroad company shall also erect and maintain a Railroad Crossbuck Sign on its right-of-way at every such crossing. The department may remove or direct removal of all traffic-control devices and signs which are erected on the State Highway System by any governing authority without the permission of the department.

Indiana—Law requires all "traffic signal control devices" to conform in all respects with standards, specifications and warrants of the "Indiana Manual on Uniform Traffic Control Devices." Traffic signal installations must be preceded by a study verifying that they are warranted. Traffic-control devices can not be placed on state highways without written permission of the state highway commission.

Kentucky—A law applicable to speed limits in school zones indicated by flashers contains a subsection which provides, "Any traffic control devices erected by any governmental unit shall conform to standards and specifications authorized by KRS 189.337.

Louisiana—§ 32:235 contains a provision identical to UVC § 15-105(b), but does not have one comparable to subsection (a).

Massachusetts—Ch. 85, § 2, requires the department of public works to erect and maintain "on state highways and on ways leading thereto, and on all main highways between cities and towns" traffic-control devices deemed necessary for promoting the public safety and convenience "and shall likewise install and maintain in accordance with accepted standards of engineering practice, such curb, highway, street or other traffic markings as conditions may require or as may be necessary to carry out the provisions of other statutes pertaining to highway markings." Another portion of this law is comparable to the Code's subsection (b) and provides:

> . . . No such signs, lights, signal systems, traffic devices, parking meters or markings shall be erected or maintained on any state highway by any authority other than the department except with its written approval as to location, shape, size and color thereof, and except during such time as said approval is in effect. The department may, after notice, revoke any approval granted under this section . . . .

In addition, this law allows municipalities to install devices conforming with the state manual if the department of public works does not respond to a city's application for permission within 60 days. Another law, ch. 85, § 21A, provides that local authorities, subject to the provisions noted above, may erect on state, town and city highways, such warning signs, lights or markings as are necessary for the protection of school children.

Missouri—§ 227.220(1) provides that the state highway commission is authorized "to erect, or cause to be erected danger signals or warning signs at railroad crossings, highway intersections or other places along the state highways which the commission deems to be dangerous."

Nebraska—Law requires the Department of Roads to place and maintain, or provide for such placement or maintenance, such traffic-control devices as it deems necessary to carry out rules of the road or to regulate, warn or guide traffic. These devices must conform to the Manual on Uniform Traffic Control Devices and the Department's supplements and specifications. Nebraska duplicates subsection (b) of the Code section and expressly includes state freeways. As to state highways in cities over 40,000 population, cities erect and maintain devices after consulting with the Department unless it agrees to erect and maintain them. In cities under 40,000, the Department is responsible for devices on state highways but must consult with local officials where the population is over 25,000. Provisions in other laws require posting information about stopping for school buses (§ 39-661), speed limits (§ 39-662(4)) and littering (§ 39-683(4)).

Nevada—Law provides that all devices used by the department of highways must conform with the manual and specifications adopted by that department. A second law is identical to UVC § 15-105(b).

New Hampshire—§ 262-A:21 provides, in part:

> The commissioner of public works and highways and, subject to his approval, selectmen of any town or board of mayor and aldermen or group having similar powers in any city, having control of any highway may order such marking of highway, by painted lines, as is deemed necessary to the safe and efficient use of any such highway. In ordering or approving such marking the commissioner of public works and highways insofar as is practicable shall conform to nationally accepted standards . . . .

This law does not mention signs or signals, and would appear to be limited to "markings."

New Jersey—The state does not have a law comparable to the Code's subsection (a), but § 39:4-199 is identical to subsection (b) insofar as it prohibits erection or maintenance of "safety zones or platforms, commonly called 'safety isles,' traffic signal devices, guideposts or any other structures" on a state highway without permission of the state highway commission.

New York—§ 1681 provides:

> (a) The department of transportation shall order the installation, operation, maintenance and removal of such traffic-control devices, conforming to its manual and specifications, upon all state highways maintained by the state or on any highway intersecting a state highway maintained by the state on the approach to such intersection as it may deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic, and elsewhere as specifically authorized by this chapter.
>
> (b) The department of transportation may order the erection and maintenance of suitable directional signs upon the streets of cities, villages, counties and towns within the state, to facilitate through traffic, provided consent therefor is first obtained from the local authorities . . . .
>
> (e) Except as otherwise provided . . . no state agency, local authority or person shall place or maintain any traffic-control device upon any state highway maintained by the state except by permission of the department of transportation.

Railroad Law § 53(1) requires warning signs erected by railroads at grade crossings to be of a shape and design approved by the commissioner of transportation.

North Carolina—§ 20-169 provides that "all traffic signs, signals, markings, islands, and all other traffic-control devices installed or erected on streets or highways on the state highway system within the corporate limits of a municipality shall be subject to the approval of the state highway commission and be installed or erected in substantial conformance with the specifications set forth in the Manual on Uniform Traffic Control Devices for Streets and Highways, or any subsequent revisions of the same, published by the United States Department of Commerce, Bureau of Public Roads and dated June, 1961." This law differs from the Code by not specifically requiring the state highway commission to maintain traffic-control devices that conform to a uniform manual on all state highways.

North Dakota—Law requires state and local authorities to place devices that are deemed necessary to regulate, warn or guide traffic. All traffic control devices must conform with standards of design and location prescribed in the state manual.

Oregon—Law authorizes the Transportation Commission to mark interstate and intrastate highways. It can also determine the character or type of signals necessary for safe and expeditious control of traffic, as in the 1930 Code. The Public Utility Commissioner is responsible for protective devices at all railroad grade crossings.

Pennsylvania—Law authorizes the department on state-designated highways to erect traffic-control devices. They should conform with the Department of Transportation's manual and regulations. Local authorities must get approval before erecting a traffic-control device on a state highway. They also must get approval of any signal unless the municipality has a traffic engineer. The Department of Transportation must promulgate standards to be used in determining if approval is to be given.

Vermont—§ 4(10) requires the state highway board to "erect and maintain where deemed necessary guide boards, route signs, town line signs and danger signs on state and state aid highways." Section 25 is comparable to UVC § 15-105(b) and provides:

> A person shall not erect a guideboard, danger, distance or routing sign within the right of way of a state or state aid highway without first having obtained the consent of the board, or its representative or on other highways without the consent of the selectmen of the town in which the highway is located. The provisions of this section shall not apply to danger signs erected by railroads at railroad crossings, or to guideboards or signs erected by municipalities.

Another law (§ 1025) requires the state highway department to arrange with municipalities for the replacement of devices that do not conform with the Manual or the state vehicle code.

Virginia—§ 33-36 is in conformity with UVC § 15-105(b) by requiring that "all markings and traffic lights installed or erected by towns on the primary roads therein maintained by the state highway department shall first be approved by the state highway commission."

Wisconsin—§ 86.19 requires the state highway commission to prescribe regulations "with respect to the erection of signs on public highways," and prohibits erection of any signs on any public highway in violation of such regulations or without written approval.

District of Columbia—A regulation differs from the Code by omitting the phrase "conforming to its manual and specifications," and by substituting "no person or authority" for "no local authority" in subsection (b).

Five jurisdictions do not have comparable provisions in their vehicle codes:

Hawaii	South Dakota	Puerto Rico
Maine	Tennessee	

Citations

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Wyo. Stat. Ann. § 31-5-114 (1977).
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§ 15-106—Local Traffic-control Devices

(a) Local authorities in their respective jurisdictions shall place and maintain such traffic-control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this act or local traffic ordinances or to regulate, warn or guide traffic. All such traffic-control devices hereafter erected shall conform to the State manual and specifications. [3]

3. Section 15-106(a) leaves to local authorities complete jurisdiction to determine the number and location of all traffic-control devices upon highways under their jurisdiction, requiring only that all such devices shall conform to the State manual and specifications.

OPTIONAL (b) Local authorities in exercising those functions referred to in the preceding paragraph shall be subject to the direction and control of the (State highway commission). [4]

4. 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 it is recognized that in certain instances local authorities having a free hand in this matter have erected such numbers of regulatory signs and signals as to unduly delay traffic and invite disobedience by the motoring public.

Historical Note

The 1926 edition of the Uniform Vehicle Code contained the following comparable provision on signs placed by municipalities:

> Local authorities in their respective jurisdictions may cause appropriate signs to be erected and maintained, designating residence and business districts, highway and steam or interurban railway grade crossings and such other signs as may be deemed necessary to carry out the provisions of this act, and such additional signs as may be appropriate to give notice of local parking and other special regulations. . . .

UVC Act IV, § 59 (1926). In 1930 this provision was amended as shown below and an optional subsection (b) was added which would give the state highway commission general supervision over the erection of signs, signals and markings by local authorities:

> *(a) Subject to such authority as may be vested in the (State highway commission),* local authorities in their respective jurisdictions may cause appropriate signs to be erected and maintained designating business and residence districts [, highway] and steam or interurban railway grade crossings and such other signs, *markings and traffic-control signals* as may be deemed necessary to *direct and regulate traffic and to* carry out the provisions of this act, and such additional signs as may be appropriate to give notice of local parking and other special regulations.
>
> *(b) (The State highway commission) shall have general supervision with respect to the erection by local authorities of official traffic signs and signals for the purpose of obtaining, so far as practicable, uniformity as to type and location of such official traffic signs and signals throughout the state, and no local authority shall place or erect any traffic signs, signals or markings unless of a type or conforming to specifications and at locations approved by the (State highway commission).*

UVC Act IV, § 10 (Rev. ed. 1930). In 1934, this section was amended to read as it does now in the Code, as follows:

> (a) [Subject to such authority as may be vested in the (State highway commission),] Local authorities in their respective jurisdictions [may cause appropriate signs to be erected and maintained designating business and residence districts and steam or interurban railway grade crossings and such other signs, markings and traffic-control signals] *shall place and maintain such traffic-control devices upon highways under their jurisdiction* as *they* may [be] deem[ed] necessary to [direct and regulate traffic and to] *indicate and to* carry out the provisions of this act [and such additional signs as may be appropriate to give notice of local parking and other special regulations] *or local traffic ordinances or to regulate, warn or guide traffic. All such traffic-control devices hereafter erected shall conform to the State manual and specifications.*
>
> (b) *Optional:* [The (State highway commission) shall have general supervision with respect to the erection by local authorities of official traffic signs and signals for the purpose of obtaining, so far as practicable, uniformity as to type and location of such official traffic signs and signals throughout the state, and no local authority shall place or erect any traffic signs, signals or markings unless of a type or conforming to specifications and at locations approved by the (State highway commission).] *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).*

Statutory Annotation

Subsection (a).

Twenty-two states have laws in verbatim conformity with subsection (a), except as noted:

Arizona	Kansas	Mississippi	Oklahoma
Arkansas	Louisiana [2]	Montana	South Carolina
Colorado	Maryland	Nevada	Utah
Idaho	Michigan [3]	New Mexico	Washington
Illinois [1]	Minnesota	Ohio [4]	West Virginia
Iowa			Wyoming

1. The Illinois law applies to local authorities "and road district highway commissioners in their respective jurisdictions." The second and third sentences provide: "All such traffic-control devices shall conform to the State Manual and Specifications and shall be justified by traffic warrants stated in the Manual. Placement of traffic-control devices on township or road district roads also shall be subject to the written approval of the county superintendent of highways."

2. The Louisiana law provides: "Local municipal and parish 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 chapter, regulations of the department and director of public safety adopted pursuant to the authority granted by R.S. 32:41 and 32:42. All such traffic-control devices hereafter erected shall conform to the department's manual and specifications." If local devices do not comply there is authority to withhold certain funds.

3. The Michigan law applies to local authorities "and county road commissions." Another law authorizes localities to erect traffic-control devices at exits and entrances to shopping centers.

4. The Ohio law provides: "Local authorities in their respective jurisdictions shall place and maintain traffic-control devices in accordance with the department of highways manual and specifications for a uniform system of traffic-control devices, adopted under § 4511.09 of the Revised Code upon highways under their jurisdiction as are necessary to indicate and to carry out §§ 4511.01 to 4511.76, inclusive, and 4511.99 of the Revised Code, local traffic ordinances, or to regulate, warn, or guide traffic." Another subsection provides that all traffic-control devices erected on a public road, street or alley shall conform to the state manual and specifications.

Two other states—Nebraska and New York—have laws conforming substantially with the Code but which differ as follows:

Nebraska—§ 39-611 is virtually identical to subsection (a). It omits any reference to local ordinances and requires conformance with the Manual on Uniform Traffic Control Devices and supplements and specifications issued by the Department of Roads.

New York—§ 1682 has wording similar in all respects to the Code provision but an exception is added which provides that "a city having a population in excess of one million shall conform to the state manual and specifications only insofar as such local authority in its discretion deems practicable." N.Y. Railroad Law § 53-a requires municipal warning signs at grade crossings to comply with "the manual and specifi-

cations for a uniform system of traffic-control devices adopted by the department of transportation." General City Law § 20(32) empowers city traffic agencies to "determine the design, type, size, method of erection, installation . . . operation and location of any and all signs, signals, markings, and similar devices for guiding, directing or otherwise regulating and controlling . . . traffic. . . ." N.Y. Village Law § 94-a requires "traffic control devices complying with the manual and specifications . . . adopted by the department of transportation" as required by § 1682 before certain local orders, rules and regulations can take effect.

Three states—Alabama, California and Rhode Island—have laws in verbatim conformity with the first sentence of the Code section, but have omitted a provision comparable to the second sentence which requires conformity with the state manual and specifications.

Seventeen additional states have laws comparable to this Code subsection. Of these, Florida, Nevada and Virginia have provisions comparable only to the second sentence of the Code subsection and therefore require that devices erected by local authorities must conform to state standards, but do not specifically require erection of appropriate traffic-control devices by such local authorities. The laws of these 17 states provide:

Alaska—Political subdivisions are required to erect necessary traffic control devices on their streets. They must as far as practicable conform with the current edition of the Alaska Traffic Manual.

Connecticut—§ 14-298 provides, in part:

> . . . The traffic authority of any city, town or borough may place and maintain traffic-control signals, signs, markings and other safety devices upon the highways under its jurisdiction, and all such signals, devices, signs and markings shall conform to the regulations established by the state traffic commission in accordance with this chapter, and such traffic authority shall, with respect to traffic-control signals, conform to the provisions of § 14-299.

Section 14-299 is discussed, *infra*, in connection with UVC § 15-106(b).

Delaware—Municipalities are authorized to install, maintain and remove all devices necessary to implement the vehicle code.

Florida—Chartered municipalities and counties "may place and maintain such traffic control devices which conform to the manual and specifications of the department . . . upon all streets and highways under their original jurisdiction as they shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn or guide traffic."

Georgia—Law requires counties and municipalities to place and maintain traffic-control devices upon their roads as may be necessary to regulate, warn or guide traffic. The devices must conform with Department of Transportation regulations.

Indiana—See the law in § 15-105, *supra*.

Kentucky—See the law in § 15-105, *supra*.

New Jersey—§ 39:4-183.1 provides that traffic signs shall be placed by the authority of a public body or official having jurisdiction as authorized by law and only for the purpose of regulating, warning or guiding traffic. A similar law, § 39:4-191.1, is applicable to markings, and adds the requirement that such markings "shall be uniform in design, position and application." Another law authorizes municipalities to install markings in parking lots and places open to the public.

North Carolina—§ 136-31 is identical to the 1926 Code. Another law, § 20-169, provides that traffic-control devices erected on state highways within the corporate limits of a municipality are subject to the approval of the state highway commission and must be in "substantial conformance" with "the Manual on Uniform Traffic Control Devices for Streets and Highways or any subsequent revisions of the same, published by the United States Department of Commerce, Bureau of Public Roads and dated June, 1961."

North Dakota—See the law discussed in § 15-105, *supra*.

Oregon—See the law discussed in § 15-105, *supra*.

Pennsylvania—Law provides that local authorities may effect official traffic control devices conforming with the state manual. They must get state approval of all signal installations unless they have a traffic engineer.

South Dakota—The law duplicates the 1926 Code provision qnoted in the Historical Note, *supra*.

Texas—Law authorizes counties to adopt rules for a system of traffic-control devices which conform to the State Highway Department's manual and specifications. Counties may install and maintain such lights, stop signs and no parking signs as they deem necessary for public safety.

Vermont—§ 1008 allows municipal legislative bodies to make special regulations as to the "location, design and structure of traffic lights." However, under § 1025, all traffic-control signs and signals must comply with the "Manual on Uniform Traffic Control Devices." The state department of highways must arrange for the replacement of any municipal sign or signal that does not conform with the Manual and the state vehicle code.

Virginia—§ 46.1-187 is comparable to the second sentence of the Code subsection:

> Traffic signs erected on and after January 1, 1959, and traffic signals and markings placed or erected on and after January 1, 1969, by local authorities pursuant to this title shall conform in size, design and color to those erected for the same purpose by the state highway department.

Section 46.1-180 contains a general authorization permitting local traffic ordinances and erection of appropriate "signs or markers on the highway showing the general regulations applicable to the operation of vehicles on such highways."

Wisconsin—Law provides:

> Local authorities shall place and maintain traffic control devices upon highways under their jurisdiction to regulate, warn, guide or inform traffic. The design, installation and operation or use of new traffic control devices placed and maintained by local authorities after the adoption of the uniform traffic control devices Manual under s. 84.02 (4) (e) shall conform to the Manual. After January 1, 1977, all traffic-control devices placed and maintained by local authorities shall conform to the Manual.

Six states do not have provisions comparable to this Code section:

Hawaii	Massachusetts	New Hampshire
Maine	Missouri	Tennessee

Optional Subsection (b).

The 10 states listed below each have a provision comparable to the optional subsection (b) and therefore, except as indicated, generally require that erection of traffic-control devices by local authorities be controlled or regulated by the appropriate state agency. The laws of these states are as follows:

Arkansas—§ 75-503 contains a provision in verbatim conformity with this Code subsection.

Connecticut—§ 14-299 provides that "for the purpose of standardization and uniformity, no installation of any traffic-control signal light shall be made by any town, city or borough until the same has been approved by the state traffic commission. Such approval shall be based on necessity for, location of and type of such signal light and shall be applied for on a form supplied by the state traffic commission and shall be submitted to said commission by the traffic authority having jurisdiction."

Kansas—A law comparable to this Code subsection applies only to erection of traffic-control devices on highways designated by the state highway commission as "connecting links."

Massachusetts—Ch. 85, § 2, contains the following provision:

. . . No rule, regulation, order, ordinance or by-law of a city or town hereafter made or promulgated relative to or in connection with such signs, lights, signal systems, traffic devices, parking meters or markings on any way within its control, shall take effect until approved in writing by the department, or be effective after said approval is revoked.

Mississippi—The law is in verbatim conformity with this optional subsection.

New Hampshire—§ 262-A:21, which is applicable only to highway markings, permits marking of highways by "selectmen of any town or board of mayor and aldermen or group having similar powers in any city" with the approval of the commissioner of public works.

New Jersey—§ 39:4-202 provides that no resolution, ordinance or regulation "passed, enacted or established under authority of this article, shall be effective until submitted to and approved by the director [of motor vehicles] as provided in § 39:4-8 of this Title." The phrase "this article" refers to New Jersey laws pertaining to erection of traffic signs, signals and markings by state and local authorities.

Oklahoma—A law comparable to subsection (b) applies on "streets and highways which are a continuation of state or federal numbered highways."

Oregon—§ 483.044 is identical to the 1930 Code provision qnoted in the Historical Note, *supra*.

Pennsylvania—§ 1110 contains the following provisions:

. . . . Before local authorities, except in cities of the first and second class, and except as hereinafter provided for cities of the third class, shall erect or cause to be erected traffic signals, they must first obtain the approval of the secretary of highways of this Commonwealth: Provided, however, That any local authority may, after one hundred and twenty days after it has made application for approval with the secretary of highways, secure a rule in the court of common pleas of the county wherein the local authority is located upon the secretary of highways to show cause why the approval should not issue.

Cities of the third class may erect, maintain and operate traffic signals on other than State highways within such cities without prior approval of the secretary of highways as to hours of operation and type of control: Provided, That such signals conform to all other provisions and warrants of this act and of the regulations made and published under the authority thereof.

Citations

Ala. Code tit. 32, § 32-5-31 (1975).
Alaska Stats. § 28.01.010(d) (1977).
Ariz. Rev. Stat. Ann. § 28-643 (1956).
Ark. Stat. Ann. § 75-503 (1957).
Cal. Vehicle Code § 21351 (1959).
Colo. Rev. Stat. Ann. § 42-4-503 (1973).
Conn. Gen. Stat. Ann. §§ 14-298, -299 (1958).
Del. Code Ann. tit. 21, § 4101(c) (Supp. 1978).
Fla. Stat. §§ 316.006(2), (3) (1971).
Ga. Code Ann. § 95A-901(c) (1975).
Idaho Code Ann. § 49-603 (1967).
Ill. Ann. Stat. ch. 95½, § 11-304 (1971).
Ind. Ann. Stat. § 9-4-1-31 (1973).
Iowa Code Ann. § 321.255 (1966).
Kans. Stat. Ann. § 8-2005 (1975).
Ky. Rev. Stat. § 189.336 (1977).
La. Rev. Stat. Ann. § 32:235 (1963, Supp. 1972).
Md. Trans. Code § 25-106 (1977).
Mass. Ann. Laws ch. 85, § 2 (Supp. 1968).
Mich. Stat. Ann. § 9.2310 (1968).
Minn. Stat. Ann. § 169.06(3) (1960).
Miss. Code Ann. § 63-3-305 (1972).
Mont. Rev. Codes Ann. § 32-2135 (1961).
Neb. Rev. Stat. § 39-611 (1974).
Nev. Rev. Stat. §§ 484.781, .783 (1975).
N.H. Rev. Stat. Ann. § 262-A:21 (1966).
N.J. Rev. Stat. §§ 39:4-183.1, -191.1, -202 (1961).
N.M. Stat. Ann. § 64-7-103, H.B. 112, CCH ASLR 161, 492 (1978).
N.Y. Vehicle and Traffic Law § 1682 (Supp. 1968).
N.C. Gen. Stat. §§ 20-169, 136-31 (1965).
N.D. S.B. 2126, § 2, CCH ASLR 517 (1975).
Ohio Rev. Code Ann. § 4511.11 (1965).
Okla. Stat. Ann. tit. 47, § 15-106 (1968).
Ore. Rev. Stat. § 487.850 (1977).
Pa. Stat. tit. 75, § 6122 (1977).
R.I. Gen. Laws Ann. § 31-13-3 (1956).
S.C. Code Ann. § 56-5-940 (1976).
S.D. Comp. Laws § 31-28-13 (1967).
Tex. Rev. Civ. Stat. art. 6701g, § 3 (1977).
Utah Code Ann. § 41-6-22 (1960).
Vt. Stat. Ann. tit. 23, §§ 1008, 1025 (Supp. 1978).
Va. Code Ann. § 46.1-187 (Supp. 1968).
Wash. Rev. Code Ann. § 47.36.060 (Supp. 1968).
W.Va. Code Ann. § 17C-3-3 (1966).
Wis. Stat. § 349.065 (Supp. 1978).
Wyo. Stat. Ann. § 31-5-401 (1977).

§ 15-107—Authority to Restrict Pedestrian Crossings

Local authorities by ordinance, and the (State highway commission) by erecting appropriate official traffic-control devices, are hereby empowered within their respective jurisdictions to prohibit pedestrians from crossing any roadway in a business district or any designated highways except in a crosswalk. (REVISED, 1968.)

§ 15-108—Authority to Close Unmarked Crosswalks

The (State highway commission) and local authorities in their respective jurisdictions may after an engineering and traffic investigation designate unmarked crosswalk locations where pedestrian crossing is prohibited or where pedestrians must yield the right of way to vehicles. Such restrictions shall be effective only when official traffic-control devices indicating the restrictions are in place. (New, 1968.)

§ 15-109—Authority for Stop Signs and Yield Signs

The (State highway commission) with reference to State (and county) highways and lcoal 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. (REVISED, 1971.)

§ 15-110—Regulations Relative to School Buses

(a) The (State board of education) by and with the advice of the motor vehicle commissioner shall adopt and enforce regulations not inconsistent with this act to govern the design and operation of all school buses when owned and operated by any school district or privately owned and operated under contract with any school district in this State, and such regulations shall by reference be made a part of any such contract with a school district. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to said regulations.

(b) Any officer or employee of any (school or school district) who violates any of said regulations or fails to include obligation to comply with said regulations in any contract executed by him on behalf of a (school or school district) shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a (school or school district) who fails to comply with any said regulations shall be guilty of

breach of contract and such contract shall be canceled after notice of hearing by the responsible officers of such (school or school district). (Section revised, 1962; renumbered, 1968.)

§ 15-111—Designation of Authorized Emergency Vehicles

(a) The commissioner (or other appropriate state official) shall designate any particular vehicle as an authorized emergency vehicle upon a finding that designation of that vehicle is necessary to the preservation of life or property or to the execution of emergency governmental functions.

(b) The designation shall be in writing and the written designation shall be carried in the vehicle at all times, but failure to carry the written designation shall not affect the status of the vehicle as an authorized emergency vehicle. (New section, 1968).

§ 15-112—Abandoned Vehicles

(a) No person shall abandon a motor vehicle, trailer or semitrailer upon any highway. (REVISED, 1975.)

(b) No person shall abandon a motor vehicle, trailer or semitrailer upon any public or private property without the express or implied consent of the owner or person in lawful possession or control of the property. (REVISED, 1975.)

(c) Any police officer who has reasonable grounds to believe that a motor vehicle, trailer or semitrailer has been abandoned may remove the vehicle, or cause it to be removed, at the expense of the owner, to the nearest garage or other place of safety and shall immediately send a written report of such removal to the department, which report shall include a description of the vehicle, the date, time and place of removal, the grounds for removal and the name of the garage or place where the vehicle is stored. Upon receipt of a report as provided, the department shall notify by registered mail return receipt requested the registered owner of the vehicle, or any lienholder, giving the grounds for removal and the name of the garage or place where the vehicle is stored. If the vehicle is not registered in this State, the department shall make a reasonable effort to notify the registered owner or any lienholder of the removal and the location of the vehicle. The department shall forward a copy of the notice to the owner or person in charge of the garage or place where the vehicle is stored. (REVISED, 1975.)

(e) Title to any impounded vehicle not reclaimed by the registered owner or any lienholder within 30 days of the return of the receipt provided by subsection (c) shall vest with the state or local authority having jurisdiction. (REVISED, 1975.)

OPTIONAL (f) Notwithstanding §§ 3-101, 3-114 and 3-117, a person purchasing an abandoned vehicle from a state or local authority need not secure a certificate of title for any vehicle to be processed as scrap metal. (NEW, 1975.)

§ 15-113—Removal of Traffic Hazards

(a) It shall be the duty of the owner of real property to remove from such property any tree, plant, shrub or other obstruction, or part thereof, which, by obstructing the view of any driver, constitutes a traffic hazard.

(b) When the (State highway commission) or any local authority determines upon the basis of an engineering and traffic investigation that such a traffic hazard exists, it shall notify the owner and order that the hazard be removed within 10 days.

(c) The failure of the owner to remove such traffic hazard within 10 days shall constitute an offense punishable by a penalty of . . . . . dollars and every day said owner shall fail to remove it shall be a separate and distinct offense. (New section, 1968).

§ 15-114—Rights of Owners of Real Property

Nothing in this act shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner, and not as a matter of right, from prohibiting such use, or from requiring other or different or additional conditions than those specified in this act, or otherwise regulating such use as may seem best to such owner. (Renumbered, 1968.)

§ 15-115—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 section 15-104. (NEW, 1975.)

Historical Note

This section was added to the Code in 1975 to prohibit selling nonconforming signs, signals and markings for use on highways.

Statutory Annotation

Laws in eight states conform substantially with this section: Delaware, Florida, Idaho, Illinois, Michigan, North Dakota, Ohio and Pennsylvania. New York prohibits buying or making nonconforming devices.

Delaware adopted this law in 1976:

> Whoever sells or offers for sale for use on any public highway in this state any traffic control device which does not conform to the Delaware Manual on Uniform Traffic Control Devices for Division of Highways shall be fined not less than $25.00 nor more than $1,000.00 and shall make restitution to the purchaser in an amount equal to the entire sum originally paid for the device

or devices. In the event a sale consists of the sale of more than one separate device, each sale of each separate device shall constitute a violation of this section. Del. Code tit. 17, § 505, amended by S.B. 615, CCH ASLR 481 (1976). A second Delaware law is closely patterned after the Code. Del. Code tit. 17, § 146(d), added by S.B. 619, CCH ASLR 501 (1976).

North Dakota adopted the following law in 1975:

> No person, firm, or corporation shall sell or offer for sale to street and highway authorities, and no such authorities shall purchase or manufacture, any traffic control device which does not conform to the manual unless specifically approved by the state highway commissioner. N.D. S.B. 2126, CCH ASLR 517 (1975).

Pennsylvania bans the making, selling or leasing of any device that has not been approved and which does not comply with standards. Pa. Stat. tit. 75, § 6127.

Tennessee adopted the following law in 1978:

> No person shall sell or offer for sale any traffic control signal or device for use on any street, road, or highway in this state unless such device conforms to the requirements of this chapter. Tenn. Code Ann. § 59-813(b) (Supp. 1978).

CHAPTER 17

POST CONVICTION REMEDIES (NEW, 1971.)

ARTICLE I—MISDEMEANORS (NEW, 1971.)

§ 17-101—Penalties for Misdemeanor

(a) It is a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this State declared to be a felony.

(b) Every person convicted of a misdemeanor for a violation of any of the provisions of chapters 10, 11, 12, 13 or 14, for which another penalty is not provided, shall for a first conviction thereof be punished by a fine of not more than $200; for conviction of a second offense committed within one year after the date of the first offense, such person shall be punished by a fine of not more than $300; for conviction of a third or subsequent offense committed within one year after the date of the first offense, such person shall be punished by a fine of not more than $500 or by imprisonment for not more than six months or by both such fine and imprisonment. (REVISED, 1971 & 1975.)

(c) Unless another penalty is in this act or by the laws of this State provided, every person convicted of a misdemeanor for the violation of any other provision of this act shall be punished by a fine of not more than ($500), or by imprisonment for not more than six months, or by both such fine and imprisonment.

§ 17-102—Inability to Pay Fine

(a) Upon plea and proof that a person is unable to pay any fine imposed under this act, a court may order its payment in installments and shall fix the amounts, times and manner thereof.

(b) 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 $10 of the unpaid balance of the fine.

(c) Any order entered under this section shall constitute a judgement enforceable as though it were a civil judgment under the laws of this State. (New section, 1971.)

§ 17-103—Additional Remedies

(a) In addition to any other penalty provided in this act for a misdemeanor or for a violation of § 11-903, a court may impose any one or more of the following requirements:

1. Reexamination by the department under § 6-207.

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 § 11-903 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 act is mandatory upon conviction, a court may probate or suspend all or any part of a misdemeanor penalty or a penalty for violation of § 11-903 upon such terms and conditions as the court shall prescribe. Such conditions may include driving with no further violations of this act 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. [1] (New section, 1971.)

1. 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. However, the National Committee does not favor requiring restitution.

ARTICLE II—FELONIES

§ 17-201—Penalty for Felony

Any person who is convicted of a violation of any of the provisions of this act herein or by the laws of this State declared to constitute a felony shall be punished by imprisonment for not less than one year nor more than five years, or by a fine of not less than $500 nor more than $5,000, or by both such fine and imprisonment. (Formerly § 17-102; renumbered, 1971.)

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 act, suspend the registration of any vehicle or vehicles registered in the name of the person convicted for a period 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 or being in actual physical control of 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 as required by § 10-102 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. Wilfully fleeing from or attempting to elude a police officer; or

9. Any offense punishable under § 17-201. (New section, 1971.)

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 act constituting a misdemeanor shall be deposited in the treasury of the State or in the treasury of the county, city or town maintaining the court wherein such conviction or forfeiture was had in a special fund to be known as the "highway 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. (REVISED, 1975.)

(b) Failure, refusal or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture, either before or after a deposit in said "highway improvement fund," to comply with the foregoing provisions of this section shall constitute misconduct in office and shall be grounds for removal therefrom. (Formerly § 17-103; renumbered, 1971.)

APPENDIX

THE IMPORTANCE OF UNIFORM TRAFFIC LAWS

Any discussion of the importance of uniform traffic laws must be preceded by an acknowledgment of the fact that the presence of vehicular and pedestrian traffic is a reasonably common occurrence and that the practice of driving encompasses some common denominators or standards in terms of execution that are essentially the same no matter where the traffic may be in relation to political boundaries. The degree of importance, of course, is in direct proportion to the amount of traffic and the extent to which drivers and pedestrians cross these boundaries, either for temporary sojourns or for reasons that might involve driving on a more permanent basis in a different state:

The minimum degree of standardization implicit in the concept of uniform traffic laws is that the same conduct should be expected of a driver or a pedestrian in the same or an essentially similar situation in any state.

Highway safety. Uniform laws are essential to highway safety because drivers learn and form driving habits and attitudes based on experience under their states' laws, and if laws among the states are not reasonably uniform, a good driver from one state can become, almost axiomatically, and unconsciously, a poor driver in another state.

Efficient use of highways. Uniform traffic laws and ordinances are also important because they foster the efficient use of available highway space. Chances for efficient use of our highways are not assisted by accidents—no matter what the cause—nor is their use expedited by the presence of two or more drivers or pedestrians in proximity proceeding on the basis of different rules.

Different traffic rules are unfair. Motorists are required to obey the laws of the state in which they are driving. It is unreasonable and unfair to expect that a driver will know he is supposed to drive differently simply because he has crossed a political boundary. A driver from another state who proceeds in ignorance of different conduct expected of him will most certainly feel he has been treated unfairly or subjected to an injustice.

Nonuniformity is inherently illogical. The application of a different rule in the same traffic situation merely because one has crossed a political boundary is inherently unreasonable and illogical. So much so, that the majority of drivers probably assume there are not substantial differences in driving rules from state to state. Thus, they may unconsciously violate these rules thinking, quite to the contrary, that their driving is perfectly normal and correct or, in a few instances, they may even be encouraged to violate the law. Rules governing other, less hazardous activities of man have been made the same to enable a reasonable degree of participation in all states or countries—merely because the lack of a common standard would be illogical and defeat the purpose of that activity.

Uniform traffic laws are necessary for the effective use of present and future resources. Local, state and federal governments in this country have embarked upon a program to improve highway safety. Material improvement in the safe and efficient use of our highways will require substantial increases in the number and training of teachers, driver licensing personnel, law enforcement officers, traffic engineers and traffic court judges, to name a few. Uniformity as to the basic conduct expected of drivers and pedestrians in common situations would make their training easier and more efficient and would augment the already invaluable contribution of these professions in reducing accidents and expediting traffic.

The Constitution of the National Conference of Commissioners on Uniform State Laws states as its objectives the promotion of uniformity where it is desirable and practicable, the promotion of uniformity of *judicial decisions*, and the drafting of model acts in areas where uniformity will enhance the *effectiveness of the exercise of state powers* and promote interstate cooperation. Uniformity among traffic laws meets all these criteria. It is essential. There is not a single body of law coming more frequently before our civil and criminal courts. And it is critically necessary for effective action by the states.

The Federal Highway Safety Act of 1966 contemplates that each state will have a comprehensive highway safety program approved by the Secretary of Transportation and meeting uniform standards set by him. [1] The law provides that such standards shall be promulgated by the Secretary.

> so as to improve driver . . . and . . . pedestrian performance. In addition such uniform standards shall include, but not be limited to, provisions for an effective record system of accidents . . . accident investigations . . . vehicle registration, operation and inspection . . . traffic control, vehicle codes and laws. . . . [2]

Pursuant to this authority, the Secretary of Transportation on June 27, 1967, issued 13 Highway Safety Program Standards. [3] The full text of the standard relating to "Codes and Laws" reads as follows:

Highway Safety Program Standard 6

CODES AND LAWS

INTRODUCTION

There is general agreement on the fundamental importance of uniform vehicle codes and other laws related to highway safety. This program area involves assisting the States to adopt codes consistent with those of their neighbors and to promulgate new legislation to deal with motoring problems that did not exist prior to the advent of modern high-speed travel.

BACKGROUND

. . . basic motor vehicle codes and traffic laws should be made uniform throughout the Nation. The laws in the field are literally a jungle of confusion. There is a vast array of changing and conflicting traffic laws and control systems as we drive from State to State . . . This situation not only makes it impossible for the driver to know what the law is, but it encourages him to ignore the law.

Report No. 1700, House of Representatives 89th Congress, 2d Session, July 15, 1966, p. 19.

PURPOSE

To eliminate all major variations in traffic codes, laws, and ordinances on given aspects of highway safety among political subdivisions in a State, to increase the compatibility of these

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1. 80 Stat. 731 (1966), 23 U.S.C. § 402(a) (1970). The Highway Safety Act of 1966, which was signed by the President on September 9, 1966, provides that the Secretary of Commerce shall adopt such standards. Pub. L. No. 564, 89th Cong., 2d Sess. § 402, 80 Stat. 731 (1966). On October 15, 1966, the President signed a law creating the Department of Transportation and §§ 3(f)2 and 6(a) (6)(B) vested the duty and power to adopt such standards in the Secretary of Transportation. Pub. L. No. 670, 89th Cong., 2d Sess., 80 Stat. 931, 932, 938 (1966).

2. U.S.C. § 402(a) (1970).

3. Copies of the standards may be obtained from the National Highway Traffic Safety Administration, U.S. Department of Transportation, Washington, D.C. 20591 or they can be found in 23 *Code of Federal Regulations* Part 204, 33 Fed. Reg. 16336, 16560 (Nov. 7 & 14, 1968).

ordinances with a unified overall State policy on traffic safety codes and laws, and to further the adoption of appropriate aspects of the Rules of the Road section of the Uniform Vehicle Code.

STANDARD

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

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

II. There is a plan to make the State's unified rules of the road consistent with similar unified plans of other States. Toward this end, each State shall undertake and maintain continuing comparisons of all State and local laws, statutes and ordinances with the comparable provisions of the Rules of the Road section of the Uniform Vehicle Code.

It should also be noted that the United States Department of Transportation has issued an extensive *Highway Safety Program Manual* designed to provide guidance and advice as to preferred practices for each of the areas covered by the standards. The volume of this Manual for the "Codes and Laws" standard urges each state to develop and implement plans that will "further the adoption of appropriate aspects of the Rules of the Road chapter of the *Uniform Vehicle Code*" [4] and contains these general statements of policy:

> The general policy of the Department of Transportation, as specified in the Standard, is identification and elimination of major variations among traffic laws and ordinances within a State and among the several States, using as a basis the Rules of the Road portion of the latest edition of the *Uniform Vehicle Code*.
>
> . . . .
>
> The only rational foundation for traffic regulation throughout the nation is uniformity of traffic laws and ordinances within and among the several States.
>
> Maximum uniformity should be achieved by the voluntary and cooperative action of State and local governments and not by coercive or direct Federal action.
>
> Although the minimum degree of standardization implicit in the concept of uniform traffic laws is that common conduct should everywhere be expected of drivers and pedestrians in essentially similar situations, fewer doubts concerning such conduct will occur when the rules of the road are textually identical in each and every State.
>
> The purpose of the Standard, which is to achieve uniformity among traffic laws and ordinances, should not, however, be a deterrent to such experimentation or innovation as may be reasonably expected to improve the safe and efficient use of the nation's highways. [5]

THE NATIONAL COMMITTEE ON UNIFORM TRAFFIC LAWS AND ORDINANCES

Law is the necessary foundation for all programs of efficient highway transportation and traffic safety. The National Committee on Uniform Traffic Laws and Ordinances expresses this belief through its motto, "Salus, Libertas, Lex"—Safety with Freedom through Law. It contends that freedom without safety is disastrous; that safety without freedom is intolerable; and that law is the discipline properly applied to achieve the most desirable balance of freedom and safety in highway use.

The National Committee is an independent, non-profit, tax-exempt association, [6] supported in part by governmental funds and in part by funds from transportation, motor vehicle and safety organizations.

Its purpose is to promote, and provide leadership in achieving, uniform traffic laws among states, counties and cities. The Committee has long recognized the problem of unsound, non-uniform traffic laws and the need for a solution. It believes that the best solution lies in voluntary, cooperative effort by the several states to achieve reasonable uniformity in traffic laws. To this end, it provides a standard for the states in the form of the *Uniform Vehicle Code* and a standard for municipalities in the form of the *Model Traffic Ordinance*.

History

The first national recognition of the need for uniform traffic laws occurred during World War I when the Council of National Defense drafted a Code covering some rules of the road. [7] Later, in 1923, the National Conference of Commissioners on Uniform State Laws requested its "Committee on a Uniform Act Governing the Use of Highways by Vehicles" (hereinafter referred to as the Commissioners' Committee) to prepare a draft of a uniform traffic and motor vehicle law based on existing state laws.

The policy of the Commissioners' Committee was to base its recommendations on the best and most generally accepted traffic and motor vehicle laws in effect in the states, prepared from the point of view of the owners and operators of motor vehicles but having due regard for the views and advice of the judiciary, enforcement agencies and other interested groups. The Commissioners' Committee in 1923 and 1924 studied state laws and conducted comprehensive surveys to secure the advice of automobile associations, manufacturers, dealers, safety councils, civic organizations and governmental agencies engaged in the administration and enforcement of motor vehicle laws. [8]

At the call of the United States Secretary of Commerce, the Hon. Herbert Hoover, the First National Conference on Street and Highway Safety met on December 15 and 16, 1924. This Conference was attended by official delegates appointed by the governors of 43 states and representatives of all public and private organizations interested in traffic safety, amounting in number to nearly one thousand persons. [9]

Many of the eight reports submitted to the 1924 Conference noted the absence of similar or consistent traffic and motor vehicle laws. [10] As a result of these reports, the Secretary of Commerce in April of 1925 appointed a Committee on Uniformity of Laws and Regulations as a part of the National Conference on Street and Highway Safety. [11] The Committee was the predecessor of the National Committee on Uniform Traffic Laws and Ordinances.

At this Committee's first meeting in June of 1925, a tentative draft of a uniform vehicle code prepared by the Commissioners' Committee (established in 1923) was presented. It was reviewed thoroughly, revised,

4. *Highway Safety Program Manual*, Volume 6, Chapter 1, Page 2, issued on November 1974, by the National Highway Traffic Safety Administration, Department of Transportation, Washington, D.C. 20591.

5. *Ibid.*, Chapter III, page 1.

6. The National Committee is exempt from the payment of federal income taxes under Section 501(c) 3 of the Internal Revenue Code. Further, since March 4, 1964, contributions to the National Committee are deductible for Federal income tax purposes under Section 170(c) of that Code. *Cumulative List, Organizations Described in Section 170(c) of the Internal Revenue Code of 1954*, page 321 (Internal Revenue Service Pub. No. 78, Revised to Dec. 31, 1966).

7. "Uniform Traffic Laws and Ordinances," by Charles W. Stark, *Traffic Quarterly* 66, 67 (1951).

8. "The California Vehicle Code and the Uniform Vehicle Code," by J. Allen Davis, 14 *Hastings Law Journal* 377, 379 (1963).

9. *Uniform Laws Annotated* 1 (1938).

10. Secretary Hoover states: The outstanding feature in the reports of all of our committees . . . was the lack of uniformity in our traffic law and regulations, and the failure of many communities to benefit by the experience of others—all of which has a large responsibility in the cause of accidents." 11 *Uniform Laws Annotated* 2 (1938).

11. Thirty-four men served on this Committee and its Chairman was the Hon. Nathan W. MacChesney, vice-president of the American Bar Association and former president of the National Conference of Commissioners on Uniform State Laws.

and approved by the Conference Committee. When the Second National Conference on Street and Highway Safety met in March of 1926, it reviewed, revised and approved the draft, which was later approved by the National Conference of Commissioners on Uniform State Laws. The Conference on Street and Highway Safety published the first edition of the *Uniform Vehicle Code* on August 20, 1926.

Following the 1926 meeting of the Conference, the Secretary of Commerce appointed a second Committee during the summer of 1927 to draft a model municipal traffic ordinance. The *Ordinance*, first published in 1928, was based on an analysis of the traffic ordinances of 100 cities and the model traffic ordinances existing in several states, [12] and was prepared as supplemental to and in conformity with the 1926 *Uniform Vehicle Code*. [13]

The *Code* and *Ordinance* were further reviewed and harmonized at the third meeting of the National Conference on Street and Highway Safety in 1930 and revised editions of both documents were subsequently published. Thereafter, one committee revised both standards from time to time to keep abreast of new developments. [14]

The National Conference on Street and Highway Safety held its fourth and last meeting in 1934 and the 1930 editions of the *Uniform Vehicle Code* and *Model Traffic Ordinance* were extensively revised. Though the National Conference did not meet again, its uniform laws Committee continued to re-examine the *Code* and *Ordinance* on the basis of current developments in state motor vehicle and traffic laws, and revised editions of the *Code* were published in 1938 and 1944, based largely upon approval of revisions by mail ballot to members of the Conference.

An extensive study was made in 1946 by the President's Highway Safety Conference to determine the extent to which the states had adopted the *Uniform Vehicle Code* and the necessity for uniformity as a part of any local, state or national progress toward traffic safety. [15] As a result of the 1946 study and ensuing recommendations of the President's Highway Safety Conference, the National Committee on Uniform Traffic Laws and Ordinances was created, as now constituted, in May of 1947.

The National Committee met, and published revised editions of the *Uniform Vehicle Code*, in 1948, 1952, 1954, 1956, 1962 and 1968. Revised editions of the *Model Traffic Ordinance* were published in 1952, 1956, 1962 and 1968. The National Committee also meet in 1971 and in 1975 and changes approved at those sessions have been published in supplements to the 1968 revised editions of the *Code* and *Ordinance*.

The Uniform Vehicle Code

The *Uniform Vehicle Code* is a specimen set of motor vehicle laws based, not on theory, but on actual experiences of states under their various traffic laws. It deals with existing, tested laws and makes no attempt to go beyond that point. Its provisions reflect "principles of the best local, state and federal laws and regulations" as judged by the National Committee. It does not deal with experimental or theoretical "innovations" and is not a "model," but rather a guide for states in setting up their laws and keeping them timely.

Uniformity based on unsound standards would be worse than lack of uniformity; therefore the *Code* is re-examined periodically and revised when necessary so that, within the framework of underlying principles and the limitations imposed by time, it is in step with current thinking and experience in the traffic law field.

The *Uniform Vehicle Code* does not purport to present every conceivable legal provision applicable to motor vehicles and traffic; nor is it a mere compendium of all imaginable laws and regulations. It advances provisions that offer a sound legal framework within which effective safety programs can be carried out and within which efficient traffic administration can be conducted, all directed to the ultimate service of the highway user. If offers a concise statement of significant principles of motor vehicle laws in the form of essential legislation, not in the form of innumerable details best left to administrative regulation.

States can use the *Code* as a yardstick in the continuing study and evaluation of their traffic laws. It can reveal, to each state, areas in which its laws may be modified to resemble more closely the best laws. And, using the *Code* as a national standard, states can determine areas where reasonable uniformity can be achieved. Most states today have fairly comprehensive traffic codes. The major job is to fill such gaps as remain and modernize provisions that are non-uniform or obsolete. One good approach to carrying out this task is a detailed, parallel column comparison of state laws with the provisions of the *Code*. It facilitates such a comparison and serves as a constant reminder that safe, efficient highway transportation requires, in every state, adequate statutory coverage of not merely one but all of the subjects included in the *Code*.

The Model Traffic Ordinance

The *Model Traffic Ordinance*, a companion document to the *Uniform Vehicle Code*, is a specimen set of motor vehicle ordinances for municipalities. It provides a comprehensive guide or standard for cities and counties to follow in reviewing and revising their traffic ordinances.

Like the *Code*, the *Ordinance* is reviewed and revised when necessary.

The *Model Traffic Ordinance* is consistent with recommended state laws embodied in the *Code*. Under its administrative sections it provides for the establishment of a traffic division within the police department, the office of city traffic engineer and a traffic commission. The power and duties of these units of municipal government are set forth in accordance with the enabling authority granted to local jurisdictions under the *Code*.

The provisions of the *Ordinance* are designed as a comprehensive guide for municipalities to follow. It is recognized, however, that municipalities in those states with laws not fully in accord with the provisions of the *Code* may have to make adjustments to meet their requirements. Nevertheless, a judicious use of both the *Ordinance* and *Code* by municipalities and states will ultimately lead to the desirable level of uniformity.

Model traffic ordinances have been prepared for adoption by municipalities in at least the following 17 states as of December 31, 1971:

California	Michigan	North Carolina	Utah
Colorado	Missouri [16]	North Dakota	Virginia
Illinois	New Jersey	Oregon	Washington
Iowa	New Mexico	Pennsylvania	
Kansas	New York		

12. Foreword, *Model Municipal Traffic Ordinance* 6 (August 1, 1928).
13. Recommended Scope of Municipal Traffic Ordinance, *Model Municipal Traffic Ordinance* 45 (August 1, 1928).
14. "Uniform Traffic Laws and Ordinances," *op cit. supra*, footnote 6, at page 68.
15. *Report of Committee on Laws and Ordinances, The President's Highway Safety Conference* (1946).
16. The Missouri Model Traffic Ordinance, as adopted by the Missouri Legislature in 1965, appears in 16 Mo. Stat. Ann. §§ 300.010 to .600 (Supp. 1966).

GOVERNING RULES—AS AMENDED AUGUST 1979

I—Purpose, Function and Limitations on Activities of the National Committee

(1) (a) *Statement of Purpose*. The National Committee on Uniform Traffic Laws and Ordinances is organized for, and shall be operated exclusively for, charitable, scientific, literary, or educational purposes as described in Section 501(c)(3) of the Internal Revenue Code. It shall be the purpose and function of the National Committee on Uniform Traffic Laws and Ordinances, hereinafter referred to as the National Committee, to review periodically and, if necessary, revise the Uniform Vehicle Code and Model Traffic Ordinance. The National Committee shall render services in furtherance of the Uniform Vehicle Code and Model Traffic Ordinance including, but not limited to, information to officials and the general public relating to the Code, the Ordinance, the Manual on Uniform Traffic Control Devices, and the interpretation thereof. The National Committee shall receive and consider all proposals for amendment of or additional provisions in the Uniform Vehicle Code and Model Traffic Ordinance submitted by governmental or other agencies, organizations or individuals. (First sentence adopted, March 4, 1964. Third sentence, previously Rule (1)(e), and last sentence, previously Rule (1)(b), repositioned in 1964. Second sentence revised, 1971.)

(b) *Limitations on Activities*. The National Committee shall never be operated for the primary purpose of carrying on a trade or business for profit. Neither the whole, nor any part or portion, of its assets or net earnings shall be used, nor shall it ever be organized or operated, for purposes that are not exclusively charitable, scientific, literary, or educational within the meaning of Section 501(c)(3) of the Internal Revenue Code. The National Committee shall not have or exercise any power or authority either expressly, by interpretation or by operation of law, nor shall it directly or indirectly engage in any activity, that would prevent it from qualifying, and continuing to qualify, as an organization described in Section 501(c)(3) of the Internal Revenue Code, contributions to which are deductible for federal income tax purposes. No substantial part of the activities of the National Committee shall consist of carrying on propaganda, or otherwise attempting, to influence legislation; nor shall it in any manner or to any extent participate in, or intervene in, including the publishing or distributing of statements, any political campaign on behalf of any candidate for public office; nor shall it engage in any activities that are unlawful under the laws of the United States of America, or the District of Columbia, or any other jurisdiction where such activities are carried on; nor shall it engage in any transaction defined at the time as "prohibited" under Section 503 of the Internal Revenue Code. (Adopted, March 4, 1964.)

(c) *Explanatory Material*. The National Committee shall prepare explanatory material for use in promotion and adoption of the Code and Ordinance.

(d) *Manual on Uniform Traffic Control Devices*. The National Committee shall cooperate in similar reviews and revisions of the Manual on Uniform Traffic Control Devices.

(e) *Payments to Members and Others*. No compensation or payment shall ever be paid or made to any member, officer, director, trustee, creator, or organizer of the National Committee, or substantial contributor to it, except as a reasonable allowance for actual expenditures or services actually made or rendered to or for the Committee; and neither the whole nor any part or portion of the assets or net earnings, current or accumulated, of the Committee shall ever be distributed to or divided among any such person; provided, further, that neither the whole nor any part or portion of such assets or net earnings shall ever be used for, accrue to, or inure to the benefit of any member or private individual within the meaning of Section 501(c)(3) of the Internal Revenue Code. (Adopted, March 4, 1964.)

II—Representation on the National Committee

(2) (a) *Nature and Apportionment of Membership*. The membership of the National Committee shall include federal, state and local officials, including representation of the legislative, judicial and administrative branches of government; also, an appropriate representation of national, state and local organizations concerned with motor vehicle laws and regulations. The apportionment of representation shall be such as to bring to the Committee the point of view of all official and public interest groups and to give maximum weight and authority to the findings and decisions of the National Committee.

(b) *Appointment of Members*. Appointment of members of the National Committee shall be made by the Executive Committee as hereinafter provided.

III—Qualifications of Members

(3) *Responsibility*. Members of the National Committee shall be persons of responsibility on the policy making level as representing their respective official agencies or unofficial organizations.

(4) *Assurance*. Appointment of members shall be made only after reasonable assurance that the appointees will be able and willing to attend meetings of the National Committee and any subcommittees to which they may be appointed.

(5) *Consultation with Organization*. Appointment of members shall be made only after consultation with any official agency or unofficial organization to be represented, with the suggestion that the organization to be represented nominate the representatives to be so appointed to the National Committee.

IV—Attendance at Meetings

(6) (a) *Designation of Alternate*. Each member of the National Committee may designate an alternate who may act in his place at any meeting of the Committee or any subcommittee.

(b) *Voting*. Any said member and his alternate may attend any meeting, but in such case only the member may vote.

(c) *Temporary Alternate*. If neither the member nor his alternate can be present at any meeting, a temporary alternate may be authorized by the member by written notification to the Executive Director to act in his stead. (The title "Executive Secretary" was changed to "Executive Director" in 1957. REVISED, 1971.)

(d) *Disability of Member*. In the event of the death or resignation of a member, or his inability to serve, a successor shall be appointed as promptly thereafter as possible.

(e) *Absence from Meetings*. In the event of the absence of a member and his alternate from two or more consecutive meetings of the National Committee, such absence may be construed as a disqualification and a successor appointed.

(f) *Observers at Meetings*. A member or alternate may bring one or more persons to a meeting of the National Committee, or of a subcom-

mittee, as observers and with the consent of the Committee or subcommittee such persons may participate in Committee discussions.

V—Subcommittees

(7) *Appointment*. The Chairman of the National Committee, with the advice and approval of the Executive Committee, shall appoint appropriate subcommittees on the various subject matters included in the scope of the Uniform Vehicle Code and Model Traffic Ordinance. (REVISED, 1971.)

(8) *Privileges of Chairman*. The chairman of each subcommittee shall be a member of the National Committee, qualified in the subject matter to be considered by the subcommittee. Such subcommittee chairman, if not hitherto a member of the National Committee, shall be regarded as a member at large so long as he remains chairman of the subcommittee, not subject to classification as in paragraph 16.

(9) *Membership*. The Chairman of the National Committee, with the advice and approval of the Executive Committee, shall appoint on such subcommittees persons qualified in the respective fields who may or may not be members of the National Committee on Uniform Traffic Laws and Ordinances. (REVISED, 1968.)

(10) *Voting—Attendance*. All persons appointed as members of a subcommittee shall be accorded full authority to vote as members of such subcommittee. Subcommittee members may attend all meetings of the National Committee for purposes of advice, assistance and participation in debate but without the right to vote unless a member or alternate for a member of the National Committee.

VI—Executive Committee

(11) *Membership*. There shall be an Executive Committee of not to exceed 37 members, consisting of one member to be designated, subject to change at any time, by each of the following:

American Association of Motor Vehicle Administrators
American Association of State Highway Officials
American Automobile Association
American Bar Association
Alliance of American Insurers
American Rental Association
American Trucking Associations
Council of State Governments
Federal Highway Administration
Highway Users Federation for Safety and Mobility
Institute of Transportation Engineers
Insurance Institute for Highway Safety
International Association of Chiefs of Police
Motorcycle Industry Council
National Association of Counties
National Governors' Association
National Highway Traffic Safety Administration
National Safety Council
National Institute of Municipal Law Officers
National League of Cities.

The Executive Committee shall also include:

The Chairman of the National Committee
The Vice Chairman of the National Committee
The immediate past Chairman of the National Committee
The Chairman of the Executive Committee
Eight legislators designated by the Chairman of the Executive Committee

Individuals or representatives of organizations or agencies having a substantial and demonstrated concern for uniform traffic laws nominated by the Chairman of the National Committee subject to approval by the Executive Committee. (REVISED, 1971, 1978, 1979.)

(12) *Alternates*. Each member of the Executive Committee shall promptly designate an alternate who may represent him at any meeting and may vote in his stead.

(13) *Officers and Rpresentatives*. The Executive Committee shall biennially elect its own Chairman and Vice Chairman and shall biennially select the officers of the National Committee, to consist of a Chairman, a Vice Chairman, and an Executive Director. It shall also nominate the representatives of the Committee to serve on the National Advisory Committee on Uniform Traffic Control Devices. (REVISED, 1968 & 1978.)

(14) *Meetings*. The Executive Committee shall hold an annual meeting at a time and place to be designated by its Chairman. It shall meet at other times at the call of its Chairman or on request of five of its members. Actions by the Executive Committee shall be by a majority of its membership either at a meeting or by letter ballot.

(15) *Power to Select National Committee Members*. The Executive Committee shall determine the number of members of the National Committee to be appointed from each of the groups mentioned in paragraph (2) above, and after consultation with appropriate executives of organizations representing their respective groups shall select the individuals to be invited to serve. The Executive Committee shall similarly make changes in the membership of the National Committee that may appear desirable from time to time or as required by these Governing Rules.

(16) *Membership on National Committee*. Each member of the Executive Committee shall be a member of the National Committee or may designate a representative as a member of the National Committee. Such membership shall be counted in the representation of the respective groups hereinbefore referred to, except in the case of the Institute of Traffic Engineers and the Chairman of the Executive and National Committees. The Chairman of the Executive Committee shall on its behalf extend invitations for membership on the National Committee.

(17) *Annual Report*. The Executive Committee shall prepare an annual report, copies of which shall be supplied to its members and to each member of the National Committee.

VII—Administrative Committee

(18) (a) *Membership*. The Executive Committee shall at each annual meeting select by secret ballot an Administrative Committee of five from its own members or their alternates, with the Chairmen of the Executive and National Committee and the Treasurer as additional members, ex officio. The Administrative Committee shall elect one of its members Chairman. (REVISED, 1971.)

(b) *Responsibilities*. This committee shall be responsible for general operation of the National Committee and is hereby vested with authority to act on behalf of the Executive Committee under Governing Rules (2), (7), (9), (15), (26) and (31) and shall have the power to fill vacancies among officers elected under Governing Rules (13) and (19). The committee shall also be responsible for general supervision of staff services and interim work to be carried on between meetings of the Executive Committee, shall submit a budget to the Executive Committee at least 30 days before the beginning of each calendar year, arrange necessary financing, appoint a Treasurer and supervise expenditures. (REVISED, 1971.)

(c) *Reports*. The Administrative Committee shall meet at least quarterly and shall submit to the Executive Committee an annual report of progress and plans. A copy of such report shall be sent to each member of the National Committee. (REVISED, 1968.)

(d) *Vacancies*. A vacancy occurs if the elected member is no longer a member or alternate on the Executive Committee. Vacancies on the Administrative Committee shall be filled promptly by appointment by the Chairman of the Executive Committee. (REVISED, 1968.)

VIII—Nominating Committee

(19) (a) *Membership.* The Executive Committee shall at each annual meeting select by secret ballot a Nominating Committee of five from its own members, present officers not voting. The member receiving the most votes shall be the Chairman.

(b) *Duties.* At least 30 days before the biennial election meeting of the Executive Committee, the Nominating Committee shall submit to the Executive Committee nominations for the officers of the National and Executive Committees with the exception of the Treasurer, and for the group Chairman and six other representatives of the National Committee on the National Advisory Committee on Uniform Traffic Control Devices. At least 30 days before each annual meeting, the Nominating Committee shall submit nominations for the five elected members of the Administrative Committee. (REVISED, 1968 & 1978.)

IX—Procedure in Review and Revision of the Uniform Vehicle Code and Model Traffic Ordinance

(20) *Transmission of Proposals.* All proposals for amendment or revision of the Uniform Vehicle Code or Model Traffic Ordinance shall be transmitted to the Executive Director of the National Committee. (The title "Executive Secretary" was changed to "Executive Director" in 1957.)

(21) *Referral of Proposals.* The Executive Director shall as soon as practicable refer all proposals for changes in or additions to the Code or Ordinance to the appropriate subcommittee. (REVISED, 1971.)

(22) *Consideration by Subcommittee.* Any subcommittee to which a proposed change is referred shall consider the same and if the subcommittee favors further consideration of the proposal shall request and receive from the Executive Director appropriate text of amendments or new sections for consideration and action by the subcommittee. (REVISED, 1968.)

(23) *Subcommittee Reports.* Each said subcommittee shall prepare a report and recommendations, including the text of any proposed amendment or revision of the Code or Ordinance. Such report shall contain a clear statement of the issues involved and the facts and viewpoints expressed thereon, including any minority reports or statements.

(24) *Transmission of Reports.* The reports of subcommittees, including drafts of amendments or revisions, shall be transmitted to all members of the National Committee as soon as completed and shall be included in the agenda for a subsequent meeting of the National Committee.

(25) *Agenda—National Meetings.* Such agendas shall be mailed by the Executive Director to all Committee members at least 40 days prior to any meeting of the National Committee. (The title "Executive Secretary" was changed to "Executive Director" in 1957.)

X—Meetings of the National Committee

(26) *Designation and Notice.* The National Committee shall convene on call by the Executive Director as directed by the Chairman with the approval of the Executive Committee. Notice of any meeting shall be mailed at least 40 days before the meeting date. (The title "Executive Secretary" was changed to "Executive Director" in 1957.)

(27) *Quorum.* At a meeting of the National Committee a quorum of not less than 40 percent of the members or alternates for members of said Committee shall be required for the consideration and action with reference to any matters within the jurisdiction of said Committee.

(28) *Jurisdiction.* The National Committee at a meeting shall consider and act upon all subcommittee reports and may approve, reject, revise or amend the text of proposed amendments or revisions of the Code or Ordinance included in any subcommittee report.

(29) *Voting Requirements for Change in Code or Ordinance.* A majority affirmative vote of those present and voting at a meeting and comprising not less than 35 percent of the entire National Committee membership shall constitute approval of a proposed change in the Code or Ordinance. In the event a proposed change is approved by a majority vote of the members or qualified alternates present at a meeting, such affirmative vote, however, consisting of less than 35 percent of the entire Committee membership, such proposal shall be promptly submitted to the National Committee by letter ballot.

(30) *Letter Ballot—Proposals.* In the event a proposal is approved in substance at a meeting, with instructions to the Executive Director to draft suitable language, such language shall be submitted by mail to the members of the National Committee for consideration at a subsequent meeting or, in the discretion of the Chairman, for approval by letter ballot. (REVISED, 1968.)

(31) *Letter Ballot—Other Matters.* Subject to the approval of the Chairman of the National Committee and the Executive Committee, the following additional matters may be sent to letter ballot:

(a) Proposals to reconsider Committee action.

(b) Proposals not warranting discussion at a meeting of the National Committee.

(c) Proposals previously considered by a subcommittee that do not warrant calling a meeting of the National Committee. (REVISED, 1971.)

(32) *Letter Ballot—Requirements.* Any letter ballot as authorized in sections 29, 30 or 31 shall be accompanied by explanation and reasons for such ballot, including the text of any amendment or revision to be voted upon and also a statement of any arguments for and against such amendment or revision. Approval by any letter ballot shall require affirmative vote of 60 percent of the membership.

(33) *Inviolability of Provisions Adopted.* Provisions adopted by the National Committee shall stand unless and until revised in accordance with the procedure herein prescribed. (REVISED, 1978.)

(34) *Revisions in Manual on Uniform Traffic Control Devices.* Deleted, 1978.

(35) *Jurisdiction—Extension.* The foregoing Governing Rules shall not be deemed to prevent the National Committee at a meeting from acting without objection upon any proposals in respect to drafting changes in the Code or Ordinance which may be deemed necessary or desirable for purposes of clarification of language or more accurately to express the intent of the Committee.

XI—Basic Policies and Principles to Govern Review and Revision of the Uniform Vehicle Code and Model Traffic Ordinance

(36) *Relationship to Existing Laws.* The Uniform Vehicle Code and Model Traffic Ordinance shall at all times insofar as practicable, reflect principles of the best local, state and federal laws and regulations. Thus, each subcommittee and the National Committee, in considering any proposed revision or amendment, should be informed as to the existing laws and regulations upon the subject matter and digests of such laws and regulations should be made available for consideration by subcommittees and the National Committee. (REVISED, 1968 and 1971.)

(37) *Limited to Essential Provisions.* The Uniform Vehicle Code and Model Traffic Ordinance should not represent a compendium of all conceivable regulations applicable to the operation of motor vehicles, but should be limited to essential legislation and represent the best thinking and practice in the United States.

(38) *Should Not Include Administrative Detail.* The Uniform Vehicle Code and Model Traffic Ordinance should not include the details of technical standards or administrative procedures, which latter should be covered by administrative rules and regulations so far as permitted by state constitutions.

(39) *Conservatism in Change.* The Uniform Vehicle Code and Model Traffic Ordinance should not be amended except for important reasons and after thorough consideration. A showing should be made as to the desir-

ability or necessity of any amendment of or addition to the Code or Ordinance. Frequent changes in the text of the Code or Ordinance discredit the value of said documents and cause difficulties in respect to the enactment of such changes by the states and municipalities.

(40) *Product of Mutual Understanding*. The Uniform Vehicle Code and Model Traffic Ordinance should, so far as possible, represent mutual understanding and agreement among the members of the National Committee and the organizations which they represent.

XII—Dissolution

(41) *Distribution of Assets*. In the event of termination, dissolution or winding up of the Committee in any manner or for any reason whatsoever, its remaining assets, if any, shall be distributed only to one or more organizations described in Section 501(c)(3) of the Internal Revenue Code. (Adopted, March 4, 1964.)

XIII—Amendment of Governing Rules

(42) These Governing Rules may be amended by a two-thirds vote of the entire membership of the Executive Committee, either at a meeting or by letter ballot. (Repositioned, 1964.)

MEMBERSHIP—EXECUTIVE COMMITTEE—SEPTEMBER 1, 1979

W. Robert Alderson, Deputy Attorney General, State of Kansas.

David M. Baldwin, Immediate Past Chairman of the National Committee.
Donald Bardell, American Association of Motor Vehicle Administrators,
Alan Beals, National League of Cities.
John D. Caemmerer, New York State Senator.
Charilyn W. Cowan, National Governors' Association.
Norman Darwick, International Association of Chiefs of Police.
John DeLorenzi, American Automobile Association.
Joseph Dinielli, Connecticut State Senator.
John K. Flanagan, National Institute of Municipal Law Officers.
James L. Foley, Federal Highway Administration.
William H. Franey, American Association of Motor Vehicle Administrators, Member at large.
Stephen Goldspiel, American Bar Association.
John Hanna, Virginia Governor's Highway Safety Representative.
B.F. Hillenbrand, National Association of Counties.
Vernon C. Holloway, Florida State Senator.
Andrew Hricko, Insurance Institute for Highway Safety.
Edward Kiley, American Trucking Associations, Inc.
Peter G. Koltnow, Highway Users Federation for Safety and Mobility.
Francis J. Lynch, Pennsylvania State Senator.
Russell MacCleery, Member at large.
Andre Maisonpierre, Alliance of American Insurers.
Burton W. Marsh, Institute of Transportation Engineers.
Harold L. Michael, Chairman of the Executive Committee.
Louis R. Nickinello, Massachusetts State Representative.
Walter J. Norbet, National Highway Traffic Safety Administration.
William J. Page, Council of State Governments.
William Quinlan, Kentucky State Senator.
Robert H. Reeder, The Traffic Institute at Northwestern University, Member at large.
Henrik Stafseth, American Association of State Highway and Transportation Officials.
Melvin R. Stahl, Motorcycle Industry Council.
William T. Stephens, American Rental Association.
Richard L. Tippie, National Safety Council.
Cletus J. Vanderperren, Wisconsin State Representative.
Nat Washington, Chairman of the National Committee, and Washington State Senator.
Jim Wright, Texas Congressman.

MEMBERSHIP—NATIONAL COMMITTEE— SEPTEMBER 1, 1979

Stanley A. Abercrombie, National Highway Traffic Safety Administration, San Francisco, California. *Alternate: Norman Key*, Fairfax County, Virginia.

Gary D. Adams, County Board, Urbana, Illinois.

Jim Adsit, Governor's Office of Highway Safety, Cheyenne, Wyoming. *Alternate: Winferd Oyler*, State Highway Department.

W. Robert Alderson, First Deputy Attorney General, Topeka, Kansas.

Robert Allen, Oakland County Courthouse, Pontiac, Michigan.

Barbara Anderson, Judge, Choteau, Montana.

Emory P. Austin, Motor Vehicle Division, Columbia, South Carolina. *Alternate: Charles O. Ragland*, Motor Vehicle Division, Little Rock, Arkansas.

David M. Baldwin, Immediate Past Chairman of the National Committee, Silver Spring, Maryland. *Alternate: A.R. Cowan*, Federal Highway Administration, Washington, D.C.

Donald Bardell, American Association of Motor Vehicle Administrators, Washington, D.C. *Alternate: Joseph Hennessee*.

L. Alan Beals, National League of Cities, Washington, D.C.

Michael Bothun, Highway Department, Bismarck, North Dakota.

Charles N. Brady, American Automobile Association, Falls Church, Virginia. *Alternate: Arthur C. Gibson*, Auto Club of Michigan, Detroit, Michigan.

Dairl Bragg, Vehicle Equipment Safety Commission.

George D. Brandt, National Highway Traffic Safety Administration. *Alternate:*

William Bricker, Department of Motor Vehicles, Glen Burnie, Maryland. *Alternate: Charles Pfaff*.

Darryl L. Bruestle, Police Department, Wilmington, North Carolina.

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