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# APPENDIX

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STATE OF CALIFORNIA

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# REPORT

OF THE

Joint Legislative Committee

OF THE

Senate and Assembly

Appointed to Investigate and Study Various Problems, and to Make Recommendations Concerning Enactment, Changes and Enforcement of Laws Relating to the Use and Regulation of Vehicles on the Public Highways, and as to the Advisability of the Adoption of a Law Requiring Financial Security on the Part of Persons Operating Motor Vehicles upon the Highways of This State.

SUBMITTED TO THE LEGISLATURE  
OF THE STATE OF CALIFORNIA

JANUARY, 1929



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## LETTER OF TRANSMITTAL

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*To the Members of the Legislature, State of California, Forty-eighth Session, 1929:*

The Joint Legislative Committee, appointed by the Senate and the Assembly of the State of California at the session of 1927 to investigate and make recommendations concerning certain problems relating to the use and regulation of motor vehicles on the highways of the state, herewith presents its report.

January, 1929.

EDGAR C. LEVEY, Chairman.

C. C. BAKER.

HARRY F. SEWELL.

HARRY A. CHAMBERLIN.

TALLANT TUBBS.

M. J. McDONOUGH.

# INTRODUCTORY

## THE JOINT LEGISLATIVE COMMITTEE

The authority of this committee, the scope of its investigations, and the purposes of its recommendations, are set forth in the following resolution of the Legislature of the State of California

### ASSEMBLY CONCURRENT RESOLUTION No. 19

Providing for the creation of a joint committee of the Senate and Assembly to investigate traffic conditions in the State of California and the question of safety and prevention of accidents in relation thereto; to prepare and make recommendations concerning changes in existing laws, and the enactment and/or enforcement of laws relating to the use and operation of vehicles on the public highways, and to prepare and submit with supporting facts, ascertained, a report as to the advisability of the adoption of a law requiring financial security on the part of persons operating motor vehicles upon the highways of this state and making appropriation to meet the expenses of said committee necessarily incurred in said work.

WHEREAS, There has been a great increase in the number of motor vehicles used and operated upon the highways of the State of California, resulting in an abnormal increase in the number of accidents resulting in the injury to persons and property; and

WHEREAS, No adequate method seems to have been devised for the enforcement of the safety provision of the existing laws relating to the use and operation of motor vehicles on the highway; and

WHEREAS, Any revision of the laws relating to such use and operation of such vehicles should involve consideration of the advisability of enacting a law requiring owners or operators of such vehicles to give financial security for the satisfaction of judgments arising out of the use and operation of such vehicles. Now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate concurring, That there is hereby created a joint committee of the Assembly and Senate to consist of three members of the Assembly to be appointed by the speaker of the Assembly, one of whom shall be the speaker of the Assembly, and three members of the Senate to be appointed by the president of the Senate, one of whom may be the president of the Senate.*

It will be the duty of said committee to investigate the adequacy of the facilities for the enforcement of existing laws relating to the use and operation of vehicles on the highways of this state, and the advisability of establishing some system of enforcement of all laws relating to the safe operation of such vehicles, and to make recommendations concerning the advisability of amendments to existing laws, if in the discretion of the committee deemed necessary, and, if the committee reports in favor of the adoption of any specific law, it should include in its report or plan recommended the measures which in its judgment should be enacted.

It shall also be the duty of said committee to study the advisability of requiring owners or operators of motor vehicles on the public highways to give some form of security for the payment of judgments, for which said owner or operator may be liable, arising out of the use and operation of such vehicles on the public highways. In making this study the said committee shall carefully consider the laws and systems enacted in other states and countries, and the effect that any such systems would have in the State of California on account of the unusual conditions arising in this state due to many thousands of visitors coming into this state every year by means of motor vehicle transportation. Said committee is to make its report to the Legislature at its next session, and for the purpose of studying the questions involved and the preparation of its report, it shall be given the assistance of the chief of the division of motor vehicles and shall have the right to call for any statistics or available data of said division

The members of said committee shall receive no compensation for such services other than their official salaries, but shall be reimbursed for their actual expenses necessarily incurred hereunder not exceeding the amount hereinafter specified. Such committee is hereby authorized to employ competent clerical or other help to assist in the preparation and compiling of all data ascertained, including the making of the final report. The said committee may also employ an executive secretary, whose duties shall be to work under the direction and control of said committee, and to that end the said committee may send said executive secretary to any state of the union to make a first-hand investigation of conditions there. The said committee shall be provided with quarters in the state building at San Francisco if such quarters are available, but if said quarters are not available, said committee may procure quarters in the city of San Francisco for its headquarters.

The expense of such clerical and other help and of the executive secretary and of such quarters, and for other necessary expenses of the committee, shall be passed upon and fixed by the committee subject, however, that the total of said expenses and costs shall not exceed the amount hereinafter specified.

The expenses thus incurred by said committee under the authority hereof shall be payable out of the moneys heretofore or hereafter appropriated for the contingent expenses for the Senate and Assembly at this session of the Legislature, payable one-half from the contingent fund of the Senate and one-half from the contingent fund of the Assembly, but not exceeding the sum of seven thousand five hundred dollars in all, which sum, or so much thereof as may be necessary, so composed, is hereby set apart, reserved and appropriated out of said respective contingent funds for the purposes aforesaid to be disbursed from time to time by controller's warrants to be drawn against said contingent funds upon the written orders of the chairman of said joint committee. And be it further

*Resolved*, That the said committee be instructed to have prepared its report not later than the first day of December, A. D. 1928, and that a copy of said report be not later than said date transmitted to the governor of the state in order that he may make such comment thereon as he may deem appropriate to the Legislature at its next ensuing session.

This resolution was passed by the Assembly on March 16, 1927, and by the Senate on April 6, 1927.

In accordance with its terms, the President of the Senate appointed as members of the committee Senators C. C. Baker of Salinas, Harry A. Chamberlin of Los Angeles and Tallant Tubbs of San Francisco; and the Speaker of the Assembly, Hon. Edgar C. Levey of San Francisco, who was designated by the resolution as *ex officio* member, appointed Assemblymen Harry F. Sewell of Whittier and M. J. McDonough of Oakland to serve on the committee.

## REPORT OF THE COMMITTEE\*

The Joint Legislative Committee organized with Speaker of the Assembly Edgar C. Levey as chairman, Senator C. C. Baker as vice chairman, and Assemblyman Harry F. Sewell as secretary.

During the course of its investigations, public hearings were held at San Francisco and Los Angeles; and helpful data were supplied to the committee from many and varied sources.

In this connection the committee wishes to express its sincere appreciation of the assistance rendered to it by many persons and organizations. Almost without exception, public and private agencies have responded to the full extent of their ability, and in many cases at the cost of extended research, to the committee's requests for information. Deserving of special mention are the authorities of hospitals and other institutions, clubs, fraternal societies, insurance bureaus, state and federal administrative offices, police departments, and public officials, notably the district attorneys, county clerks, sheriffs and coroners, from whom valuable data were received.

The work of the committee has been greatly facilitated by reports and briefs filed with it by interested organizations. Of particular value in this regard were the joint briefs submitted by the two motorists' clubs, the California State Automobile Association and the Automobile Club of Southern California, the studies and statistical analyses by the latter body relating to the thirteen southern counties of the state, supplying the most complete and authentic information of its kind that the Committee was able to procure.

The Bureau of Vital Statistics of the Department of Health, ever responsive, was particularly and especially helpful at all times in the gathering of statistics; and the Industrial Accident Commission also offered ready assistance.

The committee acknowledges indebtedness to the reports of the National Conference on Street and Highway Safety, and to its chairman, the Honorable Herbert Hoover; to the Chamber of Commerce of the United States; to the National Safety Council; to the American Road Builders' Association; to the American Automobile Association; to the American Motorists' Association; to the Casualty Committee of California, and to the San Francisco Traffic Survey Commission.

The committee owes its thanks also to the State Insurance Department of Massachusetts, for information relative to the automobile insurance law in force in that state; to the Commissioner of Motor Vehicles of Connecticut for the *Fourth Study* and other data of accidents and law enforcement; and to the Maryland State Roads Commission and Commissioner of Motor Vehicles for much valuable aid. And to the many others who have assisted in various ways, the committee wishes to acknowledge its obligation.

\* The committee acknowledges its indebtedness to John N. Mackall, Esq., Chairman and Chief Engineer of the Maryland State Roads Commission, for the loan of Mr. George W. White, Jr., who as the committee's executive officer and traffic expert collated its data and prepared its report.

### SCOPE OF INVESTIGATION

The investigation submitted to this committee by the Legislature, as set forth in the joint resolution, is divided under three general heads:

- I. To investigate
  - (a) traffic conditions in the State of California, and
  - (b) the question of safety and the prevention of accidents
- II. To prepare and make recommendations for
  - (a) changes in existing laws, and
  - (b) the enactment and/or enforcement of laws relating to the use and operation of vehicles on the public highways.
- III. To prepare and submit a report as to the advisability of the adoption of a law requiring financial security on the part of persons operating motor vehicles upon the highways of this state.

As is immediately apparent, the scope of the proposed investigation is broad in the extreme. Into one or another of the divisions indicated above, and particularly the first, will come the many ramifications of the widespreading problem created by the motor vehicle.

Obviously, the brief space of time and the very limited facilities at the disposal of the committee have precluded investigation of the problem in all its phases. Such investigation could be fruitfully conducted only through a scientific study carried on over a term of years with practically unlimited facilities and adequate appropriation of funds. It has, of course, been possible for the committee to give itself to a consideration of the problem as a whole only in a more general way, and to treat more in particular only its vitally important aspects.

By force of circumstances, therefore, the committee has been constrained to confine its study of accidents to those involving death or injury to persons, and even thus restricted, its consideration of the subject has been qualified and limited in many directions, but especially by the incompleteness or nonexistence of records, and a paucity of other data.

The committee does not believe that a complete solution of the problem is in sight, but it is convinced that great progress could be made along the line of accident prevention in the State of California, if more were known about motor vehicle accidents and their causes. The committee views the problem as a changing one, and is convinced that the need is for continuing rather than temporary or intermittent study.

Mindful of these conclusions, the committee has undertaken to recommend only such legislation as seems warranted by known conditions. Numerous proposals, some of them bizarre and grotesque, have been received, and the committee has been urged to put California in the forefront of the states with daring and novel legislation: but it believes that conservative progress is preferable to costly experimentation with untried and doubtful cure-alls. In this decision, and in its particular recommendations, the committee has followed in considerable measure the findings of the National Conference on Street and Highway Safety, called together from every state in the Union by California's most distinguished son, the Honorable Herbert Hoover, in 1924 and



again in 1926 for the study of traffic problems, under the auspices and with the facilities and resources of the United States Department of Commerce.

That this report is so completely in accord with the principles laid down by that conference is a source of no small gratification to this committee; and it feels that it can do no better than preface its specific recommendations with the address made by Mr. Hoover, as chairman of the conference, at its second convening in March, 1926.

As the work of that conference is the accepted point of departure for the safety work being undertaken throughout the country; and as there has nowhere been found a more comprehensive and concise statement of the problem created by the motor vehicle, nor a clearer indication of the means to a solution of that problem, than is contained in Mr. Hoover's address, the committee makes no apology for presenting here his remarks in their entirety.

Mr. Hoover's address:

"The purpose and problem of this conference is to devise and recommend measures which will reduce the traffic accidents in the country. With 23,900 persons killed and approximately 600,000 injured last year, the importance of this subject needs no emphasis.

Furthermore, the presence at this conference of the official delegates appointed by the governors of 43 states, delegates of all the voluntary organizations in the country given to promotion of greater traffic safety, including traffic and police officials and representatives of industries concerned, amounting to nearly 1000 delegates gathered here, is proof of the seriousness of the question.

It is just a little over fifteen months since we met in this room to consider the reports of the eight committees of the First National Conference on Street and Highway Safety and weave them together into a final report of the conference itself. In this report you made certain recommendations with regard to legislation, administration and regulation, cooperative work and future activities involved in a national street and highway accident prevention program. At the same time, realizing as we all did, that the work of this conference was in no wise completed, you requested that I call a second conference after about a year and that in the interim the necessary committee work be carried on.

The committees of the first conference rendered an invaluable service in building the foundation for the work which has been done during the past year and which will be presented to you at this conference. Theirs was the work of pioneers. They were charged with the duty of making a preliminary survey of the street and highway situation, of studying present-day methods of traffic control, of evaluating the factor of construction and engineering, of making an examination of the relation of city planning and zoning to street and highway hazards, of investigating the entire question of automobile insurance and its relation to accident prevention, and of making recommendations with regard to the education of the public and the construction of the motor vehicle itself.

The reports of these committees are in as great demand today as they were a year ago. They have become a definite part of the literature which is guiding city and state officials throughout the United States in their efforts to bring about better traffic conditions in their respective communities.

You will recollect that the conference last year enlarged the Public Relations Committee and instructed it to act as a steering committee for formulation of the work of this conference by the creation of new committees to investigate and make recommendations as to special phases developed by the former committees and adopted by the last conference. Six of the eight committees of the last conference had practically completed their work and said what seemed to them to be the last word for the time being on their respective subjects. Another committee, which was Committee No. 1 on Statistics, was engaged in a work which because of its nature is never done. We, therefore, continued this committee and it presents to this conference a further report as of January 1, 1926.

The outstanding feature in the reports of all our committees last year and in the decisions of the conference itself was the lack of uniformity in our traffic laws and

regulations and the failure of many communities to benefit by the experience of others—all of which has a large responsibility in the causes of accidents.

In result of your recommendations last year we appointed a Committee on Uniformity of Laws and Regulations, and requested it to prepare for submission to this conference a model motor vehicle code which would be so drafted that it might act as a guide to the different states.

At the request of the conference we also appointed a Committee on Enforcement to study the entire question of enforcement procedure and to report if possible on the best method in vogue for bringing about obedience to the motor vehicle law. After all, laws are of little value if they are not or can not be properly enforced, and it is my belief that much of the solution of the present high accident rate on our city streets and rural highways lies in the enforcement of the law by the police and by properly organized traffic courts.

Last year the Committee on Statistics pleaded for adequate uniform methods of accident reporting and stated that very little is known about the causes of accidents. It renews its plea this year, with emphasis. It seems that too often the cause of the accident which is reported is either not a cause at all or is simply a collateral or contributing cause, and that very little is known about fundamental causes. In response to the wish of the last conference, a Committee on Causes of Accidents has given deep study to this subject.

Again as requested by the conference last year, we appointed a Committee on Metropolitan Traffic Facilities to study the causes of congestion, the costs of congestion, the methods of relief. It must not be forgotten that if we are to find a permanent solution for the problem of traffic accidents we must at the same time discover a permanent solution for the problem of traffic itself.

The members of these six committees have given an extraordinary amount of time and intelligent effort in presentation to you of their reports.

The Committee on Statistics in its discussion of the trend of street and highway accidents presents a picture which is not very encouraging, although it has some bright spots. It tells us that while the total number of fatalities and possibly the number of serious personal injury accidents is increasing numerically, the speed of increase has been dropping for the past two years and that perhaps we can look forward to a gradual decrease in the total number of accidents. I would like to feel and I do feel that this improvement—which is significant when one considers the tremendous increase in motor vehicle registrations—is due to the work of the many bodies which are represented at this conference. I am told that if traffic fatalities had continued to increase during 1924 and 1925 at the same average rate that they increased from 1919 to 1923, there are over 6000 persons living today who would have lost their lives during those two years. All this is hypothetical, but it is encouragement to continue in the fight.

You have had placed before you a model motor vehicle code consisting of three suggested laws which, if adopted by all of the states, will bring about uniformity of laws and regulations. I consider this to be perhaps the outstanding concrete accomplishment of the two years of work of the Conference on Street and Highway Safety. In making this statement I do not depreciate in any way the work of any of the other committees. Their work is the foundation for it. This code is largely based on the results of their work and could hardly have been designed in a manner which seems to be so satisfactory to all groups had it not been for their services. The committee is headed by one of the Nation's most distinguished lawyers. He has had in the personnel of his committee well-known lawyers, engineers, state and city officials, and representatives of practically all of the groups affected by the traffic situation. The committee has worked hard. It has had the benefit of the invaluable assistance of the National Conference of Commissioners on Uniform State Laws. Its draftsman is a man of long experience in motor vehicle legislation. It is my belief that in presenting the three suggested laws which make up this code to the various state legislatures throughout the United States this conference is making a contribution to the effort to save lives and human suffering which can never be measured in dollars and cents.

The need for uniformity of laws as between states and uniformity of traffic ordinances as between cities of the same state is to me so obvious as to hardly need any elaborate discussion.

Automobile regulation may be divided into two general types: Local police control unassisted by proper state motor vehicle law, and local police assisted by such a law. The question has sometimes been asked as to whether there is any evidence that motor vehicle law of the type recommended by the Committee on Uniformity of Laws and

Regulations is actually productive of a decrease in accidents. It goes without saying that in a field involving so many factors there is a great difficulty in determining the exact results of such legislation. I have, however, within the last thirty days received the results of a study of this subject, which indicate that the accident hazard in the states having modern motor vehicle legislation is less by some 25 to 30 per cent than it is in other states which do not have such vehicle legislation. These figures appear to be supported by the data gained from the experience of automobile insurance companies.

It is gratifying to note the recent report of improvement in the accident situation in the great state of New York. During the year since its new automobile law went into effect this state has recorded a decrease of 10 per cent in automobile accidents as compared with the preceding year. Contrasted with a nationwide increase of apparently five per cent or more during the same period the reduction of New York state seems to constitute another indication of the value of motor vehicle laws embodying the principles recommended by your Committee on Uniformity of Laws and Regulations.

But the mere acquisition of uniformity of motor vehicle laws is by no means sufficient. These laws can not be considered to have any particular value simply because they are written on the statute books. They must be enforced. It seems to me, therefore, that a careful study of the report of the Committee on Enforcement is almost if not entirely as important as a careful study of the report of the Committee on Uniformity of Laws and Regulations. Without drastic enforcement, without certain and sure punishment for the wilful violator of the law, without some method of court procedure by means of which the criminally reckless, the negligent and the incompetent can be driven from the use of the streets and highways by means of the operation of that law, the time which has been occupied in its drafting has been wasted.

The Committee on Enforcement has presented to you a report which is the result of a careful study of the most effective means for the prevention of traffic violations. It seems to me that you can do no better than to lend your best efforts to persuading the courts, the police, and traffic authorities generally throughout the country that except in those cases where there may be extenuating or unusual circumstances they adopt procedures which will insure certain and drastic penalties for the deliberate violator of the traffic laws and the rights of others.

The Committee on Causes of Accidents demonstrates very clearly the outstanding fact that very little is known about what causes a particular motor vehicle accident. It seems to be impossible at this time to even evaluate with any degree of accuracy the human and the mechanical or physical factors which are involved in every accident. The outstanding feature of the report of this committee is a plea for exhaustive and extended research work on the part of some organization which may be particularly fitted for that purpose.

It seems to me that this is fundamental. We are setting out to put a stop to accidents without apparently knowing the real fundamental cause of that large area of accidents which lie outside the field of sheer recklessness and negligence and so it might be said that even with adequate and proper uniform laws and with a method of procedure which would insure the enforcement of those laws accidents will continue until we can discover this elusive and mysterious cause of the accident.

The question of metropolitan traffic facilities leads us into an entirely new field, but one which is closely allied with accidents and accident prevention. After all, are we not facing two problems which are interlocking? We started out to solve the problem of traffic accidents. We have passed through the door of the problem of urban transportation.

Urban transportation does not mean to me simply the question of facilities for the movement of great masses of people living in communities. Transportation facilities include everything from pedestrianism to steam railroads, the intermediate units being the private automobile, the rented or drive-it-yourself car, the taxicab, the motor bus, the street railway, and the elevated and subway lines.

Are we not faced here with a great problem of the proper coordination of a city's transportation facilities? Is it not true that if we solve that problem we will solve to a very large degree the problem of congestion, and will not this solution in turn contribute to the solution of the problem of accident prevention?

It seems to me that here again we are faced with the need for exhaustive and intensive research work. I am impressed with the thought that it is high time that some agency present to the public a scheme for urban transportation which will include all of these transportation units and which, because of some scientific scheme

of coordinating the various units, will increase the use which we can obtain from our present streets and highways.

The Committee on Metropolitan Traffic Facilities has presented to you a startling picture of the material losses resulting from congestion and inadequate facilities. It has stated that these great annual losses constitute a most conspicuous and widespread economic waste, reaching every individual not only through the menace to life and safety, but also through increased costs of nearly every necessity of life. It has devoted its report very largely to the need of a program for improvement of traffic facilities and methods of organization for the carrying out of such a program. The magnitude and ramifications of this work are such as to deserve not only the careful consideration but the active assistance and cooperation of every citizen of every community in this country.

These are the thoughts which I wish to leave with you as you take up your consideration of the various reports and recommendations of your committees. I wish to say again, as I said to the last conference, that, after all, the streets and facilities belong to all of the people and to no one special class, and if the result of this conference makes them just a bit more safe for all of the people it will have earned the thanks of the entire nation. I note with a great deal of satisfaction the response from the governors of the various states to the request of President Coolidge that official delegations representing their respective states be sent to this conference. This problem is not a problem to be solved by individual cities or even individual states, without regard to the conditions existing in other cities and other states. It is, after all, intellectually an interstate problem, yet one which must be solved materially and actually by the individual states acting in concert and not by the federal government or by some establishment set up by the federal government.



## PART I

# TRAFFIC CONDITIONS AND ACCIDENT PREVENTION IN CALIFORNIA





# I

## TRAFFIC CONDITIONS AND ACCIDENT PREVENTION IN CALIFORNIA

### THE ACCIDENT SITUATION

Motor vehicle accidents in California are at present exacting a toll of five deaths for every day in the year. The number of persons injured in such accidents is conservatively put at 74 per day. Estimates for the state for the year 1928, based on reports for the first eleven months, are

Killed -----	1,850
Injured -----	27,000

While these figures are only estimates, it is believed that they mark with reasonable approximation the outlines of a situation which must be bettered.

When, in addition, the increase of casualties from year to year, as indicated by the figures for fatalities<sup>1</sup> furnished by the Bureau of Vital Statistics and given in Table 1, are taken into consideration, the condition is revealed as one which is steadily becoming more serious. The percentage of increase in deaths from this cause is noted for contrast with the 15 per cent rate of increase in the state's population during the same period.

TABLE 1

Deaths from Automobile Accidents in California

Year	Deaths*	Deaths†
1922-----	953	1,085
1923-----	1,223	1,413
1924-----	1,232	1,364
1925-----	1,329	1,484
1926-----	1,449	1,623
1927-----	1,619	1,782
Increase over 1922-----	70%	64%

\* Not including deaths in collisions with heavier vehicles.

† Including deaths in collisions with heavier vehicles

Additional light is thrown on the urgent character of the problem by noting the relative position held by automobile accidents among the most frequent causes of death in California. In 1926, the latest year for which the figures are in hand, the motor vehicle, as shown by Table 2, stood eighth on the list, and is clearly outranked by only five of the other causes.

<sup>1</sup> It has not been possible to secure for the entire state dependable statistics of injuries resulting from automobile accidents, but it may be borne in mind while perusing the following pages that injury cases appear to maintain fairly evenly a ratio to fatalities of 15 to 1

TABLE 2  
Most Frequent Causes of Death in California in 1926\*

<i>Cause</i>	<i>Deaths</i>
Heart disease .....	10,651
Tuberculosis .....	5,794
Cancer .....	5,638
Cerebral hemorrhage .....	4,050
Chronic nephritis .....	4,011
Bronchial pneumonia .....	1,680
Lobar pneumonia .....	1,656
Automobile accidents .....	1,623

\* By courtesy of the Bureau of Vital Statistics.

Again, considering only the accidental deaths occurring in the state, those caused by motor vehicles far outnumber any other group, and constitute 34 per cent of the total. There are now more than twice as many deaths per year from automobile accidents as result from all industrial accidents in the state, the respective figures for the past six years being given in Table 3.

TABLE 3  
Deaths from Industrial and Automobile Accidents

<i>Year</i>	<i>Industrial*</i>	<i>Automobile</i>
1922.....	708	1,085
1923.....	716	1,413
1924.....	645	1,364
1925.....	677	1,484
1926.....	748	1,623
1927.....	714	1,782

\* From Industrial Accident Commission.

It will be observed that while the number of deaths from industrial accidents was held practically at a standstill, despite the large industrial development and the great increase in machinery use during these six years, the number of deaths from automobile accidents grew in the same period by more than 64 per cent; by 70 per cent, if collisions with street cars and trains are excluded.

The relation in which the motor vehicle stands to other causes of accidental death in the state is shown in Table 4.

TABLE 4  
Accidental Death Causes in California

<i>Cause</i>	<i>1925</i>	<i>1926</i>	<i>1927</i>
Poisoning .....	124	146	169
Burns .....	294	300	369
Absorption of gas .....	99	106	111
Drowning .....	327	407	398
Fire arms .....	112	103	113
Electricity .....	82	58	61
Railway trains * .....	188	212	192
Street cars * .....	65	55	51
Motor vehicles .....	1,484	1,623	1,782
Other vehicles .....	197	86	74
Animals .....	40	23	---
Industrial accidents .....	677	748	714
All other causes .....	869	936	1,040
Totals .....	4,558	4,803	5,074

\* Motor vehicles not involved

Here again it is to be noted, not only that automobiles cause one-third of all accidental deaths, but also that they account for considerably more than half the entire increase each year in the total of all accidental deaths.



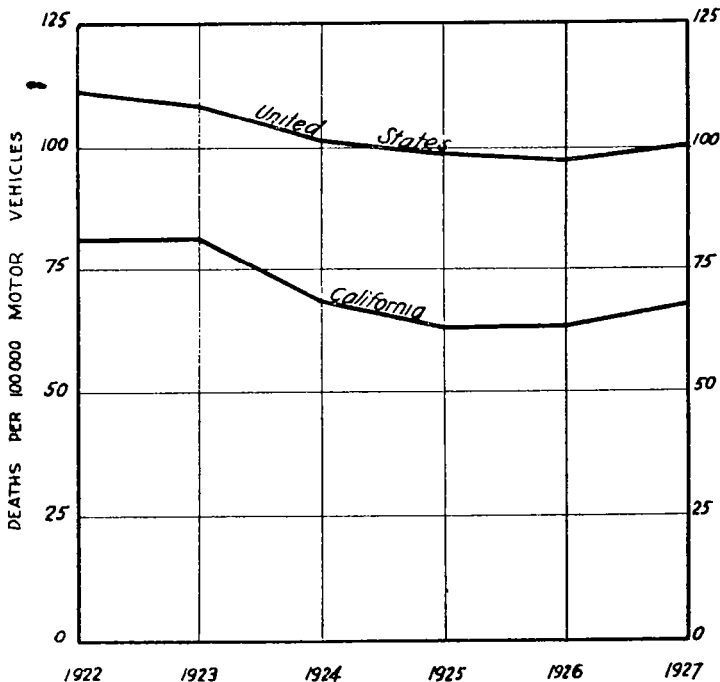


The one bright spot in the gloomy picture of the past years, and it is bright only by indirection, is found in the consideration that the increase of fatalities has not kept pace with the increase of motor vehicles upon the highways. While the number of automobiles registered\* in the state rose from approximately a million in 1922 to approximately two millions in 1927, the automobile death rate per 100,000 registered motor vehicles declined from 82.1 to 67.5; showing both a lower number of deaths per 100,000 cars, and a greater decline in the

## CHART II

### ANNUAL DEATH RATES PER 100,000 MOTOR VEHICLES REGISTERED FROM MOTOR VEHICLE ACCIDENTS

{EXCLUDING COLLISIONS WITH TRAINS AND STREET CARS}



rate on this basis, than for the United States as a whole. This is graphically shown on Chart II, while the figures of the respective rates are given in Table 6.

TABLE 6

	Automobile Deaths per 100,000 Registered Cars					
	1922	1923	1924	1925	1926	1927
California .....	82.1	82.2	68.3	63.3	63.0	67.5
United States .....	111.6	108.5	101.2	98.4	95.5	100.5

\* The committee has received from different sources conflicting sets of figures of registration, and regrets the lack of availability of authentic figures in this respect.

In conjunction with this consideration of the decline in the automobile death rate on the basis of the number of cars registered, is to be noted the corresponding increase in the number of traffic miles, or car miles traveled by motor vehicles, for each death resulting from accidents in which these vehicles are involved. This mileage\* is shown to be as follows:

<i>Year</i>	<i>Traffic miles per auto death</i>
1924-----	7,376,267
1925-----	7,567,516
1926-----	8,464,584
1927-----	10,066,304

Any encouragement drawn from these considerations, however, is at best uncertain and unstable. The improvement is a negative one, rather apparent than real; for the whole value of the figures given is derived from the circumstance that an additional motor vehicle put on the highway this year has so far failed to equal the record of killings established by the cars in operation last year.

#### ACCIDENT PREVENTION

California stands second only to New York in the number of its registered motor vehicles, and averages a car for every two persons in the state. Traffic concentrates chiefly about its two urban centers and there is exceptionally heavy travel on some half dozen main highways. There is also an enormous volume of commercial trucking carried; and the state is visited throughout the year by a vast number of tourists, who figure largely in the situation.

In the light of these conditions, the problem of accident prevention assumes an importance that can hardly be exaggerated. The usefulness of safety measures presses for consideration; and determination of their value and effectiveness in the prevention of motor vehicle accidents makes necessary a searching study of accident causes.

Even the most superficial survey of the accident situation establishes that safety measures are urgently required. That betterment of existing conditions may be expected to follow from their use is evidenced by the good results that have been attained through the employment of such means in other fields.

For a number of years the medical profession and state departments of health have fought with preventive measures many forms of disease, with the results that not alone has the alarming spread of these scourges been checked, but notable reduction has been achieved in the number of resulting deaths year by year, and through painstaking and persevering study the serious consequence of these diseases have been minimized.

By contrasting the increase in the death rate from motor vehicle accidents with the decline in the death rate from a group of ten

\* From data furnished by the Bureau of Vital Statistics.

diseases\* against which prevention has been practiced for several years, Table 7 emphasizes the good results that may be expected from understanding and persistent efforts for automobile accident prevention.

TABLE 7

Death Rates per 100,000 Population of Automobile Accidents and Ten Certain Diseases\* in California

<i>Year</i>	<i>Automobile</i>	<i>Diseases</i>
1922-----	25.8	224.8
1923-----	32.2	226.6
1924-----	31.6	223.8
1925-----	33.2	200.9
1926-----	35.3	189.1
1927-----	38.2	184.2

\* Typhoid fever, malaria, smallpox, scarlet fever, whooping cough, diphtheria, tuberculosis, diarrhea and enteritis (under 2 years), puerperal septicemia, puerperal albuminuria.

In like manner in the field of industry a continuing study of accident causes and circumstances, with an ever-widening application of preventive measures, has been productive of excellent results, both in checking the increase and reducing the number of accidents, and in lessening the seriousness of those that occur. Table 8 sets up the contrasting figures of the increasing rate of deaths from motor vehicle accidents and the declining rate for industrial accidents.\*

TABLE 8

Death Rate per 100,000 Population of Automobile Accidents and Industrial Accidents in California

<i>Year</i>	<i>Automobile</i>	<i>Industrial</i>
1922-----	25.8	19.2
1923-----	32.2	18.8
1924-----	31.6	16.5
1925-----	33.2	16.8
1926-----	35.3	18.1
1927-----	38.2	16.9

Presenting the picture in a different way, Chart III depicts the alarming increase in the death rate from motor vehicle accidents as contrasted with the downward trend of the death rates from industrial accidents and the group of diseases above referred to.

The curve for automobile accidents will decline as, and only as, the study of their causes advances to knowledge that will result in intelligent selection and application of accident prevention measures; and the committee is convinced that until accident prevention is recognized as the essential principle that must underlie and guide all efforts for solution of the motor vehicle problem, neither lasting nor satisfactory results will be achieved.

Numerous comparisons of the kind can be adduced; but let one other suffice, that demonstrates the efficacy of accident study and prevention measures in direct relation to motor vehicle accidents. Collisions occur between automobiles and street cars; and street car companies from their study of the subject have enforced among their employees preventive measures that have resulted in a marked reduction of fatalities from this cause, as shown in Table 9, in contrast with the ever-increasing toll from other types of automobile accidents.

\* Data from Industrial Accident Commission and Bureau of Vital Statistics.

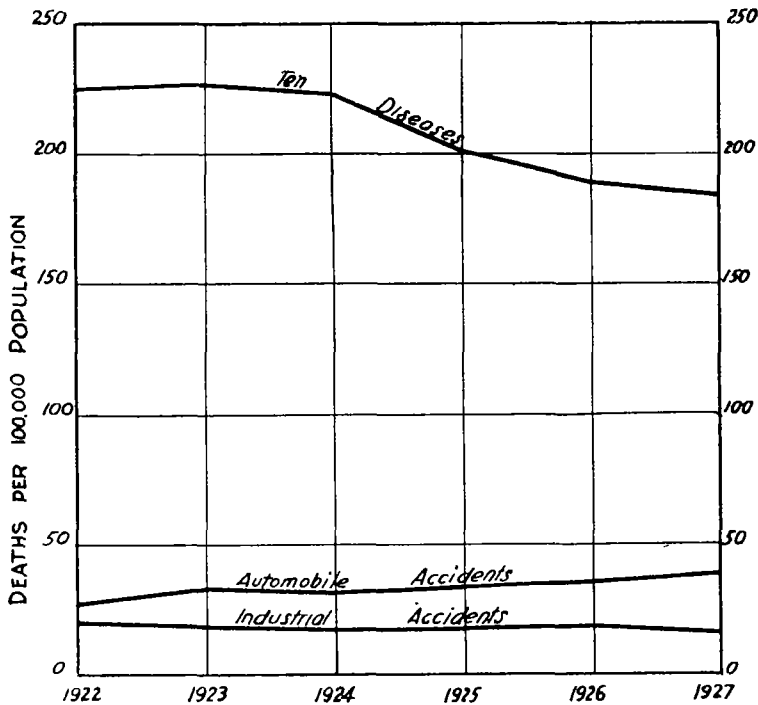
TABLE 9

Deaths in California from Street Car-Motor Vehicle Collisions and from  
All Other Motor Vehicle Accidents

Year	Street car-motor vehicle collisions	All other automo- bile accidents
1922-----	53	1,032
1923-----	68	1,345
1924-----	30	1,334
1925-----	37	1,447
1926-----	36	1,587
1927-----	27	1,755
	Decrease, 50 per cent	Increase, 70 per cent

## CHART III

ANNUAL DEATH RATE IN CALIFORNIA PER 100,000 POPULATION  
FROM THREE CAUSES



Had motorists at the same time contributed their part by the exercise of greater carefulness, it is readily believable that there would have been few, if any, deaths to record as caused by collisions of this kind.

That this is so, and that credit for the betterment of the situation in this regard is not due to the motor vehicle operator, is shown, if evi-

dence be needed, by the corresponding record of fatalities resulting from collisions between automobiles and trains. In collisions of this type, the prevention of accident rests chiefly, if not solely, with the motorist; certainly the engineer of a train is ordinarily powerless to avert a collision.

What does the record show? How has the motorist met his responsibility? A glance at the figures given in Table 10 will tell the story. Deaths resulting from collisions between motor vehicle and train, in which only the motorist could employ preventive means, have more than kept pace with fatalities caused by all other automobile accidents; there is lacking the improvement shown in the preceding table, where despite the motorist's failure, the nonmotorist could, and patently did, apply preventive measures.

TABLE 10  
Deaths in California from Motor Vehicle-Train Collisions and from  
All Other Automobile Accidents

<i>Year</i>	<i>Train-motor vehicle collisions</i>	<i>All other automo- bile accidents</i>
1922-----	79	1,006
1923-----	122	1,291
1924-----	102	1,262
1925-----	118	1,366
1926-----	138	1,485
1927-----	136	1,646
Increase-----	72 per cent	64 per cent

Most encouraging progress has been made wherever preventive methods have been studied and applied. That this will be true with regard to the motor vehicle problem can not be questioned; it has already been demonstrated time and again.

As noted elsewhere in this report, San Diego has for some time been enforcing vigorously a policy of accident investigation and law enforcement that has been consistently productive of most excellent results. In the same way, the safety campaigns that have, however spasmodically and without coordination, been conducted at different times and places in the state have invariably been rewarded with very noteworthy, albeit temporary, reduction of the toll exacted by automobile accidents.

It is the committee's conviction, however, that progressive and lasting improvement of existing conditions can not be effected without an understanding knowledge of such accidents and their causes and attendant circumstances to guide in the adoption of legislative and other preventive measures; and as the first of its recommendations, presented in Part III of this report, the committee proposes means for the acquisition of this essential knowledge.

Already something has been accomplished along this line by the studies, unfortunately unrelated, voluntarily undertaken by various agencies. By far the most worthwhile work of the kind, regarding the motor vehicle problem in this state, that has come to the notice of the committee in its investigation is comprised in the statistics prepared and submitted by the Automobile Club of Southern California. These statistics were compiled for the thirteen southern counties of the state, and cover a period of five years, from 1923 to 1927; and, with one exception,<sup>1</sup> from no other source has the committee received more illuminating or more helpful data of the kind. All efforts, both by the

committee and by others, to secure complementary statistics for the rest of the state have been unavailing, for reasons elsewhere set forth; and the committee makes use of some of the tables furnished by the club, which throw light on the types of motor vehicle accidents and the causes assigned for them, and the age groups in which their victims fall

In Table 11 is given the analysis made by the club of the types of automobile accidents as they occur in the southern portion of the state:

TABLE 11\*

Types of Fatal Motor Vehicle Accidents—California, Thirteen Southern Counties

<i>Type of accident</i>	<i>Number of fatalities</i>					
	1923	1924	1925	1926	1927	Total
Collision between—						
Auto and pedestrian.....	231	235	221	273	318	1,278
Truck and pedestrian.....	36	39	37	34	44	190
Motorcycle and pedestrian.....	3	3	3	3	--	12
Auto and auto.....	70	90	83	121	115	479
Auto and truck.....	32	34	42	44	65	217
Truck and truck.....	3	3	9	12	2	29
Motorcycle and motor vehicle.....	17	17	22	19	30	105
Motor vehicles and other vehicles....	24	31	22	20	19	116
Motor vehicles and stationary objects	11	25	38	31	38	143
Electric railway and auto.....	60	37	48	43	51	239
Electric railway and truck.....	2	7	8	9	2	28
Electric railway and motorcycle.....	4	--	--	2	--	6
Steam railway and auto.....	35	29	42	49	47	202
Steam railway and truck.....	6	3	13	3	15	40
Steam railway and motorcycle.....	--	--	1	2	--	3
Motor vehicle overturned.....	142	130	179	166	173	790
Falls from motor vehicle.....	26	38	30	24	29	147
Totals.....	702	721	798	855	948	4,024

\* From Public Safety Department, Automobile Club of Southern California.

Summarizing these numerous types by percentages under a half-dozen more general classifications, and setting them up against the corresponding figures for the nation as a whole, establishes the interesting comparisons of Table 12, in which will be noticed particularly the lower percentage in California of deaths due to automobile-pedestrian collisions, and the much higher comparative rate of deaths resulting from overturning of cars and from collisions between motor vehicles.

TABLE 12

Comparative Fatalities by Types of Accidents—California, Southern Counties, and United States

	<i>Percentage of total deaths</i>	
	<i>California counties</i>	<i>United States</i>
Motor vehicle vs pedestrian.....	37	65
Motor vehicle vs motor vehicle.....	21	13
Motor vehicle vs. railroad train.....	6	4
Motor vehicle vs. electric car.....	6	2
Motor vehicle vs. fixed object.....	4	5
Other motor vehicle accidents.....	26†	11

† 20 per cent of all deaths due to cars overturning

<sup>1</sup> The committee has received most cordial and most efficient cooperation from Registrar L. E. Ross and his assistants in the Bureau of Vital Statistics of the State Department of Health. The records compiled by them have been, often most unexpectedly, a fruitful source of information, of which frequent use has been made in this report; and the committee wishes to testify its appreciation of the generous services and the unfailing good spirit of Mr. Ross and his staff.

As indicating the usefulness of such comparison in the study of accident prevention, the committee suggests the probable reasonableness of a tentative conclusion, from the showing of Table 12, that the education and regulation of pedestrians has advanced farther in California than in the country in general, while on the other hand the great disproportion of overturned cars, and the higher percentage of collisions between vehicles, seem to connote either that something is wrong with California driving—perhaps excessive speed—or that something is wrong with California roads. A way is thus opened, by even this incipient knowledge, for investigation and study that will undoubtedly lead to application of effective remedial and preventive measures.

The data from the automobile club discloses also the age-groups of the victims of motor vehicle accidents in the thirteen southern counties of the state. This information is shown in Table 13.

TABLE 13  
Ages of Victims, Automobile Accident Fatalities—Thirteen Southern California Counties

<i>Age-group</i>	<i>Number of fatalities</i>					<i>Per cent</i>	
	<i>1923</i>	<i>1924</i>	<i>1925</i>	<i>1926</i>	<i>1927</i>	<i>Total</i>	<i>of total</i>
Under 5 years.....	34	43	51	57	62	247	6.1
6 to 15 years.....	59	69	76	83	72	359	8.9
16 to 44 years.....	311	337	373	347	415	1,783	44.3
45 to 64 years.....	181	174	181	214	230	980	24.4
65 years and over.....	117	98	117	154	169	655	16.3
Totals.....	702	721	798	855	948	4,024	100.0

The figures of Table 13 emphasize two facts of particular importance in the study of accident prevention. First, the heaviest mortality rate per age-year found in the group between 16 and 44 years, in which it might naturally be expected that the rate would be lowest. Second, the large number of victims in the age-groups *under 5 years* and *over 64 years*, in both of which cases responsibility for avoidance of accident rests almost exclusively with the motorist, since the safety of the infant and of the aged pedestrian lies in his keeping.

#### THE CAUSES OF ACCIDENTS

Effectiveness in the prevention of accidents is dependent upon knowledge of their causes; and of these causes little is now known.

Discussing this phase of the motor vehicle problem, President-elect Hoover said in his address quoted in the introduction to this report: "It seems to be impossible at this time to even evaluate with any degree of accuracy the human and the mechanical or physical factors which are involved in every accident. The outstanding feature of the report of this committee is a plea for exhaustive and extended research work on the part of some organization which may be particularly fitted for that purpose.

"It seems to me that this is fundamental. We are setting out to put a stop to accidents without apparently knowing the real fundamental cause of that large area of accidents which lie outside the field of sheer recklessness and negligence and so it might be said that even with adequate and proper uniform laws and with a method of procedure which would insure the enforcement of those laws accidents will continue until we can discover this elusive and mysterious cause of the accident."



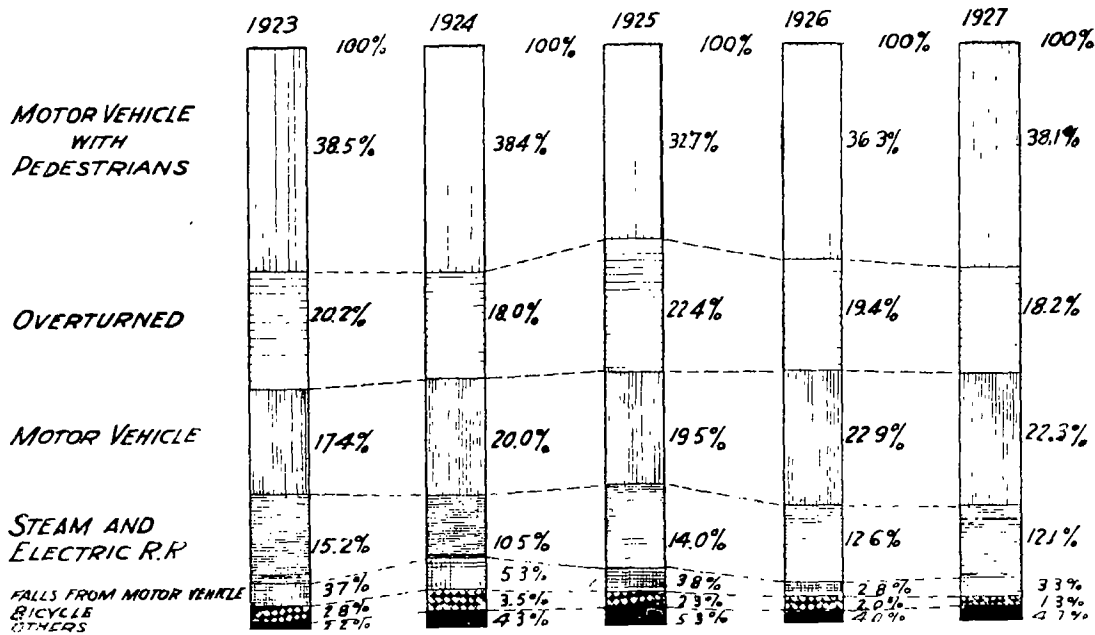
# CHART IV

## TYPE OF COLLISION—MOTOR VEHICLE FATALITIES

### THIRTEEN SOUTHERN CALIFORNIA COUNTIES

COURTESY AUTO CLUB OF SOUTHERN CALIFORNIA

Among the considerations included in the brief filed by the automobile club is a study of the apparent causes of the accidents previously tabulated; and the club's analysis of them under this aspect is given in Table 14, with a diagrammatic presentation on Chart IV.



The detailed listing of causes presented above may, for purposes of comparison, be consolidated under the headings shown below in Table 15, and it will then be seen that 58 per cent of the 4024 deaths under consideration were charged against the driver by reason of carelessness, recklessness, incompetence and intoxication, in the order named; while the pedestrian, mostly for carelessness, but partly for failure to think as swiftly as a motor car moved, was held accountable for 28 per cent.

TABLE 14\*

Apparent Causes of Fatal Motor Vehicle Accidents—California, Thirteen Southern Counties

Apparent cause	Number of deaths					Total
	1923	1924	1925	1926	1927	
Crossing not at intersection.....	83	61	56	71	97	368
Crossing street carelessly.....	33	52	38	59	65	247
Confused by traffic.....	66	52	29	38	36	221
Falls in front of vehicle.....	18	3	7	13	14	55
Falls from vehicle.....	19	25	29	26	27	126
Improper riding on vehicle.....	11	17	7	13	12	60
Climbing or hitching on vehicle.....	—	—	—	—	—	—
Running or playing in street.....	26	51	68	46	51	242
Incompetent handling.....	144	85	64	78	71	442
Motorist's negligence at railway crossing....	83	35	97	86	97	398
Speeding, 15-mile zone.....	6	15	21	77	96	205
Speeding, 20-mile zone.....	15	22	24	23	17	101
Speeding, over 20-mile zone.....	36	42	46	70	68	262
Intoxication.....	33	31	47	60	49	220
Failure to stop and render aid.....	7	6	14	11	24	62
Drove through safety zone.....	—	—	—	2	7	9
Cutting corner.....	1	4	—	3	1	9
Cutting in ahead.....	13	47	32	15	18	125
Right of way violated.....	17	36	53	47	51	204
Passing standing street car.....	—	8	7	1	3	19
Passing on wrong side.....	1	3	—	1	5	10
Driving on wrong side of road.....	15	24	23	27	48	137
Failure to signal.....	8	4	14	8	3	37
Backing.....	—	—	—	3	18	21
Skidding.....	29	42	41	31	24	167
Glaring lights.....	3	3	15	4	5	30
Weather conditions.....	2	7	9	1	7	26
No head light or no tail light.....	8	12	12	12	11	55
Defective equipment.....	17	22	17	20	12	88
Tire blowout.....	3	4	8	3	6	24
Defective highway.....	4	5	14	2	6	31
Driver asleep.....	1	3	6	4	9	23
Totals.....	702	721	798	855	948	4,024

\* From Public Safety Department, Automobile Club of Southern California

That the placing of blame in these cases may have its proper weight, it should be noted that it has been assigned in accordance with the findings of coroners in their inquests upon the deaths involved.

TABLE 15

Summary of Automobile Accident Causes—California, Thirteen Southern Counties

Cause	Number of		Per cent of total
	deaths		
Careless driving.....	1,054		26.2
Speeding or recklessness.....	568		14.1
Incompetence.....	442		11.0
Intoxication.....	220		5.5
Careless pedestrian.....	615		15.3
Confused pedestrian.....	276		6.9
Playing in street.....	242		6.0
Falls from vehicle.....	126		3.1
Defective equipment.....	197		4.9
Other causes.....	284		7.0
Totals.....	4,024		100.0

Carrying farther its study of the causes and attendant circumstances of the accidents under consideration, the automobile club classified the apparent causes in their relation to the ages of the victims, with the results shown in Table 16.

TABLE 16\*

Fatal Motor Vehicle Accidents, 1923-1927—Classification of Apparent Causes by Age Groups—California, Thirteen Southern Counties

Apparent cause	Ages					Total
	Under 5 years	6-15	16-44	45-64	65 & over	
Crossing not at intersection	13	28	50	128	149	368
Crossing street carelessly	9	15	48	75	100	247
Confused by traffic	3	4	37	73	104	221
Falls in front of vehicle	9	19	12	8	7	55
Falls from vehicle	7	19	67	27	6	126
Improper riding on vehicle	3	27	17	9	4	60
Climbing or hitching on vehicle	---	---	---	---	---	---
Running or playing in street	120	117	3	1	1	242
Incompetent handling	8	28	247	115	49	442
Motorist's negligence at railway crossing	9	23	216	117	33	398
Speeding, 15-mile zone	9	10	114	44	28	205
Speeding, 20-mile zone	1	2	68	23	7	101
Speeding, over 20-mile zone	5	8	185	57	7	262
Intoxication	2	6	149	48	15	220
Failure to stop and render aid	1	5	19	20	17	62
Drove through safety zone	1	---	2	1	5	9
Cutting corner	---	4	3	1	1	9
Cutting in ahead	4	10	66	30	15	125
Right of way violated	13	12	94	48	37	204
Passing standing street car	---	1	7	6	5	19
Passing on wrong side	---	---	7	3	---	10
Driving on wrong side of road	7	2	91	25	12	137
Failure to signal	2	5	16	7	7	37
Backing	10	1	3	4	3	21
Skidding	5	6	103	43	10	167
Glaring lights	1	1	13	9	6	30
Weather conditions	1	1	14	9	3	26
No head light or no tail light	---	4	33	14	4	55
Defective equipment	4	5	46	23	10	88
Tire blow-out	1	1	14	5	3	24
Defective highway	---	1	22	4	4	31
Driver asleep	---	---	17	3	3	23
Totals	247	359	1,783	980	655	4,024
Percentage	6.1	8.9	44.3	24.4	16.3	

\* From Public Safety Department, Automobile Club of Southern California.

By this classification much additional light is shed on the manifold bearing of accident causes. Under the first four items, for instance, it is developed that of the 891 cases in which blame for accidents was placed upon "careless and confused pedestrians," in 394 the pedestrian victim was either under 5 years of age or over 65 years; giving rise to the very fair question whether, in the last analysis, the major responsibility in these cases did not rest upon the motorist rather than upon the pedestrian.

The relative numbers of pedestrians and car occupants killed in these accidents, as given in Table 17, constitute still another phase of the motor vehicle problem treated in the automobile club's report, from

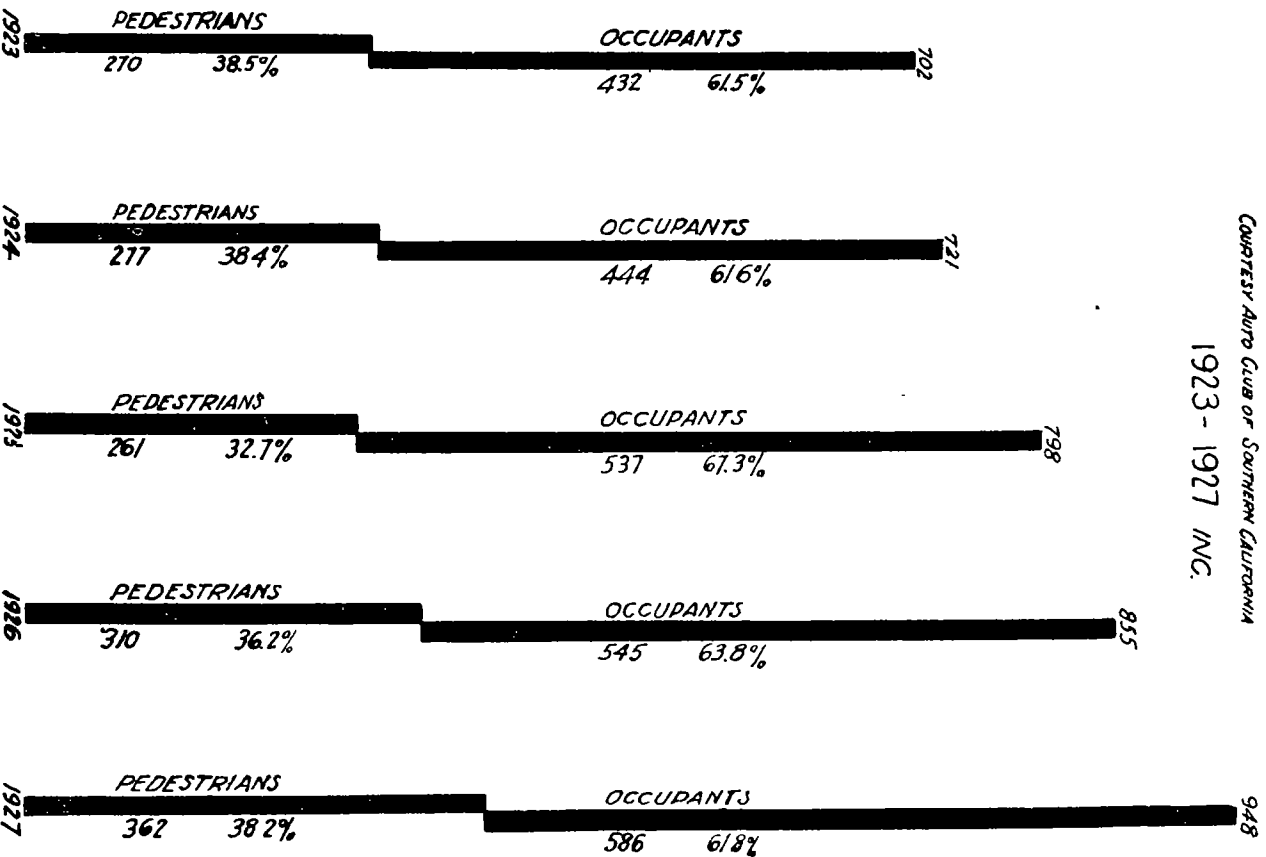
# CHART V

## MOTOR VEHICLE FATALITIES

### THIRTEEN SOUTHERN COUNTIES

COURTESY AUTO CLUB OF SOUTHERN CALIFORNIA

1923 - 1927 INC.



which Chart V is taken; and from the figures submitted in this connection, it becomes evident that reckless and careless drivers are a menace not alone to the man on the street, but in even greater degree to the passengers in their own and other cars.

TABLE 17

Pedestrians and Car Occupants Killed in Motor Vehicle Accidents—California, Thirteen Southern Counties

	1923	1924	1925	1926	1927	Total
Pedestrians .....	270	277	261	310	362	1,480
Car occupants .....	432	441	537	545	586	2,544
Totals .....	702	721	798	855	948	4,024

#### THE NONLOCAL CAR AS A FACTOR IN ACCIDENTS

Along another line, a study made in Connecticut was productive of information regarding the origin of cars involved in motor vehicle accidents in that state, that is of especial significance to the State of California in view of its geographical extent, the diversity of its local regulations, the millions of its own registered cars, and the great number of out-of-state cars at all times within its borders. The results obtained from the Connecticut analysis are here summarized in Table 18.

TABLE 18\*

Origin of Cars Involved in Accidents—State of Connecticut

	Per cent of total			
	1925	1926	1927	Average
Local cars .....	52	57	54	54.3
Nonlocal cars, state registry .....	38	36	38	37.3
Nonlocal, out-of-state registry .....	7	7	8	7.4
Unknown registry .....	3	--	--	1.0
	100	100	100	100.0

\* From "Fourth Study of Motor Vehicle Accidents."

If, as indicated by the ratios practically constant throughout this three years' investigation, 45 per cent of all cars involved in motor vehicle accidents are nonlocal, their drivers unfamiliar with local motor-ing habits and regulations and enforcement, then certainly it is of vital concern to California that uniformity of local traffic ordinances and uniformity of law enforcement through all the state be speedily effected

#### INCREASING SEVERITY IN LAW ENFORCEMENT

More and more the necessity of drastic law enforcement, with un-failing punishment for the wilful violator, and with means by which the criminally reckless, the negligent and the incompetent can be driven from the use of the streets and highways, as so urgently advocated by the Hoover Conference, has assumed importance in the minds of the authorities upon whom rests the burden of public welfare; and the committee directs attention to Table 19, in which some available figures are given as fairly indicating the resulting trend in disciplinary policy and practice.

TABLE 19

Connecticut—Discipline in Automobile Law Violations <sup>1</sup>

	1924	1925	1926	1927
Arrests made-----	11,904	13,536	17,159	22,421
Charges not prosecuted-----	2,591	3,371	1,739	2,588
Jail sentences, days-----	11,870	27,943	24,998	40,052
Fines imposed-----	\$247,248	\$255,013	\$249,516	\$347,885
Licenses suspended-----	7,757	8,434	8,821	10,750

Maryland—Discipline in Automobile Law Violations <sup>2</sup>

	Fines	Driving licenses		Drivers
		Revoked	Suspended	Refused reprimanded*
1926-1927 -----	\$213,049	905	2,036	1,747
1927-1928 -----	235,962	1,149	2,116	2,332
				37,649

\* License card punched and notation entered on record.

Connecticut—Penalizing Drunken Drivers <sup>1</sup>

	1924	1925	1926	1927
Fines -----	\$90,114	\$102,710	\$97,357	\$153,221
Jail sentences, days-----	5,047	7,023	13,866	19,570
Cases nolle-----	79	89	59	95
Licenses suspended-----	1,022	1,204	1,356	1,615

<sup>1</sup> From "Fourth Study of Motor Vehicle Accidents," Connecticut

<sup>2</sup> From Reports of E. Austin Baughman, Commissioner of Motor Vehicles, Maryland

The committee notes, in all the records in its hands, an ever-widening tendency to greater rigor in the punishment of violations of the motor vehicle laws; and, with all others who have engaged in the study of the motor vehicle problem, is convinced that in such severity will be found the principal factor in its solution.

COMPENSATION OF DAMAGE CLAIMS

Much has been heard of financial losses resulting to individuals from unpaid claims for damages arising out of automobile accidents, and the committee has spared no pains in its efforts to ascertain the facts regarding such losses. While the investigation of this phase of the problem was blocked in most directions by paucity of authentic records, the net result of the committee's findings is the discrediting of the alleged enormous totals of such losses.

Elsewhere (page 65) in this report the results of an appeal to the 10,825 members of the State Bar for information regarding unsatisfied judgments and failure to receive compensation in suits in such cases are given in detail. Here it need only be noted that the losses cited in reply, some of which date back three, five and six years, totaled only \$39,977; and in no case was the victim or any dependent made thereby a recipient of charity.

In like manner an inquiry made of charitable agencies in a number of cities throughout the country to ascertain facts regarding persons directly or indirectly made recipients of charity in consequence of death or injury incurred in motor vehicle accidents, established only that the records of these agencies fail to show this cause of dependency, or that extremely few known cases of the kind have come under their care. In view of the minute detail with which such agencies have in recent years been accustomed to record their cases, it seems a fair

assumption that automobile accidents do not figure among the major causes of dependency.

The same inquiry was extended to hospitals, state and county officials, and other persons and organizations thought likely to have definite knowledge of such losses and their social and economic consequences, but in all instances with negative results, the most precise information secured being the statement, made in most replies, that no such cases had come within the experience of the respondent.

That financial losses result from death, injury and property damage sustained in automobile accidents is, of course, beyond question. But that such losses remaining uncompensated do not reach the huge totals that have at times, vaguely and without supporting data, been alleged, seems equally beyond doubt in the light of all positive findings.

Among the data on this subject that have come into the hands of the committee during its investigation is a report submitted by the Commonwealth Club of California, which includes studies, with summaries and conclusions, made by authority of its board of governors. While the methods used by the club in its questionnaires, in its handling of figures, in its determination of groupings and in the conclusions of its summaries are the most unusual encountered by the committee in the course of its investigation, nevertheless, for the light thrown on the subject under consideration by the statistics themselves, the committee reproduces here without change the portion of the study relating to fatal accidents, calling attention by means of footnotes to those errors and omissions only which alter percentages, totals and averages given by the club, or which substantially affect the significance of the figures used.

In so introducing the club's statistics into this report, the committee deems it proper to direct attention to these circumstances:

1. That throughout the study the club entirely disregards the question of legal liability; or rather, to put it more accurately, placidly assumes in every case legal liability on the part of the motorist;

2. That the determination of "responsibility," "irresponsibility," and "party causing the accident" in the study is solely a matter of the club's judgment, not the committee's; and

3. That no tables of supporting data have been supplied to the committee.

The club states that this study covers all fatal automobile accidents occurring in San Francisco and Alameda counties during the year 1927; and that of the 263 such accidents discovered it was able to collect answers to its questionnaires in 206\* cases, or approximately 78 per cent.

\* The "Groups" listed in the study comprise 203, not 206 cases, and one of the odd features of the club's brief is that it makes computations, and draws conclusions from its data, on the basis not only of 206, but also of 263 cases, thus including in its premises the 60 cases regarding which it states it had no information.

The club presents its findings on the 208 cases in the following form:

### GROUP I

Party causing accident did carry insurance and some compensation was paid as a result of the accident.

<i>Dependents</i>	<i>Partial dependents</i>	<i>Recovery</i>	<i>How obtained</i>
3	2	\$7,500	Lawsuit
0	--	4,000	Compromise
1	--	2,000	Compromise
5	--	2,000	
0	--	1,000	
0	--	700	
0	--	500	Compromise
2	--	500	Compromise
0	--	400	Compromise
0	--	400	Compromise
0	--	400	Compromise
0	--	375	
0	--	300	Compromise
0 (Child)	--	200	Compromise
0	--	200	Compromise
0 (Child)	--	200	Compromise
0 (Child)	--	75	Compromise
0	--	Funeral expenses	Compromise
0	--	Unknown amount	
Number of cases -----			19
Number of cases reporting amount of compensation received -----			17
Total amount of compensation received by persons reporting (highest recovery \$7,500 and lowest recovery \$75) -----			\$20,950 <sup>1</sup>
Average amount reported received -----			1,232 <sup>2</sup>

<sup>1</sup> Apparently error, correct total is \$20,750

<sup>2</sup> Correct average \$1,221 "Funeral expenses" and "Unknown amount" are evidently not compensation in the club's view.

### GROUP II

Party causing accident did not carry insurance and some compensation was paid as result of the accident.

<i>Dependents</i>	<i>Partial dependents</i>	<i>Recovery</i>	<i>How obtained</i>
1	----	\$1,500	
(Housewife)	----	425 Inst.	Compromise <sup>1</sup>
0 (Child)	----	300 Inst.	Compromise <sup>1</sup>
0 (Aged 88)	----	150	Compromise
0 (Aged 75)	----	Funeral Expenses	Compromise
6	----	\$260	Compromise
3	----	Support of family	Compromise
1 (\$1,985 Dr. bill)	----	\$350	Compromise <sup>2</sup>
		\$1,000 Expenses	Compromise
Number of cases -----			9
Number of cases reporting amount of compensation actually received or promised -----			7
Total amount received or promised -----			\$3,985 <sup>3</sup>
Average amount received or promised -----			569 <sup>3</sup>

<sup>1</sup> The club's brief does not explain the abbreviation "Inst"

<sup>2</sup> While a compromise settlement of \$350 would appear highly improbable with a \$1,985 doctor's fee outstanding, yet it is not stated that the bill was paid, and the amount is not included in the total given

<sup>3</sup> Here again, "Funeral expenses" and "Support of family" are evidently not compensation in the mind of the club

### GROUP III

Compensation received, but not stated whether it was from party who caused the accident or his insurer.

Number of cases -----	1
Amount of compensation received -----	\$1,700 50



GROUP IV

No compensation, due to the fact that there was no one to lose financially by the death of the decedent.

Number of cases----- 2

GROUP V

No compensation, due to difficulties peculiar to decedent's family.

Number of cases----- 6

GROUP VI

Party who caused the accident carried insurance and suit is now pending.

Number of cases-----21

GROUP VII

Unknown whether party who caused the accident carried insurance, and suit is now pending.

Number of cases----- 2

GROUP VIII

Party who caused the accident did not carry insurance and there is a suit pending.

Number of cases-----12

GROUP IX

Party causing the accident did carry insurance but there was neither recovery nor a law suit.

Number of cases----- 9

GROUP X

Party who caused the accident was not insured, and not sufficient witnesses to justify bringing suit.

Number of cases----- 3

GROUP XI

Party who caused the accident was insured, suit was brought, but judgment was rendered in favor of the defendant.

Number of cases----- 2

GROUP XII

No compensation because the accident was partially or wholly fault of the deceased, admittedly.

Number of cases-----14

GROUP XIII

No compensation because accident arose from carelessness of a wholly irresponsible third party.

Number of cases----- 1

GROUP XIV

No settlement and no suit was filed, due to dislike of parties for court proceedings.

Number of cases----- 4

GROUP XV

No recovery, due to difficulty with the attorney engaged.

Number of cases----- 1

GROUP XVI

No compensation because deceased was struck by a government truck.  
Number of cases----- 3

GROUP XVII

Party causing the accident is responsible but no suit brought.  
Number of cases----- 1

GROUP XVIII

No compensation, but it is not made clear why suit was not brought.  
Number of cases----- 6

GROUP XIX

No compensation and no suit, due to the irresponsibility of the person causing the accident, who was not insured.  
Number of cases-----28

GROUP XX

No insurance in the party causing the accident, no compensation and no definite reason given for not bringing an action, though it is probable that failure to sue is due to the irresponsibility in the party causing the accident.  
Number of cases-----26

GROUP XXI

Neither compensation nor a law suit, and the collision was with a street car or a train.  
Number of cases----- 4

GROUP XXII

Suit is now pending, and collision was with either a street car or a train.  
Number of cases----- 4

GROUP XXIII

No compensation and no insurance, and a motorcycle was the cause.  
Number of cases----- 1

GROUP XXIV

No compensation, due to mechanical difficulties with the car driven by deceased or in which deceased was riding.  
Number of cases----- 4

GROUP XXV

Hit-and-run drivers.  
Number of cases----- 20

Passing by, without comment, the club's decidedly unusual handling of figures in its summary of the above study, and prescinding from its equally unusual conclusions therefrom, the committee notes the following points in connection with the "groups" presented:

In the 24\* cases where the amount of compensation received is stated, the highest of the settlements was for \$7,500 and the lowest was for \$75; eight were for \$1,000 or more, one was for \$700, nine ranged from \$500 to \$300, and six were for less than \$300; the average for the

\* Excluding the cases where the compensation received was "Funeral expenses," "Support of family" and "Unknown amount," and the case where it is not stated if payment of the \$1,985 doctor's bill was part of the compromise settlement.

24 cases being \$1,087. For comparison, it is recalled that in the death and personal injury cases cited by the members of the State Bar, the highest judgment awarded was for \$5,000, the lowest for \$350, and the average was \$2,665.

In the 28 cases where the information is given, the total number of dependents was 22, with 2 partially dependent.

The 203 cases listed may, on the club's statement of them, be summarized as follows:

Settlement effected at time of inquiry (I, II, III) .....	29
Suits for damages pending (VI, VII, VIII, XXII) .....	39
Elected not to sue, for special reasons (IV, V, IX, X, XIV, XV, XVII, XVIII, XXI, XXIII) .....	37
Patently no liability in motorist (XI, XII, XIII, XVI, XXIV) .....	24
Elected not to sue, in club's opinion, because motorists were "irresponsible" or "probably irresponsible" (XIX, XX) .....	54
Hit-and-run drivers (XXV) .....	20
Total .....	203

As bearing on the question of liability in these fatal accident cases, it is of interest that while in 52 cases (Groups I, III, VI, IX, XI) the motorists are stated to have carried insurance, in nine (Group IX) of them there was neither suit nor settlement, and in two (Group XI) there were suits with verdicts for the motorists, making 11 cases, or one-fifth of all, evidently without liability. Again, there are 22 cases listed (Groups XII, XIII, XVI, XXIV) which on their face bear evidence of no liability, six more (Groups XV, XVII, XXI) which carry a strong presumption of no liability, and 19 others (Groups IV, V, XIV, XVIII, XXIII) in which the election not to sue seems fairly to justify an assumption of no liability.

There thus remain, out of the 203 cases included in the study, the 20 hit-and-run cases of Group XXV, the 28 cases of Group XIX, and the 26 cases of Group XX, a total of 74, in which on the club's statements there was, either surely, or probably, or possibly, liability without recovery. And on the basis of the ratio established in Groups I and II, the relict dependents of the victims in these 74 cases would number 58, with an additional five partially dependent; while, on the assumption of legal liability in every case, damages accruing to all would total \$80,438 at the average shown for Groups I, II and III of \$1,087, which is more than double the amount actually received in 15, and more than the full amount received in three others, of the 24 cases included in those groups.

In the second part of its study, in which it endeavored to gather information in relation to nonfatal motor vehicle accidents occurring in San Francisco and Alameda counties during 1927, the Commonwealth Club met with a sterility of results that led it to state in its brief that "because of the much smaller percentages of the returned questionnaires, the data on the nonfatal accident cases can not have the same conclusiveness that may be found in the study on fatal injuries."

With approximately 6000 questionnaires and letters sent out to injured persons, the club was able to secure only 672 returns. It nevertheless made a tabulation of results, and found that "the nonfatal accident cases reported showed higher percentage of insurance carried and compensation paid than in the fatal cases." The general tenor of the club's statistics is thus in accord with the findings of similar

investigations, the marked trend of which wherever made has been towards discounting the supposed magnitude of uncompensated losses attending motor vehicle accidents.

Through the cooperation of the county clerks in the entire state, who, as ex officio clerks of the superior court, at the request of the committee undertook the burden of a laborious search in the court records of their respective counties, the committee is enabled to incorporate in this report a detailed statement of all judgments, for death and personal injury resulting from automobile accidents, entered in the state during the two years prior to November 20, 1928,\* and standing unsatisfied of record at that date.

The research of the county clerks revealed such judgments to the number of 621 and to a total amount of \$2,110,089.40 for the two years. The figures for the individual counties are shown here in Table 20:

TABLE 20  
Unsatisfied Judgments in Automobile Cases—California—Two Years

County	Two years period	
	Number	Amount
Alameda -----	105	\$318,466 94
Alpine -----	None	-----
Amador -----	None	-----
Butte -----	None	-----
Calaveras -----	None	-----
Colusa -----	None	-----
Contra Costa -----	11	34,103 71
Del Norte -----	None	-----
El Dorado -----	None	-----
Fresno -----	None	-----
Glenn -----	3	2,575 00
Humboldt -----	1	3,000 00
Imperial -----	None	-----
Inyo -----	None	-----
Kern -----	8	21,244 14
Kings -----	None	-----
Lake -----	None	-----
Lassen -----	None	-----
Los Angeles -----	250	784,598 15
Madera -----	None	-----
Marin -----	(1)	1,745 00
Mariposa -----	None	-----
Mendocino -----	None	-----
Merced -----	38	25,896 98
Modoc -----	None	-----
Mono -----	None	-----
Monterey -----	(2)	6,975 10
Napa -----	4	16,729 00
Nevada -----	None	-----
Orange -----	10	59,917 90
Placer -----	1	1,200 00
Plumas -----	None	-----
Riverside -----	11	94,156 85
Sacramento -----	19	112,333 47
San Benito -----	None	-----
San Bernardino -----	5	11,197 10
San Diego -----	20	93,836 94
San Francisco -----	33	147,900 00
Forward -----	522	\$1,735,876 28

\* For some of the counties the totals run to December 13, 1928, and for some others to January 15, 1929.

TABLE 20—Continued

Unsatisfied Judgments in Automobile Cases—California—Two Years

County	Two years period	
	Number	Amount •
Forwarded.....	522	\$1,735,876 28
San Joaquin.....	14	138,559 70
San Luis Obispo.....	2	549 40
San Mateo.....	15	20,503 90
Santa Barbara.....	8	20,959 84
Santa Clara.....	20	98,415 05
Santa Cruz.....	7	18,785 30
Shasta.....	None	-----
Sierra.....	None	-----
Siskiyou.....	None	-----
Solano.....	6	6,220 68
Sonoma.....	9	12,538 26
Stanislaus.....	8	19,230 75
Sutter.....	None	-----
Tehama.....	None	-----
Trinity.....	None	-----
Tulare.....	9	37,429 25
Tuolumne.....	None	-----
Ventura.....	None	-----
Yolo.....	None	-----
Yuba.....	1	1,020 90
Totals, two years.....	621	\$2,110,089 40

NOTE—The figures of Table 20, while serving the desired purpose, are not precisely accurate as used. In the case of some counties some of the judgments have been entered so recently that their payment prior to date of this report was not possible, while other judgments are known to have been paid, but their satisfaction not having been recorded they are included in the number and amount given as outstanding of record. Regarding some other counties, through a misunderstanding the figures supplied are for all judgments entered in automobile injury cases, both satisfied and unsatisfied, and in other cases judgments under appeal are included as unsatisfied. For some counties the figures given include judgments in property damage cases, and in a number of instances particular judgments were for both property damage and personal injury, without segregation of the respective amounts. Court costs awarded are also included. The figures given in the table are for these various reasons higher than the actual number and amount of unsatisfied judgments for the two years period, but, with this explanation, they are used as received.

Assuming one-half of the totals in Table 20 to represent the cases for one year, the amount will be \$1,055,044.70 and 310.5 the number of judgments

The average struck on this basis is \$3,397.89, and in view of the fact that a comparatively small number of judgments for quite high amounts are included, the average for the great majority is very much lower. This is readily seen by taking the detailed judgments listed for some of the counties:

Contra Costa County		Tulare County	
\$200 00		\$306 50	
750 00		500 00	
750 00		535 00	
880 00		650 00	
1,236 21		921 75	
1,500 00		1,521 00	
1,500 00		1,732 00	
1,523 50		6,250 00	
1,764 00		25,013 00	
4,000 00			
20,000 00			
\$34,103 71		\$37,429 25	
Average.....	\$3,100 34	Average.....	\$4,158 81
Average, excluding last.....	1,410 37	Average, excluding last.....	1,802 03

<i>San Diego County</i> <i>Department 3</i>		<i>Santa Cruz County</i>	
\$579 85		\$250 00	
731 53		500 00	
1,250 00		500 00	
2,038 75		590 15	
2,107 90		2,250 00	
2 167 00		2,500 00	
4,555 65		12,195 15	
14,037 00			
25 052 30			
<hr/>		<hr/>	
\$52,519 98		\$18,785 30	
Average -----	\$5,835 55	Average -----	\$2,683 61
Average excluding last two	1,678 75	Average, excluding last----	1,098 36

Other similar instances are

	<i>Average</i>
Orange County—10 judgments, \$59,917 90-----	\$5,991 79
Average, excluding three totaling \$47,879.40-----	1,719 79
Riverside County—11 judgments, \$94,156 85-----	8,558 80
Average, excluding three totaling \$76,130-----	2,253 85
San Diego County—6 judgments \$33,877 26-----	5,646 21
(Department 1 ) Average, excluding two totaling \$23,840-----	2,509 31
San Joaquin County—14 judgments, \$138,559 70-----	9,897 10
Average, excluding five against one defendant totaling \$66,552 65, and two others totaling \$47,304-----	3,529 01
Santa Clara County—20 judgments, \$98,415 05-----	4,920 75
Average, excluding two totaling \$60,000-----	2,134 17
Stanislaus County—8 judgments, \$19,230 75-----	2,403 84
Average, excluding one for \$10,095-----	1,305 11

The relation of unsatisfied judgments to all judgments is indicated in statistics given for some counties, as:

San Francisco City and County—Judgments entered-----	113
Satisfied -----	53
Not satisfied -----	33
Appealed -----	17
Vacated -----	1
New trial -----	9
Marin County—Number of actions filed-----	48
Pending -----	23
Dismissed -----	13
Judgments entered -----	12
Satisfied -----	11
Not satisfied -----	1

On the basis of the amount above, \$1,055,044 70, the average of unpaid judgments per registered car in the state for 1928 would be about 42 cents; and using the estimate of 28,850 as the number of death and injury cases for the same year, the average of unpaid judgments per death or injury would be \$36 57.

Affording further information on the subject, and confirming the view of the committee that the magnitude of the evil of uncompensated losses resulting from automobile accidents has been grossly overstated, the Automobile Club of Southern California has submitted to the committee an analysis of some 10,000 accident claims establishing the percentage of claims actually paid and the reasons why the remainder go uncompensated, and giving tables showing the average amounts paid on such claims.

The study offered by the club is here presented as table 21 :

TABLE 21\*

Analysis of Accident Claims—California, Thirteen Southern Counties, 1926-1927.		
	Number of claims	Per cent of total
Total number of claims examined-----	10,039	100
A—Claimant not entitled to recover—		
Because claimant solely negligent-----	1,104	11
Because both parties negligent-----	1,205	12
Because claimant's right extremely doubtful-----	1,406	14
Not entitled to recovery-----	3,715	37
B—Valid claims paid—		
By insurance companies-----	2,309	23
By individuals -----	1,707	17
Total satisfied -----	4,016	40
C—Valid claims not paid—		
Because debtor not located-----	502	5
Because claimant failed to cooperate-----	150	1½
Because debtor declared inability to pay-----	251	2½
Because arbitrary refusal by insurance companies-----	401	4
Because arbitrary refusal by individuals-----	1,004	10
Total unsatisfied -----	2,308	23

\* From Public Safety Department, Automobile Club of Southern California.

As this theme of uncompensated claims for damages has been much played upon in connection with the ill-considered urging of so-called compulsory insurance from some quarters, the committee quotes some comments made by the automobile club in regard to the details brought out in the above table :

"We present the above analysis as a fairly complete explanation of why damages resulting from motor vehicle accidents are not compensated. Clearly, compulsory liability insurance would have no application to those instances in which the claimant is not legally entitled to recover, comprising 37 per cent of the total. Neither would compulsory insurance add any security with reference to those valid claims collected, comprising 40 per cent of the total. With reference to those valid claims not collected, representing 23 per cent of the total, reference to the reasons why such claims are not paid discloses that compulsory liability insurance would not necessarily result in payment being made.

Compulsory insurance would not insure payment in those instances where it was impossible to locate the second party or where the claimant failed to cooperate, nor in those instances where there was an arbitrary refusal by an insurance company. Compulsory insurance might have some bearing in those instances listed above, where the debtor declared inability to pay and where there was an apparent arbitrary refusal by an individual to pay. These last two items taken together represent a total of 1255 claims, representing 12.5 per cent of all claims.

It should be noted that of the 10,039 claim files examined, the average amount involved was \$49.76.

That the average amount of claims for property damage is less than \$50 is substantiated by the experience of our Inter-Insurance Exchange. The claims paid by the exchange on property damage insurance in 1927 were in the average amount of \$27.71. Under full coverage collision policies, insuring members' cars against damage by reason of collision, the claims paid were in the average amount of \$23.53."

With reference to the average payments made under public liability insurance policies for death and personal injury, the club notes that some 75,000 of its members carry such insurance, and that it has secured from the companies writing the policies a statement as to the number and amount of the claims and payments made thereunder during the years 1926 and 1927.

This information the club filed with the committee in the form of tables, which are here presented as Table 22. In reproducing this data, attention is directed to the facts that the average of payments for death and personal injury under these public liability insurance policies was \$265.60 for both 1926 and 1927, and that the number of cases in which payment exceeded \$1,000 represents but 6 per cent of all paid claims

TABLE 22

Average Payments\* Under Public Liability Insurance Policies—California. Thirteen Southern Counties, 1926-1927.

	1926	1927
Number of policies in force December 31-----	68,946	75,219
Total claims filed-----	3,517	4,007
---no indemnity-----	1,475	1,673
---paid, under \$1,000-----	1,919	2,222
---paid, over \$1,000-----	123	112
Claim frequency, paid-----	2.96	3.10
Average amount, claims filed-----	\$154 21	\$156 00
Average amount, claims paid-----	\$265 00	\$265 60
Average amount, claims paid over \$1,000-----	\$2,125 23	\$2,167 78
Average amount, claims paid under \$1,000-----	\$146 40	\$160 05
Percentage, claims paid-----	58 06	58.25
Percentage, claims no indemnity-----	41.94	41.75
Claims paid over \$1,000-----	6 %	4.8%
Number paid \$1,000-2,000-----	68	60
2,000-3,000-----	34	32
3,000-4,000-----	14	9
4,000-5,000-----	2	1
5,000-6,000-----	1	5
6,000-7,000-----	1	2
7,000-8,000-----	2	2
8,000-9,000-----	1	1
Totals-----	123	112

\* From Public Safety Department, Automobile Club of Southern California

As being closely related to the matter of uncompensated claims, the brief filed with the committee jointly by the California State Automobile Association and the Automobile Club of Southern California was supplemented with an appendix under the caption, "Compulsory Liability Insurance Would Apply to a Very Small Percentage of Traffic Accidents," in which they reiterate their opposition to the principle of compulsory security of liability, and express their skepticism regarding the alleged advantages of the plan in force in Massachusetts, the only state which has adopted legislation for compulsory automobile insurance.

While the Massachusetts act and other proposals for security for liability are discussed more fully in Part II of this report, the committee presents here, as pertinent to the subject at present under consideration, some excerpts from the comments appended to the brief, with which the committee is in full accord.

Using as a basis the fatal automobile accidents occurring in the thirteen southern counties of California during the years 1923 to 1927 (see above, Tables 11 to 17, and Charts IV and V), the clubs have this to say:



"The total fatalities were 4024. Of these 1598, amounting to 39.71 per cent of the total, were received in a type of accident as to which compulsory or liability insurance would have practically no application. They were accidents in which the individuals killed were solely or mainly at fault.

Fatalities in Motor Vehicle Accidents—Thirteen Southern Counties,  
1923-1927, both inclusive.

<i>Classification by type</i>	<i>Number</i>	<i>Percentage of total</i>
Motor vehicle and electric or steam railway-----	518	12.88
Motor vehicle overturned—non-collision-----	790	19.63
Falls from motor vehicle-----	147	3.65
Motor vehicles and stationary objects-----	143	3.55
	<u>1,598</u>	<u>39.71</u>

Compulsory or liability insurance would have no application to accidents of the above type except in a few instances where an injured passenger or the heirs of a deceased passenger might have a right of action against a driver who survived the accident. The remainder of the 4,024 fatalities are classified as to type of accident as follows:

	<i>Number</i>	<i>Percentage of total</i>
Motor vehicles vs. motor and other vehicles-----	946	23.51
Motor vehicles and pedestrians-----	1,480	36.78
	<u>2,426</u>	<u>60.29</u>

With reference to the fatalities occurring in collisions between motor vehicles and motor or other vehicles and between motor vehicles and pedestrians, numbering 2426, or 60.29 per cent of the total, there are many circumstances under which compulsory insurance would have no application. We list the following: (1) accidents caused solely by the negligence of the pedestrian or motorist suffering damage, (2) accidents in which the pedestrian or motorist suffering damage is guilty of contributory negligence, (3) accidents following which the operator or vehicles causing the damage can not be located (our claim records shows that these amount to approximately 5 per cent of the total), (4) accidents in which the motor vehicle is being operated by a thief or other person not authorized by the owner.

As noted previously in the report, the Massachusetts Compulsory Insurance Act has no application to numerous other situations including (1) accidents which do not occur upon public highways, (2) accidents caused by nonresidents temporarily within the state, (3) accidents caused by motor vehicles owned by the state, counties and cities.

As giving a comprehensive idea of the responsibility for motor vehicle accidents, we set forth certain data compiled by the Committee on Insurance of the National Conference on Street and Highway Safety. The committee tabulation was based upon information received from insurance companies and covered automobile accidents occurring in 244 cities of 44 states. The report analyzed automobile accidents according to responsibility, as follows:

	<i>Per cent</i>
Careless or reckless automobile driver-----	32.7
Careless or reckless pedestrian-----	29.3
Both parties jointly-----	18.7
Other highway users, including wagons, trains, street cars, bicycles, motor-cycles, etc.-----	16.4
Defective automobile-----	2.7
Physically defective driver-----	0.2
	<u>100.0</u>

Thus, upon examining the table first set forth above with reference to types of accidents, we find that 39.71 per cent of all fatalities occurred in types of accidents as to which compulsory insurance would have no application. Of the remaining 60.29 per cent we may reasonably conclude by reference to the second table set forth

above that approximately one-third of said fatalities represent instances in which the careless or reckless automobile driver is solely responsible and the injured party has a clear right of recovery. In all other instances, as disclosed by the table, the sole negligence or contributory negligence of the injured party was a contributing factor in the accident or the cause was one which would not impose liability on the motorist.

Assuming that 20 to 25 per cent of all accidents represent instances in which the injured party has a clear legal action for damages against the motorist, we must, of course, recognize that a substantial portion of such motorists voluntarily carry insurance or are otherwise financially responsible at the present time.

While it is extremely difficult to positively estimate what percentage of accidents give rise to clearly valid claims against uninsured and financially irresponsible motorists, it appears obvious from the above analysis that such percentage is small. This is an important factor in determining what advantages would be obtained by the adoption of compulsory liability insurance of the type enacted in Massachusetts."

The committee, in unanimity with all California organizations from which it has heard except two, and with all national organizations without exception, including the American Automobile Association, the American Motorists Association, the American Roadbuilders Association, the Committee of Nine, the National Safety Council, the Chamber of Commerce of the United States, and the National Conference on Street and Highway Safety (the Hoover Conference), rejects the proposal of compulsory automobile insurance, so-called, as no safety or accident-prevention measure, and as but a partial and highly ineffective means of protection against pecuniary loss; and believes that the Massachusetts plan, in particular, not only has not proved itself after two years' trial, but has become, as was foretold by its opponents it would become, the football of politicians and the tool of frauds and crooks.

In the light of developments in Massachusetts, the committee believes it would be unwise to impose upon the State of California legislation at once so drastic and so futile, and so lacking even the elemental principles of accident prevention.

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PART II

THE MASSACHUSETTS COMPULSORY  
AUTOMOBILE INSURANCE LAW  
AND  
FINANCIAL SECURITY MEASURES ADOPTED  
BY OR PROPOSED IN OTHER STATES

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## II\*

### THE MASSACHUSETTS COMPULSORY AUTOMOBILE INSURANCE LAW AND THE FINANCIAL SECURITY MEASURES ADOPTED BY OR PROPOSED IN OTHER STATES.

Pursuant to the instructions of the Legislature, the committee has made, and presents here, a study of the Massachusetts compulsory automobile insurance law and of the automobile liability security laws adopted in the states of Connecticut, Maine, Minnesota, New Hampshire, Rhode Island and Vermont, as well as a study of various proposals for compulsory security of liability and for compulsory compensation in motor vehicle accidents, which have been put forth from various quarters but have not been adopted by any state.

From a perusal of the following pages it will be seen that the legislation recommended by this committee, while avoiding the pitfalls and the disadvantages of the Massachusetts plan of compulsory insurance of all motor vehicles, incorporates the provisions of the laws of other states which make for safety and accident prevention, and goes beyond them in the direction of establishing liability and securing compensation in motor vehicle accidents.

#### THE MASSACHUSETTS PLAN

##### Compulsory Insurance Against Liability for Personal Injury

Property loss occasioned by financially irresponsible motorists, while it probably reaches a large yearly total, is seldom as much as a hundred dollars and generally less than fifty dollars in any one case, and is not at all likely to bring suffering or want in its wake. Furthermore, the expense of securing the financial responsibility of all motorists against such losses, and the costs of resulting litigation, with its entail of court congestion and confusion, would be so great as, beyond question, to outweigh all advantages that might be hoped for.

For these and other similar reasons the compulsory motor vehicle insurance law of Massachusetts was restricted in its comprehension to personal injuries and death.

#### PROVISIONS OF THE LAW

The law was passed in 1925, was amended in 1926, and came into force on January 1, 1927. It applies to all motor vehicles registered in the state, except those owned by the state or its subdivisions, common carriers, public utility corporations, or publicly regulated street railway companies, and others covered by other statutes.

With the above exceptions, no motor vehicle may be registered unless the applicant presents with his application one or another of the following certificates:

(1) From a licensed insurance company, that it has issued to the applicant a motor vehicle liability policy covering the vehicle to be registered for the term of the registration, in the required form, and

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\* Prepared from the committee's data with the assistance of John H. Clendenin, M. Sc. former Associate in Economics University of California at Los Angeles, Teaching Fellow in Economics, University of California, Berkeley; Research Statistician, Los Angeles Stock Exchange.

in the amounts of \$5,000 for injury to or death of one person, and \$10,000 for injury to or death of more than one person in the same accident.

(2) From a licensed guarantee or surety company, that it has issued to the applicant a motor vehicle liability bond under the same requirements and terms as the above-mentioned insurance policy.

(3) From the State Department of Public Works, that the applicant has deposited with the department in cash or securities not less than \$5,000 as guaranty against liability during the term of registration for injury or death resulting from the operation of the applicant's motor vehicle.

As noted, the liability under the policy, bond or deposit is in respect to personal injury and death only, and does not regard property damage. The security is to satisfy all judgments rendered against the applicant, or against any persons responsible for the operation of the applicant's motor vehicle with his express or implied consent, in actions to recover damages for bodily injury, including death at any time resulting therefrom, sustained during the term of the registration by any person, other than employees of the applicant or of such other persons responsible as aforesaid who are entitled to payments or benefits under the workmen's compensation act, and arising out of the ownership, operation, maintenance, control or use upon the ways of the commonwealth of such motor vehicle, to the amount or limit of at least \$5,000 on account of injury to or death of any one person, or at least \$10,000 on account of any one accident resulting in injury to or death of more than one person.

No policy or bond certified under the act can be validly canceled without written notice at least fifteen days prior to the effective date of cancellation being filed with the registrar of motor vehicles, who, upon receipt of such notice, or upon the company issuing the policy or bond ceasing to be authorized to do business in the state, shall notify the registrant to file new security, and in default thereof shall forthwith revoke the registration license.

Classification and rates for motor vehicle liability policies and bonds are determined by the State Commissioner of Insurance, subject to review by the Supreme Court, and no such policy or bond may be issued or delivered in the state until the form has been approved by him. The statutory conditions of such policies and bonds are prescribed; and classifications of risks and schedules of premiums proposed to be used and charged must be filed with, and approved by, the commissioner before any company may write such policy or bond. Appeal from a decision or order of the commissioner lies to the Supreme Judicial Court for the county of Suffolk, which has power to modify, reverse, amend or affirm such order or action, in regard to questions either of fact or of law involved therein.

A board of appeal on the cancellation and refusal of such policies and bonds is constituted, consisting of the Commissioner of Insurance or his representative, the Registrar of Motor Vehicles or his representative, and a member of the Attorney General's department.

The provisions of the law apply only to motor vehicles when licensed in the state and when operated on the public highways. The law does not apply to nonresidents of the state, offering no remedy to persons

injured through the operation of automobiles not licensed by the state. The law likewise has no application in the case of accidents outside the state borders caused by cars of Massachusetts registry.

#### WORKING OF THE LAW

It may be noted that of 778,895 motor vehicles registered during the first nine months after the law became effective, none at all was covered by the liability bond allowed, and a negligible number—fewer than fifteen—by deposit of cash or securities with the division of highways. All others were registered under the first alternative, the filing of a certificate showing the issuance of an automobile liability insurance policy.

The Massachusetts law has now been in operation approximately two years, and may fairly be considered to offer evidence as to the merits of the plan. The proponents of the law had anticipated the following as the principal beneficial results to be derived from its enactment:

First—A reduction in the number of accidents on the highways, due to more careful driving.

Second—Removal of the reckless and incompetent driver from the road, as a result of inability to obtain insurance.

Third—Assured financial compensation for innocent parties injured by financially irresponsible motorists.

Fourth—Elimination of worn-out and broken-down cars, usually owned and driven by financially irresponsible drivers.

Fifth—A uniform insurance which could be administered at a lower cost, and could therefore offer proportionately lower rates.

Whether or not these anticipations have been realized in the actual operation of the law is, to say the least, an open question. There are, however, certain well-established results which may be noted:

(1) In 1927, the year after the law went into effect, fatalities resulting from automobile accidents numbered 698, as compared with 681 in 1926. Injuries were 32,922, as compared with 24,904 in 1926. Collisions reported numbered 33,938, as compared with 26,769 in 1926.

While more complete reports may have been procured by the police authorities in 1927, certainly the record makes no showing of a reduction of accidents. The number of personal injury claims filed with the insurance companies in 1927 was 48,519, as compared with 14,678 claims filed in 1926 against the insurers of 30 per cent of the motor vehicles in the state.

(2) Under practical working of the statute, the insuring companies can not effectively refuse insurance to applicants. During the first eighteen months of the law's operation, the companies attempted refusal of insurance to hundreds of applicants whose driving records showed them to be poor risks; but the board of appeals compelled them to issue policies of insurance in all except 28 cases. It is hard to believe that there were but 28 reckless and incompetent drivers among the million and a half who applied for registration of their cars during that year and a half, and, despite the board's explanation that its decisions were based on a policy of nonreference to past history, and that bad driving

under the new law would result in revocation of insurance and license, it does not seem that the compulsory insurance law is operating to remove dangerous drivers from the road.

(3) A slight decrease in the number of motor vehicles registered in the state after the new law went into effect may give some comfort to those who hoped that the added cost to motorists would keep worn-out, and therefore dangerous, cars out of operation. The matter, however, is still in question, and the registration figures, when available for the entire year 1928, may rob the advocates of the measure of even this small consolation.

(4) It has proved impossible to keep insurance in force on all cars registered in the state. The office of the insurance commissioner estimated that there are 2,000 cars operating illegally, which are not likely to be detected unless they chance to be stopped and investigated for some other offense. The insurance companies likewise reported that many car owners, after securing registration upon partial payments of premiums, failed to complete their payments, thus voiding their insurance; and the majority of these delinquents have not been apprehended by the police.

(5) Despite the uniformity of the insurance, and despite the lessened coverage of policies issued under the provisions of the act as compared with the coverage under the old voluntary policy, the cost of insurance to the individual car owner has greatly increased, almost to prohibitive levels, under the new compulsory system. The principal reasons assigned for this outcome are:

First—Rates for voluntary insurance are based on the records of the voluntary insurers, and these are generally the more careful drivers, who have fewer accidents. With the right of selecting their risks effectively denied to the companies, and insurance required to be issued to all applicants, the insuring of all cars results in a higher loss cost per car, and of course a higher premium cost.

Second—Automobile accident litigation has been greatly increased in the state, due to the unreasonable claims advanced, and to the large and increasing number of false claims. While the former are to some extent held in check by fair-minded juries, the latter have proved especially troublesome and expensive to the insurance companies and the state. In the words of Governor Fuller: "The situation that prevails is a complicated one, because of the fact that the compulsory insurance law has lent itself to all kinds of bribery, chicanery and misrepresentation. Large numbers of people have made fraudulent claims under the law and have been aided and abetted in this contemptible practice by doctors and lawyers alike."

An indication of the extent of the evil is found in the fact that while only 32,922 injury cases were recorded by the authorities in 1927, 48,519 claims were made against the insurance companies; and state officials, alarmed by the gravity of the situation thus created, have felt it necessary to threaten punitive measures, the governor recently stating to the press that "The fraudulent claims that have been permitted under the working of the compulsory insurance law call for a change in the law so that these abuses can be eliminated. Otherwise the people of Massachusetts will demand a state fund."



While it is not apparent how the governor reasons such a change would better the situation, nor conceivable that the people of Massachusetts would consider experimenting with a state fund after their experience with the compulsory insurance law, there can be no question about the extent or the gravity of the fraudulent claim problem that has arisen, nor of its telling effect on the rates that must be charged.

The rates first fixed under the new law in Massachusetts, and continued by the insurance commissioner for 1928, to await a longer experience of their operation under the act, were quite similar to those previously in effect on the basis of voluntary insurance. Two years of disastrous losses to the insurance companies, however, forced a material increase in the rates prepared by the commissioner for 1929, in some cases as much as 100 per cent, as in the Boston area. The date set by law for promulgating the new rates fell in the midst of a political campaign, and the governor of the state refused to sanction the proposed increase. The insurance commissioner declared that without an increase in the rates it would not be possible to continue administration of the act, and resigned his position.

Following this, the new acting commissioner refused to promulgate new rates. Several insurance companies withdrew from the state; others appealed to the Supreme Court, which handed down a decision that new rates must be established.

This was accordingly done by the acting commissioner; and for purposes of comparison the 1927 and 1929 rates for the Boston area (comprising about one-fourth of the state's population) and the Massachusetts farming area are given here, with corresponding area rates under California voluntary policies, with wider coverage, for 1929:

	<i>Small cars</i>	<i>Medium cars</i>	<i>Large cars</i>
Boston rate, 1927-----	\$29	\$37	\$45
Boston rate, 1929-----	47	47	62
San Francisco rate, 1929-----	30	35	43
Los Angeles rate, 1929-----	20	24	29
Massachusetts farming area rate, 1927-----	16	20	25
Massachusetts farming area rate, 1929-----	14	21	28
California farming area rate, 1929-----	12	17	23

(6) The coverage of the insurance issued under the Massachusetts compulsory law is very limited in extent. It does not, for instance, afford protection to injured persons in any of the following cases:

(a) Where the injured party is himself at fault. Recovery can be had only when no blame, either through negligence or contributory negligence, attaches to the claimant. One large casualty company reports from a study of its experience that the injured party is either wholly or partially responsible in 70 per cent of the accidents listed in its records. Statistics compiled by the insurance committee of the Hoover Conference put the proportion at 67 per cent.

(b) When no party appears to be at fault, or when there are no witnesses.

(c) When the insured motorist can not be proven to be solely at fault.

(d) When the motorist causing the injury can not be identified.

(e) When a thief or other person unauthorized by the owner of the vehicle is the offending driver.

(f) When the accident is caused by a motor vehicle owned by the state, or a city, or a county or other political subdivision.

(g) When the car at fault is of out-of-state registry.

(h) When the accident is caused outside the state by a car of Massachusetts registry.

(i) When the accident occurs off the public ways of the state.

(j) When the accident is caused by any agency other than a motor vehicle, or by a motor vehicle of any of the classes excepted by the act.

(k) When the owner of the offending car has evaded the compulsory insurance law, or the car is operated after cancelation of the insurance covering it.

(l) When the insured motorist is himself the injured party.

(m) When the doctrine of imputed negligence may bar recovery, as in the case of joy-riding parties.

(7) The Massachusetts law places a heavy burden on the careful driver who would voluntarily carry insurance, for it not only increases the rate he must pay for the insurance provided under the compulsory policies, but also necessitates his taking additional insurance to secure coverage equal to that of his voluntary policy. It is likewise considered unfair to certain classes, like the farmers, who have few accidents and are usually financially responsible, and who otherwise would not carry insurance.

(8) Politics have entered into the administration and operation of the Massachusetts law. Promulgation of rates as required by the law has been denied on the ground of political expediency, and the rates themselves have been determined on the same basis. The resignation of an insurance commissioner esteemed both in the state and throughout the country for his capability was forced, and chaotic conditions obtained. The state lost the services of several important casualty companies, due to the attempt to force them to write insurance at ruinously low rates, before an appeal to the Supreme Court of the state resulted in an order for the long-denied promulgation of new rates. And as the latest step in the progress from one evil to another, the new rates have been kept from being still higher only by the action of the state in directing an arbitrary and sweeping reduction of agents' commissions.

(9) As indicating the expense of the system to the taxpayers of the state, it is noted that at the close of the year 1928 the calendars of the courts are so hopelessly overcrowded with automobile claim cases that the establishment of additional courts throughout the state for the handling of these cases is under consideration by the authorities. During the five months from October, 1927, to February, 1928, there were 7297 such cases entered in the Superior Court, as against 3207 entered during the same period of the year before, an increase of 128 per cent, compared with an increase of less than 2 per cent for all other classes of cases.

(10) It is believed, on the basis of estimates from different sources, including the Hoover Conference, that the operators of motor vehicles

are liable in not more than 35 per cent (the estimates range down to 30 per cent and lower) of personal injury cases. Equally careful estimates fix, as a minimum, 20 per cent of car owners as the proportion voluntarily carrying insurance against public liability; one-half are considered to be financially responsible, and three-fourths as being sufficiently responsible to be able to satisfy small claims. Making allowance for the customary liberality of juries, 15 per cent is probably an extreme estimate of the personal injury cases that now go uncompensated; and the average money value of such claims is small, as has been set forth at other places in this report. (Cf., for instance, page 40, citing the experience of the Automobile Club of Southern California: Members insured, approximately 75,000; number of claims paid in two years, 4376; claims above \$1,000 paid, 235, average \$2,146.50; average all claims paid, \$265.60.)

From considerations such as these, it would appear that the Massachusetts law in its practical working is grossly inequitable to many of the injured, to law-abiding motorists and to the general taxpayer; and that any advantages derived from its operation are seriously outweighed by the disadvantages following from it.

*Opinion of the committee.* With accident prevention and safety consideration admittedly thrown into the discard as impelling motives for compulsory automobile insurance, the prospect of monetary compensation to the injured remains as its only substantial justification; and the results of the Massachusetts experiment appear to demonstrate not only that it is less effective in this direction than voluntary insurance, but also that the cost is out of all proportion to the benefits derived. It is the opinion of the committee, in the light of present experience, that it will be unwise for the State of California, with the complicated problem that confronts it, to embark upon any such dubious legislation as that in which Massachusetts, with a far lesser problem, has become entangled. In this conviction, as has been noted elsewhere, the committee is confirmed by the unequivocal opinions of local and nationwide bodies.

The committee is constrained to note that, in direct contrast with the unfortunate results of the Massachusetts imbroglio, the financial security laws that have been adopted in other states appear to be working satisfactorily, and to be productive of good results along the lines of safe driving and accident prevention.

Summaries of these laws are given in the following pages; and from their perusal it will be observed that the essential provisions of all of them are comprehended in the specific recommendations of the committee as presented in Part III of this report.

#### THE CONNECTICUT LAW

##### Requiring Security Against Liability in Certain Cases

The Connecticut legislation was originally enacted in 1925, to become effective January 1, 1926. It was repealed and, in effect, reenacted with amendments in May, 1927, coming into force on July 1, 1927, with the exception of the first section relating to minors, which took effect on January 1, 1928.

The provisions of the law are substantially as follows:

(1) It forbids

(a) Any minor between 16 and 18 years of age to operate any motor vehicle upon the highways of the state, and

(b) Any person to permit or cause any such minor to operate a motor vehicle unless the owner has filed with the commissioner of motor vehicles proof of financial responsibility, as stipulated below.

(2) It empowers the commissioner of motor vehicles to require proof of financial responsibility for payment of claims for personal injury within limits of not less than \$5,000/\$10,000 and property damage within a limit of not less than \$1,000,

(a) From any person who is convicted of, or evades or avoids prosecution for, violation of the provisions of the motor vehicle law relating to special licenses for public service operators, failure to obey an officer of the law, reckless driving, driving while intoxicated, operating without owner's permission, racing, evading responsibility, leaving vehicle in dangerous condition, failure to stop when approaching railway car receiving or discharging passengers, defective brakes, false testimony, wrongful use of registrations or tags; and

(b) From the operator of a motor vehicle involved in an accident causing injury to or death of any person, or damage to property of not less than \$50; or from the person in whose name the vehicle is registered; or from both.

When such proof is required of any person, the commissioner may require the same proof for each motor vehicle owned or registered by him.

The proof required to be furnished may be a certificate of public liability insurance, or a surety bond, or a deposit of cash or collateral. Such proof, in whatever form filed, must be satisfactory to the commissioner, and, if a policy of insurance, can not be canceled except after ten days' notice to him.

The commissioner may at any time require additional proof to be filed. He may cancel or return the bond, certificate of insurance, or deposit after three years if in the meantime the person furnishing it shall have maintained a clear record, and if no judgment or right of action arising out of motor vehicle operation is outstanding against him.

If proof of responsibility is not furnished when required, the commissioner may suspend or revoke the license of the person in default, or revoke the registration of any vehicle involved, or refuse registration of any vehicle owned by such person; or, in the case of a nonresident, may withdraw his privilege of operating, or having operated, within the state any motor vehicle owned by him.

Upon demand the commissioner must furnish to insurance companies the operating record of any person subject to the act, and to injured persons information as to proof of responsibility filed with him.

NOTE.—That the Connecticut law, in actual operation, is effectually serving the purposes of its sponsors is evidenced by the results achieved during 1927, when security as required by the law was filed by 7898 operators who were convicted of negligence or of violation of the motor vehicle law, while the licenses of 2080 drivers were canceled and 944 were suspended under this statute.

## **THE MAINE LAW**

### **Financial Security from Reckless and Drunken Motorists**

The Maine law was adopted in April, 1927, and became effective January 1, 1928.

The law provides that the secretary of state shall require from any person who is convicted of operating a motor vehicle recklessly or while under the influence of intoxicating liquor, or from the registered owner of such vehicle, or from both of such persons, such proof of financial responsibility to satisfy any claim for personal injury up to \$5,000 or property damage up to \$1,000, as shall satisfy the secretary, which may be in the form of an insurance policy, bond, cash, securities, or other collateral.

For noncompliance with such requirement the secretary may suspend the registration of the motor vehicle or refuse registration to any vehicle owned by the person in default, or, if such person is a non-resident, withdraw his privilege to operate a motor vehicle, or to have operated any motor vehicle owned by him, in the state.

Penalties are provided for failure to return number plates and registration certificates; and the secretary is empowered to make rules and regulations to carry out the provisions of the act.

Upon request, the secretary must furnish insurance companies the operating record of any person subject to the act.

The secretary may cancel or return the bond, policy or security three years after its deposit, if in the meantime the person who deposited it shall not have violated any provision of the motor vehicle laws, provided that no right of action or judgment arising out of the operation of a motor vehicle is then outstanding against him

## **THE MINNESOTA LAW**

### **Indemnity Against Negligent and Unlawful Motorists**

The Minnesota law was approved and became effective on April 23, 1927.

The law is one regulating the use of the highways, and among other things provides that, upon conviction of any person of driving recklessly or while under the influence of liquor or narcotics, the court may make an order forbidding such person to drive a motor vehicle on any highway in the state for such period not exceeding two years as the court shall fix, unless such person shall execute and file with the registrar of motor vehicles an indemnity bond in the amount of \$2,500, conditioned that he will pay all damages any person may sustain in consequence of any negligence or unlawful act committed by him in operating a motor vehicle upon any such highway during the period so fixed.

## **THE NEW HAMPSHIRE LAW**

### **Aid to Recovery from Liable Motorists**

The New Hampshire law became effective on June 1, 1927. It is modeled on what is popularly known as the "Stone plan."

The law provides that, upon petition in an action for damages for injury to person or property resulting from a motor vehicle accident, the court shall institute a preliminary inquiry; and if it is found that the accident was probably due to negligence of the defendant, without evidence of contributory negligence on the part of the plaintiff, the

court shall order the defendant to furnish such security as the court may think sufficient against final judgment, not exceeding, however, \$5,000 for bodily injury or death, nor \$1,000 for property damage.

As such security there may be filed a certificate either from an authorized insurance company that it has issued a liability policy, or from an authorized surety company that it has issued a liability bond, in the prescribed form, and in the amounts of at least \$5000/\$10,000 and \$1,000 as to any one accident, covering the motor vehicle involved.

If the defendant files, or has already filed, such a certificate the petition for a preliminary hearing shall be dismissed.

In the event of failure to comply with such order, the commissioner of motor vehicles must suspend the defendant's license and the registration of any motor vehicle owned by him; and, if the motor vehicle involved was operated by or with the consent of an owner not the defendant, must likewise suspend said owner's license and the registration of all motor vehicles owned by him. If there is no New Hampshire license or registration involved that may be suspended, the court must enter an order prohibiting the defendant, or defendant and owner, from operating or having operated in the state any vehicle owned by him. Such revocation, suspension and prohibition shall continue in effect until the required security is filed.

The law provides that the operation of a motor vehicle in the state, either by the owner, or with his express or implied consent, shall constitute the commissioner of motor vehicles the attorney of a non-resident owner for the service of process.

NOTE—The state insurance commissioner estimates that, during the first year the New Hampshire law was in force, the proportion of registered car owners carrying insurance increased from 30 per cent to approximately 70 per cent, rather impressive testimony to the effectiveness and satisfactory results of the law's operation.

#### **THE RHODE ISLAND LAW** **Security Against Future Liability**

The Rhode Island law was adopted in April, 1927, and came into force on June 21, 1927.

The law provides that whenever a motor vehicle is involved in an accident on the public highways causing injury to person or damage to property amounting to \$100 or more, the state board of public roads may make an investigation, and if it appears to such board that there has been a violation of law relative to reckless driving, speeding, emitting excessive smoke, driving while intoxicated, driving with the muffler cut out or driving an unregistered vehicle, the owner shall be required to furnish, at his election, either a certificate of insurance against liability for injury to persons or damage to property, with limits of not less than \$5000/\$10,000 and \$1,000, or a bond in the penal sum of not less than \$10,000 nor more than \$20,000, to indemnify any person who may thereafter be injured or damaged by any motor vehicle belonging to such owner, or evidence of financial responsibility up to \$20,000 to answer for injuries to persons or damage to property thereafter caused by any motor vehicle belonging to such owner, but not more than one bond, etc., may be required of any one person regardless of the number of motor vehicles he may own.

If the operator or owner of such motor vehicle be a nonresident, the board may suspend, for not more than a year, his right to operate any motor vehicle, or to have operated any motor vehicle owned by him, in the state.

Any decision of the board is subject to review by the courts upon appeal by any party aggrieved.

The operator of a motor vehicle with the consent, express or implied, of the owner, lessee or bailee thereof, is deemed to be the agent of such owner, lessee and bailee

Penalties are provided for false certificates of insurance; and it is provided that no terms of a policy or bond shall operate to avoid it as against a judgment creditor of the principal.

Persons and firms otherwise required to file bonds, and motor vehicles exempted from registration fees, e.g., hospital ambulances and vehicles owned by municipalities, are exempted from application of the act.

#### THE VERMONT LAW

##### Financial Responsibility After Conviction for Certain Offenses

The Vermont law was passed in March, 1927, and became effective on June 1, 1927.

The law provides that the commissioner of motor vehicles shall require from any person convicted of a violation of certain sections of the motor vehicle act (*i.e.*, provisions relative to careless or negligent operation or speeding, operating under influence of intoxicating liquor or drugs, failure to stop after accident and operating after suspension, revocation or refusal of license) and from the registrant of any motor vehicle involved in an accident resulting in injury to (including death of) any person or damage to property amounting to \$100 or more, when it appears that the operator of such vehicle was at fault, such proof of financial responsibility to satisfy any claim for damages, up to the limits of \$5000/\$10,000 and \$1,000, as shall be satisfactory to the commissioner, which may be evidence of insurance or the bond of a surety company.

The bond or policy of insurance must be noncancelable, except after ten days' notice to the commissioner; and he may at any time require additional evidence of responsibility.

After proof of financial responsibility has been so required of a person, he shall not be entitled to renew his license or again register any motor vehicle unless such proof, or a renewal thereof, is kept on file and in force, except that the commissioner may relieve a registrant from further continuing the bond or policy after three years, if, during such period, he is not convicted of any violation of the motor vehicle law and has not suffered any suspension or revocation of license, provided that no suit or judgment is then outstanding against him arising out of the operation of any motor vehicle.

For failure to comply with such requirement, the commissioner shall suspend the license of such person and the registration of any and all motor vehicles registered in his name and refuse thereafter to register any such vehicle owned by him or subject to his control, or, if such person is a nonresident of the state, suspend the right of such person to operate in the state any motor vehicle owned or controlled by him.

Upon request, the commissioner must furnish insurance companies the operating record of any person subject to the act.

Penalties are provided for failure to return number plates and certificates of registration.

#### **THE PENNSYLVANIA PLAN**

##### **Suspension of Motorists' Licenses Pending Payment of Judgments**

The so-called Pennsylvania plan was adopted by the legislatures of both Pennsylvania and New York. In Pennsylvania, as the Buckman bill, it was vetoed by the governor because he deemed it in conflict with a provision of the state constitution; in New York, where it was known as the Fearon bill, it was likewise vetoed by the governor, because of the failure of the bill to set limitation upon the amount of the judgment required to be paid.

The plan provides that whenever a final judgment for injury to or death of a person or for damage to property, caused by the operation of a motor vehicle, remains unsatisfied for sixty days, the judgment may be certified to the commissioner of motor vehicles, who shall thereupon suspend all driving licenses and automobile registrations of the judgment debtor; and no such suspension shall be lifted, nor shall new licenses or registrations be issued, until the judgment shall have been discharged of record. The plan provides severe penalties for violation of such suspension.

The Pennsylvania plan, while avoiding the entanglements of compulsory insurance proposals, has several particular merits: It would make judgment debtors, generally, try to pay instead of evade payment; it would provide a strong inducement to voluntarily insuring against public liability; it would beyond question impel financially irresponsible drivers to be more careful; and it would undoubtedly remove many financially irresponsible and careless or unfit drivers from the roads.

Until the appearance, late in December, 1928, of the "Safety-Responsibility Bill" sponsored by the American Automobile Association (see page 58 of this report), the Pennsylvania plan was held in more widespread favor probably than any other proposal for securing the financial responsibility of motorists.

#### **THE MARX PLAN**

##### **Compensation in All Automobile Accidents**

On the theory that automobile injuries are a state problem, and are to be reckoned with and compensated by the state no matter how received, Judge Robert S. Marx of Cincinnati suggests a plan by which automobile owners would be compelled to carry a new kind of automobile accident insurance guaranteeing compensation for any type of injury to themselves or others. Fixed schedules of recompense would be provided, scaled in accordance with the nature of the injury, and in proportion to the earnings of the persons injured. Special rates would be provided for housewives, children, and the unemployed, medical attention being included.

The plan is intended to relieve the automobile owner from all liability for damages, except that the compensation to the injured person would be increased, by the administrative authorities, by 15 up to 50 per cent for negligence or violation of law, which extra compensation would be payable by the insurer and assessed against the owner.



The insurance would be provided, according to the plan, through a monopolistic state fund, or by a state fund and private companies in competition, or by private companies only.

Marx professes to believe that his plan would reduce litigation, would reduce the expense of administering automobile insurance, and would eliminate unscrupulous lawyers and false claims; would, in brief, be a veritable panacea, for under it, he claims, no family would be left uncompensated and in want, due to an automobile accident.

Some of the most obvious objections to the Marx plan are the following:

(1) As the plan would lack any legal basis, such as the employer-and-servant relationship on which the workmen's compensation law is founded, it seems beyond question that insurance companies would refuse to participate, and execution of the plan would necessitate the creation of a public fund administered by a state bureau.

(2) Study of the plan with a view to its practical operation makes clear that its enactment into law would necessarily entail (a) the simultaneous abolishing of the law of negligence, all civil actions and civil causes of action for personal injuries, and all jurisdiction of state courts in such causes, (b) the withdrawal of all phases of the premises from private controversy, and (c) the arbitrary award and compulsory acceptance of the proposed compensation regardless of questions of fault, to the exclusion of all other remedies, and in lieu of all rights of action against any person.

(3) As even the inventor concedes that the plan could not be made to apply to property damage cases, the law of negligence, rights of action and jurisdiction of courts would remain as regards such cases; and the situation would undoubtedly arise of courts and juries making larger awards for damage to automobiles than the schedule of payments under the plan would allow for personal injuries and death.

(4) The cost would be prohibitive. Marx estimates that the cost of operating his plan would be between \$10 and \$20 per car per annum, but competent underwriters estimate the cost at as high as four times that amount at the outset; and in accordance with universal experience the calls upon such a fund would undoubtedly increase from year to year.

(5) The compensation would, of course, be very limited in amount, and would unquestionably be so inadequate as to satisfy no one.

(6) The state would inevitably be drawn in administratively, for investigation, to determine earnings and injuries, to defend litigation, and to ascertain damages in innumerable other ways.

(7) The plan could not cover accidents off the highways or outside the state, nor tourists from other states.

(8) The plan is, of course, not a safety or accident prevention measure.

(9) As there are few motor vehicle accidents in which either negligence or some violation of law is not involved, with all consideration of legal liability abolished the assessment of the 15 to 50 per cent increase of compensation against the motorist in addition to his annual payment into the fund could be anticipated as quite the ordinary thing. And,

in this connection, attention need hardly be directed to the administrative and legal expenses incident to proving the offense and enforcing payment of the assessment.

(10) The theory upon which any such scheme is built is fundamentally wrong in principle. In the words of one\* of the foremost students of the subject in the country, "Any measure of so-called public protection that lumps the careful and law-abiding motorists in with the careless and criminal, that forces on them insurance designed for the careless and criminal, and that puts on them the burden of the losses of the careless and criminal, is basically unsound."

(11) There is considerable doubt as to the constitutionality of any such plan, both under state and federal constitutions.

(12) Politics would unquestionably enter into any administration of such a plan; it would invite fraud and impositions; and the evils that have attended the Massachusetts experiment with compulsory insurance would be multiplied and magnified in connection with this plan.

The Marx plan has not, in as far as the committee has been advised, been considered by the legislature of any state; and it is the opinion of the committee that it is wholly impracticable.

#### **AMERICAN AUTOMOBILE ASSOCIATION**

##### **Safety-Responsibility Bill**

Since the preparation of this report, the American Automobile Association, as a result of an exhaustive study of compulsory liability insurance and safety measures by its specially appointed National Committee of Seventeen has, for the third time within three years, gone on record as opposing any form of compulsory automobile insurance, and has prepared a "Safety-Responsibility Bill" aimed to promote safe driving and to remove the irresponsible driver from the highways.

The association states that it does not submit this bill with a recommendation that its proposals shall be adopted in every state, because it recognizes that there are states where no problem of the kind under consideration exists, but that the legislation proposed will, where needed, serve the public interest in a practical manner, and place a direct responsibility where it should be placed, without forcing upon a large part of the population a financial burden which would not of itself achieve the desired results.

Through the labors of the Committee of Seventeen, in collaboration with its executive committee, the association has devised this safety-responsibility bill "as a constructive measure designed to protect all the users of the highways against the reckless, incompetent, and irresponsible driver. Directed primarily at the menace to person and property, from a reckless and criminal minority, the safety-responsibility law seeks to control this minority.

"To accomplish this purpose, it sets up simple legal machinery whereby the state, as the unit of local government, is empowered to deprive of the use of the highways those operators who have demonstrated that they are an actual or potential menace to their fellow motorists and to the public in general. Restoration of the right of such people to use the road is made contingent in this proposed law on

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\* Edson S. Lott, in an address before the Pittsburgh Chamber of Commerce.

the establishment of specific safeguards against possible future damages to persons or property. This is, of course, in addition to whatever disabilities, restrictions and penalties are provided for in the motor vehicle codes of the various states for such offenders. In other words, the safety-responsibility law, while embodying several fundamental principles, is in the nature of supplemental legislation. \* \* \*

"The committee which formulated the bill has had constantly in mind the fact that the streets and the highways are public assets; that the automobile is a vital factor in the country's business, social and economic life, and that the large mass of law-abiding, careful drivers should be permitted the use of the streets without subjecting them to unreasonable burdens, financial or otherwise. For this reason, the safety-responsibility law is frankly directed at the small minority of reckless and irresponsible motor vehicle operators to whom are chargeable the mounting toll of loss of life and injuries to persons and property. The committee concluded that it was manifestly unnecessary and unfair to compel the overwhelming majority of motorists to carry insurance to protect the community against the damage caused by the small minority. The same unfairness would result from the proposal for the state to enter the insurance business and compel all motorists to contribute to a state fund. The all-important thing, however, is that legislation should be sound in principle. The safety-responsibility law is sound in principle, since it approaches the subject from the standpoint of national safety and since it confines its penalties, burdens and disabilities to those proven guilty of offenses against the public welfare."

The proposed law embodies the following principles:

First, it provides for the enactment of the Uniform Motor Vehicle Operators' and Chauffeurs' License Act by all states that do not now have such a law on their statute books. The control of the privilege of driving rests with each state, and it is obvious that control is more complete in those states requiring drivers to secure an operators' license.

Second, it provides for mandatory suspension of the driving permits of all persons found guilty of serious violation of motor vehicle laws. In addition to whatever penalties the state laws provide for these offenders, the safety-responsibility law definitely bars them from the road until they have established satisfactory proof of their financial responsibility against future injuries to persons or property.

Third, it provides for the suspension of the driving rights of all persons against whom a final judgment establishing the driver's negligence has been legally rendered and who have failed to meet the judgment. This suspension is to remain in effect until the judgment has been satisfied and until a future guarantee of financial responsibility has been established. While this provision does not absolutely guarantee the payment of a final judgment, the prospect of permanent expulsion from the road is such a compelling alternative that it will inevitably tend to secure the essential payment of such in time to reduce unpaid judgments to the vanishing point.

Fourth, it provides for the insertion in the driver's license law of every state of a proviso which will forbid the issuance of a permit to any person whose right to drive is at that time suspended in any other

state because of failure to respond in damages or because of other serious violations of motor vehicle laws. This, in effect, provides for interchange of suspension rulings, as between the states, and would render the disability nationally reciprocal.

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**PART III**

**RECOMMENDATIONS**

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### III

#### **RECOMMENDATIONS FOR CHANGES, ENACTMENT AND ENFORCEMENT OF MOTOR VEHICLE LAWS**

It is quite generally maintained that there are few, if any, motor vehicle accidents which are entirely unavoidable; that with a little more care, or a little more thoughtfulness, the usual accidents would not occur. Many undoubtedly take place when the law is being obeyed and ordinary caution exercised; and many more, of course, follow on the heels of those seemingly minor law violations which are so constantly, and so inexcusably, being practiced. Yet unquestionably there are all too many accidents caused by drivers who are criminally reckless or negligent or regardless of the rights of others.

The committee recognizes that while wise legislation is vitally necessary, neither full development nor full achievement of an ambitious safety program can be attained by legislation alone, whether statewide or local.

Particularly is the committee impressed with the importance of an active public opinion in regard to safe motor vehicle operation. Only through the combined support and supplementary activities of newspapers, chambers of commerce, school boards, civic associations, public officials, and other public-spirited individuals and societies, can safety legislation and safety work for the regulation of motor vehicles and the prevention of accidents be fully effective.

The committee is therefore gratified to see programs of safety education being advanced by many organized bodies. Development of a safety instinct and habit, alike in school children and the motoring and nonmotoring public, should be furthered by every possible means; and for this purpose the active cooperation of all organizations, each in its own sphere, is needed and should be enlisted. The automobile clubs, the Motor Vehicle Conference, the Committee on Public Safety, the insurance companies, the press—these and similar organizations are the natural leaders in such work, and the many activities in which they lead the way should receive encouragement and cooperation from every quarter.

In support of such activities, continuous effort should be directed toward coordinated and cooperative law enforcement, embracing state, county and municipal authorities; and from cooperative enforcement should result uniformity of enforcement, uniformity of penalties, and uniformity of laws. The committee urges upon all interested parties the study of uniform regulation as between different localities, based on the state law and the Uniform Municipal Traffic Code of the Hoover Conference; and believes much good may be realized from occasional statewide conferences of law enforcement authorities.

The bench and the State Bar have, of course, a large influence and weighty responsibility in the matter of uniform penalties and the motor vehicle problem in general; and the committee hopes they will, in the midst of their many and burdensome duties, find time for occasional earnest consideration of those phases of the problem with which they alone are competent to deal.

Many proposals of various kinds have of course been received and considered by the committee, and it has studied and, in making its decisions, has been influenced by the numerous communications, reports and briefs which have been submitted to it, and by public discussions and private conferences. From these sources some of the material of this report has been drawn, and to them reference will be made from time to time in the discussion of the specific recommendations which follow.

The committee is convinced that it is possible to prevent a large part of the present loss in property damage, personal injury and death, by determining safety measures and motor vehicle legislation in accordance with certain definite policies or guiding principles. As examples of such principles, with which all recommendations in this report conform, the committee suggests the following:

1. Compulsion, and adequate uniform methods, of accident reporting; collection and analysis of accident and traffic statistics; study of accident causes and trends, and of traffic problems and regulations. In short, acquisition of the knowledge that must be the basis of intelligent regulation.

2. Continuing revision of the motor vehicle law, based on the factual findings indicated above, and in accordance with a progressive program for legislation in furtherance of public safety, and for effecting uniformity of law within the state and with other states.

3. Vigorous, unrelenting and uniform enforcement of the motor vehicle law throughout the state, by the local police within their jurisdictions, and elsewhere by statewide motor vehicle police operating under exclusive state control; rigid investigation of all serious accidents; and, as far as may be effected, unfailing prosecution and uniform punishment of violations of the law.

4. Broadening of liability of persons permitting, or otherwise responsible for, negligent operation of motor vehicles; revocation of licenses of persons failing to satisfy final judgments establishing their negligence in the operation of motor vehicles; and denial of relicensing to such judgment debtors prior to satisfaction of the judgments and establishment of security against future liability.

**1. COMPULSION, AND ADEQUATE UNIFORM METHODS, OF ACCIDENT REPORTING; COLLECTION AND ANALYSIS OF ACCIDENT AND TRAFFIC STATISTICS; STUDY OF ACCIDENT CAUSES AND TRENDS, AND OF TRAFFIC PROBLEMS AND REGULATIONS. IN SHORT, ACQUISITION OF THE KNOWLEDGE THAT MUST BE THE BASIS OF INTELLIGENT REGULATION.**

**A traffic bureau should be created to gather and analyze accident and related statistics, and study accident causes and traffic problems, with a view to presenting recommendations for legislation and other means for prevention of accidents and the increase of public safety.**

The committee has been seriously hampered in its investigation of the California situation by inability to obtain data on traffic accidents and their causes and results. In many cases reports and other material on the subject simply do not exist, not having been required to be kept by any official or other person or body. In other instances, city and county records have been kept, but so lack uniformity of method and



purpose that their use for statewide compilation and comparison is impossible. Again, in other cases, existing statistics are so involved in the records of courts and institutions and governmental departments as to be practically inaccessible.

District attorneys and sheriffs and other officials have advised the committee that, if the Legislature would appropriate funds for clerk hire for the purpose, they would gladly furnish desired information, but that, without such help, the necessary labor would be too much for their overworked staffs.

Hospitals are concerned with the character and extent of injuries, and their records are kept accordingly. That the injuries were received, for example, in a traffic accident is, from their viewpoint, of little interest; and the attempt to get this information from their files was futile, involving so much time and painstaking care, that the hospitals of the federal government and those conducted by the Sisters were, almost without exception, the only ones responding to the committee's inquiries.

So, also, in the case of the charity organizations from which have come periodic outbursts about the numbers of cases thrown upon them for support through financial irresponsibility of motor car drivers; their records, too, seem kept along other lines, and from them and related sources the committee was able to discover only an utterly insignificant number of such cases.

For several months, through the courtesy of President Webb and the Board of Governors, the journal of the State Bar carried to its members an earnest request to report to this committee automobile cases where recovery was defeated through the insolvency or financial irresponsibility of guilty drivers causing death or injury to persons. From a membership of 10,825 twenty-six replies were received, citing 54 cases, of which, on inquiry, only 34 proved to be personal injury cases. These 34 cases were distributed as follows:

Insurance was carried in.....	8
Settlement was made, or part or full recovery was had, in.....	5
Compensation was awarded in.....	1
Accounting for a total of.....	14
Of the remaining twenty cases, liability was not established in.....	5
Leaving, as personal injury cases with liability established and no recovery had .....	15
Total amount of judgments entered in these fifteen cases.....	\$39,977
The maximum judgment awarded was.....	5,000
The minimum judgment awarded was.....	350
The average is .....	2,665

The results shown are interesting; but the entire return from the inquiry is of course too small to be the basis of any conclusions.

The instances cited are typical of the committee's experiences in its attempts to accumulate accurate and reliable statistics. In response to questionnaires sent out to twenty-six groups, comprising officials, institutions and others, only 85 complete returns, and 104 incomplete returns, were received; in 1073 instances records had not been kept or were unavailable, or the labor involved in extracting from them the desired information was too great to be undertaken.

It therefore seems to the committee highly important and desirable that suitable records be required to be kept by appropriate agencies, and

that analyses and studies of accident and traffic statistics be regularly made and published from a competent source, so that the public, the Legislature, and administrative and law enforcement officials may be constantly informed of the latest developments in the traffic situation. Such analyses and studies should center on the fundamental and contributing causes of accidents, and the efficacy of corrective and preventive measures, and should of course be correlated with similar studies made for other states and for the country at large.

The committee has been influenced in the recommendation it makes on this subject by many considerations. It has been much impressed by the enlightening results of similar studies made for a number of years in the State of Connecticut, by comparative tables contained in the reports of the Maryland Commissioner of Motor Vehicles, and by the highly useful publications of such organizations as the National Safety Council, some of the larger life insurance companies and the American Roadbuilders Association. The measure which this committee proposes has been urgently recommended by the National Conference on Street and Highway Safety (the Hoover Conference), the Chamber of Commerce of the United States, the American Automobile Association and the American Motorists Associations; and local sentiment is no less favorable.\*

Heretofore but two classes of data in relation to traffic accidents have been required to be filed, in the form of reports from operators of motor vehicles involved in accidents resulting in injury or death, and reports, from justices of the peace, police judges and courts, of convictions and bail forfeitures in violations of the Motor Vehicle Law. These reports have been intended primarily to guide the Division of Motor Vehicles in its supervision of motor vehicle operators, with especial reference to suspension and revocation of licenses; but the law requiring their filing has unfortunately been more disregarded than observed, and the chief of the division, with an already heavily burdened staff, has only very recently been able to organize with any degree of adequacy this portion of the work imposed upon his office.

The committee believes that the present requirements of law as to the keeping of records relating to accident and traffic problems are grossly insufficient. It further believes that the analytical and statistical studies called for in relation to those problems should receive and be the subject of special attention.

With this conviction, the committee recommends the creation by the Legislature of a traffic and safety bureau attached to the Division of Motor Vehicles, the scope of the duties of which shall comprehend the work outlined in the foregoing paragraphs, and which shall be empowered to receive and require from motor vehicle operators, police departments, the state traffic police, county and state officials, and other appropriate sources, reports and information necessary or useful for accomplishment of the purposes indicated.

An act embodying this recommendation will be found as Appendix A at page 79 of this report.

\* During the preparation of this report, the State Motor Vehicle Conference, the Automobile Club of Southern California, the California State Automobile Association, the Commonwealth Club of California and the newly organized Committee on Public Safety with its thirty-one constituent bodies have gone on record endorsing the principle of the committee's recommendation.

**2. CONTINUING REVISION OF THE MOTOR VEHICLE LAW, BASED ON THE FACTUAL FINDINGS INDICATED ABOVE, AND IN ACCORDANCE WITH A PROGRESSIVE PROGRAM FOR LEGISLATION IN FURTHERANCE OF PUBLIC SAFETY, AND FOR EFFECTING UNIFORMITY OF LAW WITHIN THE STATE AND WITH OTHER STATES.**

**A.** The motor vehicle law of this state should be brought into entire conformity with the Uniform Vehicle Code of the National Conference on Street and Highway Safety as rapidly as possible.

"This code," in the words of California's most distinguished citizen, President-elect Hoover, "was formulated with the widest cooperation of those having understanding and experience in these matters, with a view to advancing uniformity in our traffic laws and regulations. The urgency of such action requires no emphasis from me. It has been demanded from every state in the Union. Without uniformity in essential laws and regulations, reduction in loss of life, personal injury and property damage upon our streets and highways is virtually impossible."

The principles upon which the code is based were formulated as the result of studies, including comparison of the existing codes of all the states, conducted by eight committees of the Hoover Conference throughout the year 1924. At the close of that year the principles thus developed received the endorsement of the first conference, and during 1925 and 1926 were drafted and, after widespread distribution for criticism, redrafted in legal form. In March, 1926, the code after detailed consideration was amended to its present form and adopted by the second conference; in July of the same year it was approved by the National Commissioners on Uniform State Laws, and in August received the endorsement of the American Bar Association.\*

In 1924 the existing laws of California, Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New York, Rhode Island and Vermont were the substantial basis of the projected code. While it was yet in tentative form in 1926, Virginia amended its law to bring it into conformity. Following its completion in final form, Pennsylvania in 1927 repealed its existing motor vehicle laws and adopted the code practically in its entirety; and since then Arizona, Arkansas, Idaho, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, Washington and Wisconsin have, like California, enacted amendments bringing their laws, to varying extents, into greater conformity.

The Uniform Code is not now greatly different from the present California Vehicle Act. The changes adopted in 1927 were in the interest of conformity, and those recommended in this report bring the two still closer together.

The committee hopes, and urges, that California and its sister states may soon adopt the Uniform Code in its entirety.

\*The committee notes with pleasure that another son of California, J. Allen Davis, Esq., counsel of the Automobile Club of Southern California, was the legislative draftsman of the Hoover Committee that formulated the Uniform Code

**B. The Model Municipal Traffic Ordinance of the National Conference on Street and Highway Safety should be adopted by the municipalities of California.**

In 1927 Mr. Hoover, at the request of many organizations, members of the National Conference, appointed a committee for the purpose of preparing a model municipal traffic ordinance.

After an exhaustive study of the subject, including analysis of the traffic ordinances proposed by numerous cities, the committee in May, 1928, sent out for criticism its tentative draft of a municipal code. In the following August, after revision into final form, the Model Municipal Traffic Ordinance, with suggested drafts of three supplementary ordinances, was offered by the Hoover Conference to the cities of America, with the prefatory remarks that "it is recommended for the consideration of all communities contemplating revision of their traffic ordinances and desiring to see nationwide uniformity in traffic regulations to the greatest degree compatible with local requirements. The committee realizes that the best of ordinances will be ineffective unless properly and impartially enforced, and urges careful consideration to such enforcement."

The Model Municipal Traffic Ordinance was designed by the Hoover Conference to supplement in municipal legislation the Uniform Vehicle Code of the states; and it has been received with equal favor and widely adopted.

A most prolific source of automobile accidents is the diversity and conflict of local traffic regulations. California preeminently is a tourists' Mecca; and the widespread adoption of the Model Traffic Ordinance elsewhere in the nation establishes the advisability of its enactment by the cities and towns of this state.

In conjunction, therefore, with the recommendation for the Uniform Vehicle Code in the state, the committee very earnestly recommends to the municipalities of California for early adoption the Model Municipal Traffic Ordinance of the National Conference on Street and Highway Safety.

**C. Application for drivers' licenses should be required to disclose convictions of the applicants for serious violations of the motor vehicle law, and final judgments entered against them establishing their negligence in the operation of a motor vehicle.**

The committee recommends that, in addition to the information now required by the Vehicle Act to be specified in every application for an operator's or chauffeur's license, every such application shall be required to contain also a statement of all violations of the motor vehicle law of which the applicant has been convicted, giving the time and place of conviction, the nature of the violation, and the penalty imposed; and likewise a statement of all final judgments establishing the applicant's negligence entered in any civil action for damages arising out of the operation of a motor vehicle.

An act embodying this recommendation will be found as Appendix B at page 81 of this report.

**D. The license of an operator or chauffeur should bear record of its suspensions and revocations, and endorsement of convictions for violations of the motor vehicle law.**

As an incentive to careful driving to those who most need it, the committee believes that the license of the driver of a motor vehicle should bear the record of its having been suspended or revoked, and the endorsement of any convictions of its holder for violations of the motor vehicle law. The realization by a driver that an officer stopping him upon the highway for an observed offense against the law will at once upon seeing his license be apprised of his discreditable record, will act as a deterrent from reckless and incautious driving as few other considerations will.

The committee therefore recommends that every driving license issued in future by the Division of Motor Vehicles should bear upon its reverse side appropriate lines whereon the justice of the peace, police judge or court before whom final conviction shall be had, or by whom suspension or revocation shall be imposed, shall endorse the date and particulars of such conviction, suspension or revocation, and whereon the Chief of the Division of Motor Vehicles shall likewise record any suspension or revocation imposed by him.

This recommendation of the committee is intended to include the provision that destroying, altering, erasing or concealing such endorsement shall be a misdemeanor.

An act embodying this recommendation will be found as Appendix C at page 82 of this report.

**E. Forfeiture of bail and plea of guilty should be equivalent to conviction under the motor vehicle law.**

Reports have come to the committee of cases in other states in which it has been contended that pleas of guilty and forfeitures of bail were not convictions within the purview of the law. Inasmuch as some of the essential enforcement provisions of the Motor Vehicle Law, especially with regard to suspensions and revocations of licenses, are predicated upon convictions, and it is possible, even probable, that those provisions may be evaded under a technical construction of the term "conviction" in the Vehicle Act, the committee deems it advisable and recommends that there should be entered in the act a declaration that for the purposes thereof a plea of guilty or a forfeiture of bail in any court shall be equivalent to a conviction on the charge preferred.

An act embodying this recommendation will be found as Appendix C at page 82 of this report.

**F. Applications for registration of a motor vehicle should be required to state public liability insurance carried by the owner.**

The committee recommends that in addition to the information now required by the Vehicle Act to be contained in applications for registration of motor vehicles, such application shall be required to contain also a statement as to whether or not the owner of the motor vehicle carries public liability motor vehicle insurance, and in what amount and with what carrier.

An act embodying this recommendation will be found as Appendix D at page 87 of this report

3. **VIGOROUS, UNREMITTING AND UNIFORM ENFORCEMENT OF THE MOTOR VEHICLE LAW THROUGHOUT THE STATE, BY THE LOCAL POLICE WITHIN THEIR JURISDICTIONS, AND ELSEWHERE BY STATEWIDE MOTOR VEHICLE POLICE OPERATING UNDER EXCLUSIVE STATE CONTROL; RIGID INVESTIGATION OF ALL SERIOUS ACCIDENTS; AND, AS FAR AS MAY BE EFFECTED, UNFAILING PROSECUTION AND UNIFORM PUNISHMENT OF VIOLATIONS OF THE LAW.**

**A. The committee recommends the creation of a statewide motor vehicle police, under exclusive state control, to procure uniform and effective enforcement of the Motor Vehicle Law.**

From every side complaints have been received of erratic enforcement, and in some places of total failure of enforcement of the traffic laws on the highways of the state. Believing that inadequate enforcement is a major cause of disrespect for the law, and ultimately the cause of many serious accidents, the committee wishes to propose means for better and more uniform enforcement of the motor vehicle law throughout the state.

At the present time the so-called state traffic officers are nominated by the supervisors of the several counties for appointment by the chief of the state motor vehicle division for patrol of the highways. These patrolmen are restricted to their respective counties, are under county regulation, and are subject to be deputized by their county authorities for duties not related to highway patrol or enforcement of the motor vehicle law. The state motor vehicle division has experienced great difficulty in trying to get cooperation in the execution of its policies from these patrolmen, who regard themselves as county officers; and the public has again just recently witnessed the engaging spectacle of a pair of them defying one of their state inspectors who desired a report of their official doings.

Law enforcement is universally urged as a cure for traffic ills; and centralization of the control of the state motor vehicle police for uniform and effective law enforcement has been recommended by practically every brief and report filed with the committee, and notably by the Automobile Club of Southern California, the California State Automobile Association, the Motor Vehicle Conference, the Committee on Public Safety, the Casualty Legislative Committee and the Commonwealth Club of California.

The last named, in a survey conducted by its traffic hazards section, reported that the most important feature of its legislative program, looking toward more adequate enforcement of the motor vehicle act, was the proposal for a state department of law enforcement, believing "it would be greatly helpful to provide for a body of men of fine personnel, of high morale, thoroughly trained, to introduce and carry out a uniform set of rules applying from Siskiyou to San Diego, and to make sure of their uniform application by firm enforcement."

The committee advocates creation of a distinctive state motor vehicle police with statewide authority under definitely centralized control through a state bureau. It recommends that this force be organized for but one purpose, the enforcing of the police provisions of the motor vehicle law in the interest of public safety.

The committee believes that such exercise of the police power of the state is in no way within the scope of the ordinary or proper purposes of the division of motor vehicles. Particularly in this state, which ranks second only to the state of New York in the number of registered motor vehicles, the duties of the division have rapidly become so many and so varied as to preclude adding to them the maintenance of statewide law enforcement through control of a state police.

It is a recognized principle of sound business that fundamentally different functions should not be indiscriminately combined under one administrative office or department. The committee recognizes the licensing of motor vehicles and their operators, and supervision of the licensees through reports of accidents and court convictions and kindred requirements for guidance in the issuance, suspension and revocation of their licenses, as functions which are varied and of wide extent, yet withal coherent; but to compel through the operations of a force of police the observance of the motor vehicle law by some millions of drivers is a matter wholly different and alien. It is therefore the mind of the committee that the proposed state motor vehicle police will function most efficiently if organized as an enforcement unit independent of the division of motor vehicles.

As the committee is informed that a bill embodying its views has been prepared by the Committee on Public Safety for submission to the Legislature, no act covering the subject is appended to this report.

**B. A policy of rigid investigation of motor vehicle accidents, with unflinching prosecution and punishment of law violations thereby disclosed, should be adopted by police authorities throughout the state.**

Personal observations, no less than study of reports and statistics, have convinced the members of the Committee that a great many automobile accidents can readily be prevented. It is within the experience of most men in this day that incompetence and disregard of the rights of others are large factors in the production of these accidents; both transform a useful instrument of commerce and recreation into a juggernaut of death and destruction, and both should be dealt with promptly and effectively.

No mistaken sympathy should hinder that those demonstrating their incompetence in the operation of motor vehicles shall, for the common good, be deprived of the licenses under which they operate and be relegated to the learners' class; and the driver, whose disregard of others makes him a deadly menace, striking fear into the hearts of his fellow men, should have it summarily brought home to him that the payment of insurance premiums or damages is not the whole price he must pay for his wanton recklessness.

It is the belief of the committee that investigation of accidents is the surest means to locate such drivers and to establish their guilt. The accident itself can not easily be hidden; and normally at the very suggestion of an inquiry by police authorities the drivers involved will in self-defense produce witnesses from whom the attendant facts of the accident can be learned.

The policy of rigid police investigation of all accidents with prosecution and punishment of all law violations thereby disclosed, has been

in force in the city of San Diego for some months with most satisfactory results. It is probable that the San Diego police do not have as much time left from their work in the investigation and prevention of accidents to devote to parking ordinances, for example, as do the police of some other cities; but they have to their credit in the very marked reduction of deaths and injuries from automobile accidents a record unequaled elsewhere in the state.

Persuaded that all expenditure of time and effort entailed in enforcement of this plan will be amply justified both by the direct advantages to be gained, and by the indirect benefits that will accrue from fixing in the public mind the idea of investigation and punishment as inexorable consequences of avoidable accidents, the committee earnestly urges adoption of the policy by all California cities, and by the new state motor vehicle police force from the time of its organization.

**C. The committee recommends for consideration by the Legislature the proposal to enact legislation for setting up traffic fines bureaus in incorporated places to receive pleas of guilty, and fines thereon, to minor violations of traffic laws.**

The overcrowded calendars of the courts, and the expense of court procedure and maintenance, put many obstacles in the way of the enforcement of traffic ordinances. On this subject there is presented in one of the briefs filed with the committee by the automobile clubs in the state the following suggestion:

“The volume of traffic cases coming before local courts has caused such serious congestion in many courts as to prevent the proper exercise of judicial determination in individual cases. As one method of relieving such congestion, certain cities have set up traffic fines bureaus authorized to accept payment of fines in predetermined amounts for minor offenses. Legal question has arisen in connection with the maintenance of such bureaus, and we suggest the advisability of appropriate legislation clearly determining the authority of such bureaus.”

The system seems quite feasible, and is advanced from various quarters as a means of freeing the courts from the burdensome detail of routine pleadings. If, however, such bureaus are to be given proper legal status, the committee believes that the limits of their powers and their functions should be clearly defined, and therefore recommends that the Legislature give consideration to the subject in its various implications.



4. **BROADENING OF LIABILITY OF PERSONS PERMITTING, OR OTHERWISE RESPONSIBLE FOR, NEGLIGENT OPERATION OF MOTOR VEHICLES; REVOCATION OF LICENSES OF PERSONS FAILING TO SATISFY FINAL JUDGMENTS ESTABLISHING THEIR NEGLIGENCE IN THE OPERATION OF MOTOR VEHICLES; AND DENIAL OF RELICENSING TO SUCH JUDGMENT DEBTORS UNTIL THEIR JUDGMENT SHALL HAVE BEEN SATISFIED AND SECURITY AGAINST FUTURE LIABILITY SHALL HAVE BEEN ESTABLISHED.**

**A. The state, and its every county, city and other political subdivision employing any operator or chauffeur, whether officer, agent or employee, should be declared jointly and severally liable with such operator or chauffeur for any damages caused by the latter while driving a motor vehicle in the course of his employment.**

This recommendation is taken from the Uniform Vehicle Code of the Hoover Conference, and has the support of local organizations.

Under present California law, the state, counties, municipalities and other subdivisions are not liable for negligence of their officers and employees in operating motor vehicles in the course of their employment, except a city engaged in an enterprise other than governmental. Recourse can be had against the driver, but this alone is commonly inadequate, and no action will lie against the governmental agency employing him.

Believing this to be a further step in placing responsibility where it belongs, and in setting up incentives for prevention of accidents, the committee recommends that where individuals sustain death or are damaged in person or property through the negligent operation of a motor vehicle by an officer, agent or employee of the state or of any county, municipality or political subdivision in the state, right of action shall accrue against such public agency or body, if the negligence occurred while the officer, agent or employee was within the scope of his duty, agency or employment; and that any public body required to pay a judgment in such action shall have recourse against the driver whose negligence caused the accident.

An act embodying this recommendation will be found as Appendix E at page 88 of this report.

**B. The owner of a motor vehicle should be declared liable for damages caused by negligence in the operation of said vehicle by any person driving it with the owner's permission, express or implied.**

Under present law in California, the owner of a motor vehicle incurs liability for its negligent operation only as follows: When operated by the owner; when operated by the owner's agent acting within the scope of his agency; when operated by a person to whom the owner entrusts it knowing that person to be an incompetent or reckless driver; and when operated by a minor whose application for a driving license has been signed by the owner.

From this narrow limitation of the owner's liability it follows that too frequently no effectual recourse is had by persons injured through negligent operation of a motor vehicle driven by a member of the owner's family, or by another person, with the express or implied permission of the owner.

In such cases of operation by a member of the owner's family recourse against the owner is granted by court decision or by statute in nineteen states; and in some of these, as New York, Michigan and Iowa, statutory provision is made for recourse against the owner in the cases of other persons driving with the owner's express or implied permission.

The committee recommends broadening by law in this state, along the lines of the New York statute, the liability of the owner to cover operation of his motor vehicle with his express or implied consent by any member of his family or other person, when the relationship of principal and agent is not present, modified however by the following provisions: That the driver of the car shall be made a party with the owner in any such action; that in event of judgment recourse shall first be had against the property of the driver; that an owner satisfying the judgment shall have recourse against the driver; and that the liability of the owner shall be limited to the usual amounts of five/ten thousand dollars for death or personal injury, and one thousand dollars for property damage.

An act embodying this recommendation will be found as Appendix F at page 89 of this report.

**C. Liability for damages resulting from operation of a motor vehicle by an unlicensed minor should be determined; and statutory provision should be made that a person who has signed the application of a minor for a driving license and wishes to be relieved from the liability thereby incurred may procure such relief.**

While the present law of the state establishes liability for the negligence of a licensed minor in operating a motor vehicle, there is no statutory provision for liability in the case of an unlicensed minor.

Likewise, the present law omits to provide relief for a person who has signed the application of a minor for a driving license and thereby assumed liability jointly and severally with the minor for the latter's negligence, and who wishes to be relieved of the liability so incurred.

The committee therefore recommends that the section of the vehicle act dealing with the licensing and liability of minor drivers be amended so as to supply these deficiencies as follows:

That liability for the negligence of an unlicensed minor in operating a motor vehicle shall be imputed jointly and severally to the minor and the parent, guardian or other legal custodian of the minor (except that when the unlicensed minor is operating the motor vehicle as agent or employee liability shall attach to the principal or employer), subject to the usual limitation of five/ten thousand dollars for death or personal injury and one thousand dollars for property damage; and

That a person who wishes to be relieved from the liability incurred by signing the application of a minor for a driving license shall be so relieved upon giving appropriate notice to the division of motor vehicles, which shall thereupon cancel such application and the license issued under it to the minor.

An act embodying these recommendations of the committee will be found as Appendix G at page 90 of this report.

**D. All driving licenses of persons against whom final judgment establishing negligence in motor vehicle operation has been entered should be revoked unless the judgment is promptly satisfied; and all such persons should be required to furnish security as against public liability.**

No phase of the investigation by the committee has been more searching or more thorough than its study of this question of financial responsibility for automobile accidents; and no principle stands out more clearly throughout the investigation than this—that *the prime purpose of all regulatory legislation regarding motor vehicles is and must be accident prevention and public safety.*

The committee's position is well expressed in the following excerpt: "Prevention should not be subordinated to indemnity. The evil to be remedied is not that certain individuals may not be indemnified for injuries suffered through the faults of others, but is that because of reckless and negligent operation of motor vehicles upon our highways and the disregard of laws many individuals are injured. If the evil is remedied—that is, if motor vehicle accidents are reduced in number—then the minor result of this evil will be reduced in at least the same proportion and it will be reduced in a way of utmost value; for the saving of life and limb will be substituted for the palliative of assured indemnity. There can be no adequate indemnity for loss of life or for serious injury. Prevention of accidents, therefore, must be the real objective; and as to this we stand squarely on the platform of the National Conference on Street and Highway Safety." (Report of the Committee of Nine.)

This fundamental principle, prevention of accidents, is the impelling motive of the present recommendation, just as it directly underlies every other recommendation contained in this report. The committee holds this principle to be basic, and maintains that only upon it as a foundation can the superstructure of effective legislation for public safety be reared.

In compliance, therefore, with the specific mandate of the Legislature for a report on the advisability of the adoption of a law requiring financial security on the part of persons operating motor vehicles on the highways of this state, the committee recommends the enactment of a law to the following effect:

1. That when a final judgment establishing negligence in the operation of a motor vehicle shall have been entered against any person by any court in this state, it should be required that, within fifteen days from the date said judgment becomes final, the judgment shall be satisfied, to the amounts stipulated below, and to the same amounts and within the same time security against future liability shall be established; otherwise all driving licenses of the judgment debtor, and of the negligent driver if he is not the judgment debtor, should be revoked.

2. That after revocation of licenses in such case, no new license should be issued to said judgment debtor or driver until the judgment shall have been satisfied and security against future liability shall have been established, as aforesaid, and until the applicant shall have demonstrated to the satisfaction of the Division of Motor Vehicles his ability and fitness to operate a motor vehicle with due regard to public safety

3. That such judgment should be required to be satisfied, and such security against future liability should be required to be established, to the following amounts: In the case of death of or injury to one person, five thousand dollars; in the case of death of or injury to more than one person in the same accident, ten thousand dollars; in the case of property damage, one thousand dollars.

4. That in establishing the required security against future liability the usual choice between an insurance policy, a liability indemnity bond and a deposit of cash should be permitted.

5. That operation of a motor vehicle after such revocation of license should be declared a high misdemeanor and be punishable as such.

The committee believes that both as an accident prevention measure and as a means of furthering the indemnification of innocent victims of motor vehicle accidents, the recommendation here proposed is a long step in advance of similar legislation yet enacted in any other state in the Union.

Acts embodying these recommendations will be found as Appendices C, H and J at pages 82, 91 and 93, respectively, of this report.

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## APPENDICES

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## APPENDIX A

*An act to amend section 142 of the California vehicle act, approved May 30, 1923, as amended, relating to the creation of a traffic and safety bureau in the division of motor vehicles, prescribing its powers and duties and making an appropriation therefor; and to accident reports.*

*The people of the State of California do enact as follows:*

SECTION 1. Section 142 of the California vehicle act, approved May 30, 1923, as amended, is hereby amended to read as follows:

Sec. 142. Accident reports.

(a) The driver of any vehicle involved in an accident resulting in injuries or death to any person, shall within twenty-four hours forward a report of such accident to the division, except that when such accident occurs within an incorporated city or town such report shall be made within twenty-four hours to the police headquarters in such city or town. Every police department shall forward every such report, or a copy thereof, so filed with it to the division.

The division may require drivers involved in accidents to file supplemental reports and may require witnesses of accidents to render reports to it upon forms furnished by it whenever the original report is insufficient in the opinion of the division. Such report shall be without prejudice, shall be for the information of the division and 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, shall be admissible in evidence for any other purpose in any trial, civil or criminal, arising out of such accident.

(b) The division shall prepare and may supply to police and sheriff offices and other suitable agencies, forms for accident reports calling for sufficiently detailed information to disclose with reference to a highway accident the cause, conditions then existing and the persons and vehicles involved.

The division shall receive accident reports required to be made by this act and shall tabulate and analyze such reports and publish annually, or at more frequent intervals, statistical information based thereon as to the number, cause and location of highway accidents.

(c) There is hereby created a bureau to be known as the traffic and safety bureau of the division of motor vehicles. The superintendent of the bureau shall be appointed by the chief of the division of motor vehicles and shall hold office at the pleasure of, and receive a salary to be fixed by, the chief of the division of motor vehicles with the approval of the department of finance.

(d) The bureau herein created shall assume all of the duties now imposed upon the division of motor vehicles relating to traffic accident statistics, reports and information and such closely allied duties, as the chief of said division may designate; and shall make a thorough research and study of the causes of traffic accidents and the solution of traffic problems; and shall present to the Legislature at each session

thereof its recommendations for prevention of traffic accidents in the interest of public safety. In gathering information, reports and statistics the bureau shall have full authority to call upon any officer, agent or employee of the state, or of any political subdivision thereof, to furnish to said bureau all information, reports and statistics which the bureau may desire. Such information, reports or statistics must be furnished by the officer, agent or employee when called upon when and in such manner as the bureau may order or direct.



## APPENDIX B

*An act to amend section 61 of the California vehicle act, approved May 30, 1923, as amended, relating to applications for operators' and chauffeurs' licenses.*

*The people of the State of California do enact as follows:*

SECTION 1. Section 61 of the California vehicle act, approved May 30, 1923, as amended, is hereby amended to read as follows:

Sec. 61. (a) Every application for an operator's or chauffeur's license shall be made upon the approved form furnished by the division and shall state whether the application is for an operator's license or a chauffeur's license.

Every application shall also contain the name, age, sex, and the residence address of the applicant, and whether or not the applicant has heretofore been licensed as an operator or chauffeur and if so when and by what state, and whether or not such license has ever been suspended or revoked and if so the date of and reason for such suspension or revocation; and shall also state whether or not the applicant has ever been convicted or fined for any violation of this act and if so the total number of times so convicted, or fined, the nature of each such conviction or violation for which fined, the name of the court in which each conviction was had, or fine imposed, and the approximate date of each; and also whether or not any judgment has ever been recovered, in any court, against the applicant for injury either to person or property, caused by the operation of any motor vehicle, together with the nature of each such judgment, the amount thereof, the court in which recovered, the approximate date thereof, and whether or not each such judgment has been satisfied.

(b) Every application shall be verified by the applicant before a person authorized to administer oaths and for the purposes of this section officers and employees of the division are hereby authorized to administer oaths without fee and the applications in addition to the foregoing matters, shall contain a statement as to the qualifications of the applicant for a license, including a statement as to the condition of the applicant's hearing and eyesight and whether such person has the normal use of both hands and both feet or has ever been afflicted with epilepsy, paralysis, insanity or other disability or disease affecting such person's ability to exercise reasonable and ordinary control over a motor vehicle while operating the same upon a public highway and whether such person has previously operated any motor vehicle and if so, for what length of time, and whether such person is able to understand highway warning and direction signs.

## APPENDIX C

*An act to amend sections 51, 66, 72 and 73 of the California vehicle act approved May 30, 1923, as amended, relating to the issuance, revocation and suspension of licenses and registration of motor vehicles.*

*The people of the State of California do enact as follows:*

SECTION 1. Section 51 of the California vehicle act approved May 30, 1923, as amended, is hereby amended to read as follows:

Sec. 51. Failure to register or unlawful use—Penalties. It shall be unlawful and constitute a misdemeanor for any person to commit any of the following acts:

First—To operate or for the owner thereof to knowingly permit the operation of any motor vehicle, trailer or semi-trailer upon a public highway which shall not be registered or for which the registration fees have not been paid, when and as required by the provisions of this act;

Second—To operate or for the owner thereof to knowingly permit the operation of any vehicle unless there shall be attached thereto and displayed thereon when and as required by this act the registration certificate and registration plates or plate assigned thereto by the division for the current registration year;

Third—To display or cause or permit to be displayed or have in possession any canceled, revoked, suspended, altered or fictitious certificate of registration or ownership, number plate or operator's or chauffeur's license as the same are respectively provided in this act;

Fourth—To lend to or knowingly to permit the use of by one not entitled thereto any certificate of registration or ownership, number plate or operator's or chauffeur's license issued to the person so lending or permitting the use thereof;

Fifth—To display or to represent as one's own, any operator's or chauffeur's license not issued to the person so displaying the same;

Sixth—To fail or refuse to surrender to the division, upon demand, any certificate of registration or ownership, number plate or operator's or chauffeur's license which has been suspended, canceled or revoked as in this act provided;

Seventh—To use a false or fictitious name in any application for the registration of any vehicle or for an operator's or chauffeur's license, or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;

Eighth—To alter, or to erase, or to remove from any operator's or chauffeur's license certificate any endorsement thereon of any revocation, suspension, conviction, or fine, made by order of court, or of the division of motor vehicles.

SEC. 2. Section 66 of said act is hereby amended to read as follows:

Sec. 66. (a) The division shall issue to every person licensed as an operator, an operator's license, and to every person licensed as a chauffeur, a chauffeur's license.

(b) Every such license shall bear thereon the distinguishing number assigned to the applicant and shall contain the name, age, and residence address of the person to whom the license is issued and a brief description of such person for the purpose of identification, and shall also contain a space for the signature of the licensee; and thereafter there shall be endorsed thereon a record of each revocation and suspension thereof by the court so revoking or suspending and of each violation of this act in which conviction was had or fine imposed when license was not revoked or suspended; and when suspended or revoked by the division of motor vehicles a record thereof shall be endorsed thereon by the division.

SEC. 3. Section 72 of said act is hereby amended to read as follows:

Sec. 72. (a) Whenever any person holding an operator's or chauffeur's license shall be convicted of a violation of section 113 or 121 of this act prohibiting speeding or reckless driving, the court may in its discretion suspend the license of such person for a period not to exceed thirty days upon a first conviction, for a period not to exceed sixty days upon a second conviction and for a period not to exceed twelve months for a third or subsequent conviction.

(b) Whenever any person holding an operator's or chauffeur's license shall be convicted of a violation of section 112 of this act declaring it unlawful to drive a vehicle while intoxicated the court shall suspend the license of such person for a period of one year and shall immediately thereafter notify the division of such conviction and suspension and shall revoke such license upon a second conviction.

(c) Conviction had prior to the time this act takes effect shall not be considered in determining the number of convictions hereinbefore referred to.

(d) Whenever any court shall suspend an operator's or chauffeur's license as in this section provided, the court shall require such license certificate to be produced and surrendered to the court, and the court shall retain such license certificate during the period of suspension, returning the same to the owner at the end of such period, only, however, after a record of such suspension has been endorsed thereon by order of the court.

(e) In case of any conviction had or fine imposed for any violation of this act the court shall endorse a record thereof upon the operator's or chauffeur's license, as the case may be, whether such license was suspended as provided in paragraph (d) of this section, or not.

SEC. 4. Section 73 of said act is hereby amended to read as follows:

Sec 73. (a) The division shall forthwith revoke the license of any person, for a period of twelve months, upon receiving satisfactory evidence of the conviction, or of the entry of a plea of guilty and sentence thereupon, or of the forfeiture of bail of any such person, charged with the commission of any of the following crimes:

(1) Manslaughter, resulting from the operation of a motor vehicle.

(2) Any crime constituting a felony under the California vehicle act or of any other felony in the commission of which a motor vehicle is used.

(3) Convictions upon three charges of reckless driving all within a period of twelve months from the time of the first conviction.

(b) The division may conduct an investigation and hearing to determine whether the license of an operator or chauffeur shall be suspended or revoked in any of the following events:

(1) Upon receiving a verified complaint that any person is afflicted with such mental or physical infirmities or disabilities as would constitute ground for refusal of a license under this act.

(2) Upon receiving a verified complaint that any person has driven a motor vehicle in a reckless or negligent manner, and has thereby caused death or injury to any person or serious damage to property and upon investigation following such complaint, inquiry shall be made, and the division shall have jurisdiction to determine whether the license of any operator or chauffeur involved in or contributing to such accident shall be suspended or revoked, and no testimony or record of suspension or revocation of a license by the division following such complaint shall be admissible as evidence in any court in any action at law for negligence arising out of or involving such accident, nor shall any testimony or record of a conviction of any person of a misdemeanor under the California vehicle act be admissible as evidence in a civil action brought against the person so convicted.

(3) Upon receiving a verified complaint that an operator or chauffeur is an habitual reckless, negligent or incompetent driver of any motor vehicle.

(c) The chief of the division shall determine the sufficiency of any complaint filed hereunder, and in his discretion shall have power to set a time for hearing in the county wherein the person complained of shall reside, and such person shall be entitled to at least ten days' previous notice of such hearing from the division and such hearing shall be held by the chief of the division or by any person or persons not exceeding three, officers or employees of the division whom he may designate.

(d) The chief of the division or the person or persons designated by him and holding such hearing may summon witnesses in behalf of the state and such witnesses as may be designated by the person under investigation, and may administer oaths and take testimony or cause depositions to be taken, and the supreme court, any district court of appeal or any superior court shall have jurisdiction upon the application of the division to enforce all lawful orders of the division under this section. The failure of the respondent to appear at the time and place of hearing after notice, as provided in this section, shall not prevent the hearing, the taking of testimony and determination of the matter as herein provided. The fees for the attendance and travel of witnesses shall be the same as for witnesses before the superior court and shall be paid by the state upon demand by the division filed with the controller.

(e) Upon the conclusion of such hearing, the chief of the division or the person or persons holding such hearing on his behalf shall prepare findings based upon the evidence received and considered. If the findings are to the effect that the person referred to therein is incompetent or is unfit to operate a motor vehicle upon any of the grounds upon which license might be refused, as stated in this act, the chief of the division upon a review of such findings shall have authority to forthwith revoke the license of such person, or if the findings are to the effect that the person therein referred to has by reason of negligent or reckless driving endangered life, limb or property or has thereby caused loss of life or

injury to person or property, the chief of the division upon a review of such findings shall have power to suspend the license of such person for a period not exceeding six months, or may revoke such license, and in either event shall require that such license certificate and any chauffeur's badge issued to such person be surrendered to the division.

(f) Upon the expiration of the period of the suspension of any license as hereinbefore in this section provided for, the division shall return to the licensee his license certificate, or in its discretion may issue to him a new certificate; and in like manner the division shall return to any chauffeur, whose license badge and certificate may have been forwarded to the division upon suspension of his license, such license badge and certificate, or issue to such licensee a new badge and certificate; *provided, however*, that a record of such suspension shall be first endorsed, by the division, on each such certificate.

(g) The operator's or chauffeur's license and all of the registration certificates, of any person, in the event of his failure to satisfy every judgment within fifteen days from the time it shall have become final, rendered against him by a court of competent jurisdiction in this or any other state, or in a district court of the United States, for damages on account of personal injury, or damages to property in excess of one hundred dollars, resulting from the ownership or operation of a motor vehicle by him, his agent, or any other person with the express or implied consent of the owner, shall be forthwith suspended by the chief of the division of motor vehicles, upon receiving a certified copy of such final judgment or judgments from the court in which the same are rendered and shall remain so suspended and shall not be renewed nor shall any other motor vehicle be thereafter registered in his name while any such judgment remains unsatisfied and subsisting, and until the said person gives proof of his ability to respond in damages, as defined in section 36½ of this act, for future accidents. It shall be the duty of the court in which any such judgment is rendered to forward immediately to such chief of the division of motor vehicles a certified copy of such judgment or a transcript thereof. In the event the defendant is a nonresident it is the duty of the chief of the division of motor vehicles to transmit to the commissioner of motor vehicles of the state of which the defendant is a resident a certified copy of the said judgment. If after such proof has been given, any other such judgment shall be recovered against such person, for any accident occurring before such proof was furnished, such license and certificates shall again be and remain suspended while any such judgment remains unsatisfied and subsisting; *provided, however*, that

(1) When five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount for personal injury to or the death of one person as the result of any one accident, or

(2) When subject to the limit of five thousand dollars for each person, the sum of ten thousand dollars has been credited upon any judgments rendered in excess of that amount for personal injury to or the death of more than one person as the result of any one accident, or

(3) When one thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount for damage to property as the result of any one accident, resulting from the ownership or operation of a motor vehicle by such judgment debtor, his agent or

any other person, with his express or implied consent, then and in such event, such payment or payments shall be deemed a satisfaction of such judgment or judgments for the purposes of this section only.

If any such motor vehicle owner or operator shall not be a resident of this state, the privilege of operating any motor vehicle in this state and the privilege of operation within the state of any motor vehicle owned by him shall be withdrawn, while any final judgment procured against him for damages, including personal injury or death caused by the operation of any motor vehicle, in this state or elsewhere, shall be unsatisfied and subsisting, and until he shall have given proof of his ability to respond in damages for future accidents as prescribed in section 36½ of this act.

## APPENDIX D

*An act to amend section 36 of the California vehicle act, approved May 30, 1923, as amended, relating to the applications for registrations of motor vehicles.*

*The people of the State of California do enact as follows:*

SECTION 1 Section 36 of the California vehicle act, approved May 30, 1923, as amended, is hereby amended to read as follows:

Sec. 36. (a) Every owner of a motor vehicle, trailer or semi-trailer which shall be operated upon the public highways of this state shall for each such vehicle owned, except as herein otherwise provided, apply to the division for the registration thereof.

(b) Application for the registration of a vehicle herein required to be registered shall be made upon the appropriate form furnished by the division and shall contain the name and address of the owner and legal owner, also a description of the vehicle, including the name of the maker, the motor number, the date first sold by the manufacturer or dealer to the consumer and such further description of the vehicle as shall be called for in the form, and such other information as may be required by the division.

(c) In the event that the vehicle to be registered should be a specially constructed, reconstructed or an imported vehicle, such fact shall be stated in the application, and upon the registration of every imported motor vehicle which has been registered theretofore in any other state or country, the owner shall surrender to the division all number plates, seals, certificates of registration or other evidences of such former registration as may be in the applicant's possession or control.

(d) The provisions of this act requiring the registration of certain vehicles shall not apply to special mobile equipment nor to implements of husbandry temporarily drawn, moved or otherwise propelled upon the public highways.

(e) The application herein provided for shall be accompanied by a statement as to the amount of public liability motor vehicle insurance carried by the applicant, if any, and the name of the insurance carrier thereof.

## APPENDIX E

*An act to add a new section to the Civil Code to be numbered 1714½, relating to negligence upon the part of state and subordinate officers, agents and employees.*

*The people of the State of California do enact as follows:*

SECTION 1. A new section is hereby added to the Civil Code to be numbered 1714½ and to read as follows:

1714½. Hereafter the state, county and each and every other political subdivision thereof, shall be responsible to every person who sustains any damage by reason of death, or injury to person or property, as a result of the negligent operation of a motor vehicle, by any officer, agent, or other employee of the state, county or other political subdivision thereof, as the case may be; and such person may sue the state, county, or other political subdivision, as the case may be, in any court of competent jurisdiction in this state, in the manner directed by law. In every case where a recovery is had under the provisions of this section against the state, county or other political subdivision thereof, the state, county, or other political subdivision, shall be subrogated to all the rights of the person injured, against the officer, agent or other employee, as the case may be, and may recover, from such officer, agent or other employee, the total amount of any judgment and costs recovered against the state, county or other political subdivision, in such case together with costs therein.



## APPENDIX F

*An act to add a new section to the Civil Code to be numbered 1714½, relating to negligence.*

*The people of the State of California do enact as follows:*

SECTION 1. A new section is hereby added to the Civil Code to be numbered 1714½ and to read as follows:

1714½. Every owner or legally registered possessor of a motor vehicle is responsible in damages, for the death, or injury to the person or property, of another, occasioned by the want of ordinary care or skill in the management thereof, by him, his minor child (legally under his care and custody), his agent, or any other person operating the motor vehicle with the express or implied consent of the owner or legally registered possessor, as the case may be.

## APPENDIX G

*An act to amend section 62 of the California vehicle act, approved May 30, 1923, as amended, relating to application for operator's and chauffeur's license, and to the liability of a parent, guardian, or employer for negligence of a minor in the operation of a motor vehicle.*

*The people of the State of California do enact as follows:*

SECTION 1. Section 62 of the California vehicle act, approved May 30, 1923, as amended, is hereby amended to read as follows:

Sec. 62. (a) The application to the division of any minor for an operator's license shall not be granted unless such application is signed by both the father and mother of the applicant if both the father and mother are living and have custody of the applicant, otherwise by the parent, guardian, employer or other person having the custody of such minor.

(b) Any negligence of a minor so licensed in driving a motor vehicle upon a public highway shall be imputed to the person or persons who shall have signed the application of such minor for said license, which person or persons shall be jointly and severally liable with such minor for any damages caused by such negligence.

(c) Any person who shall have signed the application of a minor for an operator's license under this section and who desires to be relieved from the joint and several liability imposed by reason of having signed such application, may notify the division of such fact and thereupon the division shall cancel the license of such minor and thereafter the said person who originally signed the application shall be relieved from the liability imposed in subdivisions (a) and (b) of this section, on account of subsequent negligent operation of a motor vehicle by said minor. Any minor whose license has been canceled as above provided may obtain a new license only by making a new application under the conditions set forth in subdivisions (a) and (b) of this section.

(d) Also any negligence of a minor, whether licensed or not under this act, in driving a motor vehicle upon a public highway with the express or implied permission of a parent or parents having custody of such minor, shall be imputed to such parent or parents, who shall be jointly and severally liable with such minor for any damages caused by such negligence, except in the event the minor is driving a motor vehicle owned by an employer who is other than the parent or parents.

(e) Unless the minor be acting as the agent of a parent, guardian or employer, such parent, guardian or employer, as the case may be, shall not incur liability under this section in any amount exceeding five thousand dollars for injury or death to one person or ten thousand dollars for injury or death of more than one person in any one accident or one thousand dollars for damage to property in any one accident.

## APPENDIX H

*An act to add two new sections to the California vehicle act, approved May 30, 1923, as amended, to be numbered 36½ and 36¾, relating to registration of motor vehicles.*

*The people of the State of California do enact as follows:*

SECTION 1. A new section is hereby added to the California vehicle act, approved May 30, 1923, as amended, to be numbered 36½ and to read as follows:

Sec. 36½. Proof of ability to respond in damages when required by this act, shall mean proof of ability to respond in damages, resulting from the ownership, or operation, of a motor vehicle, and arising by reason of personal injury to, or death of, any one person, of at least five thousand dollars, and, subject to the limit of five thousand dollars for each person injured or killed, of at least ten thousand dollars for such injury to, or the death of, two or more persons in any one accident, and for damage to property (in excess of one hundred dollars) of at least one thousand dollars resulting from any one accident. Such proof of ability to respond in damages may be given either by

(1) The written certificate or certificates of any insurance carrier duly authorized to do business within the state, that it has issued to or for the benefit of the persons named therein a motor vehicle liability policy or policies as defined in section 36¾ of this act, which, at the date of said certificate or certificates is in full force and effect, and designating therein by explicit description or by other appropriate reference all motor vehicles with respect to which coverage is granted by the policy certified to. The chief of the division of motor vehicles shall not accept any certificate or certificates unless the same shall cover all motor vehicles registered in the name of the person furnishing such proof. Additional certificates as aforesaid shall be required as a condition precedent to the registration of any additional motor vehicle or motor vehicles in the name of such person required to furnish proof as aforesaid. Said certificate or certificates shall certify that the motor vehicle liability policy or policies therein cited shall not be canceled except upon ten days prior written notice thereof to the chief of the division of motor vehicles; or

(2) The bond of a surety company duly authorized to do business within the state or a bond of individual sureties each owning unencumbered real estate approved by a judge of a court of record which such bond shall be conditioned for the payment of the amount specified in this section, and providing for the entry of judgment on motion of the state in favor of any holder of any final judgment on account of damage to property over one hundred dollars in amount, or injury to any person caused by the operation of such person's motor vehicle, in the same manner as provided in section 942 of the Code of Civil Procedure for the entry of judgment upon appeal bonds; or

(3) Evidence presented to the chief of the division of motor vehicles of a deposit by such person with the state treasurer of a sum of money, the amount of which money shall be eleven thousand dollars. But the chief of the division of motor vehicles shall not accept a deposit of money where any judgment or judgments theretofore recovered against such person as a result of damages arising from the operation of any motor vehicle shall not have been paid in full. The treasurer of the state shall accept any such deposit and issue a receipt therefor.

SEC. 2. A new section is hereby added to said act to be numbered section 36 $\frac{1}{2}$ , and to read as follows:

Sec. 36 $\frac{1}{2}$ . "Motor vehicle liability policy," as used in this act, shall be taken to mean a policy of liability insurance issued by an insurance carrier authorized to transact business in this state, to the person therein named as insured, which policy shall designate, by explicit description or by appropriate reference, all motor vehicles with respect to which coverage is intended to be granted by said policy, and shall insure the insured named therein, and any other person using or responsible for the use of any such motor vehicle, with the consent, express or implied, of such insured, against loss from the liability imposed upon such insured by law or upon such other person for injury to, or death of, any person, other than such person or persons as may be covered as respects such injury or death by any workmen's compensation law, or damage to property, except property of others in charge of the insured or the insured's employees growing out of the maintenance, use or operation of any such motor vehicle in the United States of America; or which policy shall, in the alternative, insure the person therein named as insured against loss from the liability imposed by law upon such insured for injury to or death of any person, other than such person or persons as may be covered as respects such injury or death by any workmen's compensation law, or damage to property, except property of others in charge of the insured or the insured's employees, growing out of the operation or use by such insured of any motor vehicle, except a motor vehicle registered in the name of such insured, and occurring while such insured is personally in control, as driver or occupant, of such motor vehicle within the United States of America, to the amount or limit of five thousand dollars, exclusive of interest and costs, on account of injury to or death of any one person, and, subject to the same limit as respects injury to or death of one person, of ten thousand dollars, exclusive of interest and costs, on account of any one accident resulting in injury to or death of more than one person; and of one thousand dollars for damage to property of others, as herein provided, resulting from any one accident; or a binder pending the issuance of any such policy, or an endorsement to an existing policy as hereinafter provided; *provided*, that this section shall not be construed as preventing such insurance carrier from granting any lawful coverage in excess of or in addition to the coverage herein provided for, nor from embodying in such policy any agreements, provisions or stipulations not contrary to the provisions of this act and not otherwise contrary to law.

## APPENDIX J

*An act to amend section 74 of the California vehicle act, approved May 30, 1923, as amended, relating to penalties for driving motor vehicles while license is suspended or revoked.*

*The people of the State of California do enact as follows:*

SECTION 1. Section 74 of the California vehicle act approved May 30, 1923, as amended, is hereby amended to read as follows:

Sec. 74. Any person who drives a motor vehicle, after his operator's or chauffeur's license has been revoked or suspended, by reason of his failure to pay a final judgment, within fifteen days, rendered against him for injury resulting from the negligent operation by him, his agent, or any other person with his consent, express or implied, or for any other reason as provided in this act, and while such license remains revoked or suspended, is guilty of a misdemeanor and upon conviction therefor shall be punished by imprisonment in the county jail for not to exceed one year or by fine not to exceed one thousand dollars or by both such fine and imprisonment.