



1932

## Proposed Legislation

Automobile Clubs of Kentucky

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## PROPOSED LEGISLATION

The Automobile Clubs of Kentucky, members of the American Automobile Association, a nation-wide organization, are sponsoring four acts to be presented at the next session of the Legislature.

### I

The first bill is designed to reduce the fees for automobile licenses and reads as follows:

AN ACT to amend section 2 of chapter 81, page 249 of the Acts of the General Assembly of 1930 "Regulating Fees for Passenger Automobiles" and further regulating fees for passenger automobiles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

"That automobiles primarily designed for carrying passengers and having provision for not more than seven passengers, including the operator, shall be classed as passenger automobiles and the registration fee for the same shall be ten cents for each horsepower of the vehicle registered, to be calculated on the rating fixed by the Society of Automobile Engineers, plus fifteen cents on each the one hundred pounds of said automobile."

It is believed that license tags on motor vehicles should be primarily for identification and that the fees imposed upon such license tags should bear some relationship to the purpose which such license plates serve under the police power of the state rather than be primarily a source of revenue.

In the District of Columbia, for example, the license fee is \$1.00 only. The states surrounding Kentucky have much lower fees than Kentucky has. It is believed that the gasoline tax is a fairer method of procuring revenue for the building and maintaining of roads in that it requires those who use the roads most to pay the highest tax.

### II

The second bill regulates the use of motor vehicles and denies the privilege of using motor vehicles upon the public highways upon certain conditions. It reads as follows:

AN ACT relating to the regulation and use of motor vehicles, providing for the suspension of the right to operate motor vehicles and the right to permit motor vehicles to be operated under certain conditions.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That on and after the 1st day of October, 1932, no person shall operate a motor vehicle, nor shall any person, firm or corporation permit a motor vehicle to be operated for them if a final unsatisfied judgment is of record against such person, firm or corporation arising from the operation and use of a motor vehicle after this act takes effect, provided, however, that—

1. When five thousand dollars has been credited upon any judgment rendered in excess of that amount for personal injuries to or the death of any person as result of an accident, or—

2. When one thousand dollars has been credited upon any judgment rendered in excess of that amount for damage to property as a result of an accident resulting from the operation of a motor vehicle.

Then in such event, such payment or payments shall be deemed a satisfaction of said judgment for the purposes of this act and this act alone.

Any person, firm or corporation guilty of the violation of this act shall upon conviction be fined not less than fifty dollars nor more than five hundred dollars and confined in the county jail for not less than ten days nor more than fifty days, or both in the discretion of the jury or court.

This bill is believed to be much more acceptable than a statutory provision requiring the taking out of insurance by each driver of a motor vehicle. It will, however, tend to encourage the taking out of insurance and it will protect the public against reckless drivers who are judgment proof.

### III

The third act may be called the Drivers' License Act and reads as follows:

AN ACT providing for the licensing of drivers of motor vehicles upon the highways of this Commonwealth, providing for the issuing and revocation of same, the recording of motor vehicle offenses, fixing the amount of said license, and providing penalties for violations.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

“On and after the first day of January, 1931, no person shall drive or operate a motor vehicle upon any highway of this commonwealth, unless such person shall have obtained and have in his possession a license as hereinafter provided.

“Said license shall be issued by the State Tax Commission, or whomsoever now or hereafter issues automobile licenses, through the County Clerk of the county in which the applicant resides. Before said license shall be issued, said applicant shall be required to swear to an application on blanks furnished by the State Tax Commission that he is sixteen years of age or older, sober and discreet, physically and mentally fit to operate a motor vehicle. Upon signing of said application, the County Clerk shall issue to said applicant a card of convenient size, containing applicant's name and address on one side, and blank lines on the other side for inserting the record of any conviction of any violation of the motor vehicle laws. Licensees shall be required to carry said card at all times and present same when called upon by any law enforcing officer, or any person with whom said licensee may have had an accident. Said license shall be permanent unless suspended or revoked as hereinafter provided.

“For the issuing of said license, the officer issuing same shall receive a fee of fifty cents.

“Any license so granted may be revoked or suspended after an open trial with due notice to the licensee whenever in the judgment of the Judge of the County Court, the licensee has shown himself unfit, physically or mentally, to operate a motor vehicle upon the highways of this Commonwealth, or whenever in the judgment of the Judge of the County Court the licensee has violated the motor vehicle law or laws of this Commonwealth, so that in the opinion of said judge, said licensee is unfit to operate a motor vehicle. It shall be within the discretion of said County Judge whether the revocation shall be permanent or whether it shall be a suspension of said license for a certain given time. An appeal from the rulings and decisions of said County Judge may be had to the Circuit Court.

“Non-resident drivers who have complied with the driver's license law in their own state shall be exempt from the pro-

visions of this law for the same length of time that is granted to non-residents of their state. Non-resident drivers from states that do not have a driver's license law shall be exempt from the provisions of this law for a period of ten days in any one calendar year.

"If said license card is lost or mutilated, the licensee may obtain a duplicate upon the payment to the County Clerk of the sum of twenty-five cents. Before issuing said duplicate card, said clerk shall insert on the card all offenses that have been recorded against such licensee.

"No person, firm or corporation owning or having the custody of a motor vehicle, shall allow or permit same to be operated upon the public highways of this Commonwealth by any person who has not complied with all of the provisions of this Act.

"It shall be the duty of the County Clerks to keep a docket for the recording of every conviction under the motor vehicle laws of this Commonwealth, and on and after January 1, 1931, it shall be the duty of any court in which a conviction has been had for the violation of any motor vehicle law of Kentucky, to notify the County Clerk of said conviction in the county in which the defendant resides. All said notices shall be kept on the docket of said County Clerk.

"Notice of all such convictions shall be sent to the State Tax Commission who shall keep a permanent record of same.

"It shall be the duty of the State Tax Commission, or any officer to whom like duties may be conferred by law, to furnish all necessary blanks and cards used, and do all things necessary to the administration of this Act.

"Any one violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction, be fined not less than Twenty-five Dollars, nor more than One Hundred Dollars, or by confinement in the county jail for a period of not less than five nor more than thirty days."

It gives the law enforcing officials a means of preventing reckless or drunken drivers or habitual violators of traffic laws from being on the roads. At the present time there is no means of disposing of the case of reckless drivers because there is no driver's license law.

## IV

The fourth provision is known as the Uniform Traffic Code. It is too long to insert at this point but a brief description of it will be in order. The Uniform Traffic Code provides for uniform traffic regulations throughout the state and is similar to the AAA regulations which have been enacted by a number of states and will be submitted to the legislatures of other states where they have not yet been enacted.

In addition to these measures advocated and sponsored by the Automobile Clubs there is another regulation that is sponsored by at least some of the automobile dealers. This proposed statute deals with the setting back of speedometers for the fraudulent purpose of effecting a sale and reads as follows:

AN ACT to make unlawful the fraudulent setting back or disconnecting or failure to connect or causing the fraudulent setting back or disconnecting or failure to connect speedometers on motor vehicles for the purpose of effecting a sale of such vehicles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That if any dealer in motor vehicles, or any other person, shall fraudulently change, set back, or disconnect, or fail to connect, or cause to be changed, set back or to be disconnected, or cause the failure to connect the speedometer of any motor vehicle, for the purpose of effecting the sale of such motor vehicle or vehicles, he shall upon conviction thereof be adjudged guilty of a misdemeanor and shall be fined in the sum of not less than one hundred dollars nor more than three hundred dollars for each and every separate offense.

It is believed that the setting back of speedometers for the purpose of effecting a sale is fraudulent. It is true that second-hand cars are frequently reconditioned by dealers and sent out in good condition. At the same time, it is believed that the only reason for setting the speedometer back is to enable the seller to sell it at a price which it could not be sold for if the true facts, the number of miles the car had been driven, were known. If this be true it seems to follow that the purpose of setting speedometers back is to enable the seller to obtain a higher price than he could otherwise obtain. In other words, it is designed to cover up and, therefore, deceive the purchaser into believing that the car has not traveled as far as, in fact, it has traveled.