

No. 396, S.]

[Published July 16, 1921.

CHAPTER 537.

AN ACT to amend section 1636—49; to repeal section 1636—49a and to create a new section of the statutes to be numbered 1636—49a, relating to the regulation of motor traffic on the highways, and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1636—49 of the statutes is amended to read: Section 1636—49. 1. No person under the age of sixteen years, unless accompanied by parent, guardian or other adult person, and no intoxicated person shall operate, ride or drive any automobile, *motor truck, motor delivery wagon, passenger automobile bus, motorcycle or other similar motor vehicle, along or upon any public highway of this state.* No person shall operate or drive any automobile, *motor truck, motor delivery wagon, passenger automobile bus, motorcycle or other similar motor vehicle, recklessly or at a rate of speed greater than is reasonable and proper, having regard to the width, traffic and use of the highways and the general and usual rules of the road, or so as to endanger the property, life or limb of any person, and no person shall operate or drive any automobile, motor cycle or other similar motor vehicle, along any public highway, within the corporate limits of any city or village, or through any unincorporated settlement containing more than ten houses or places of business, at a speed exceeding fifteen miles per hour, except where the houses or business places, or both, shall average more than two hundred feet apart, where a safe speed not exceeding twenty miles an hour may be used, nor on any of the public highways outside of the corporate limits of any city or village at a speed exceeding thirty miles per hour; and provided, further, that no person shall operate or drive any automobile, motor cycle or other similar motor vehicle through any cemetery or through any county or state hospital or poor farm grounds or through any part or in passing any school ground where persons are or may be in said highway at a speed exceeding * * * twelve miles per hour; and provided further, that in turning corners, in going around curves, at sharp declines, at the intersection of any street or crossroad, and where, for any cause, the view in the direction in which the vehicle is proceeding, shall be obstructed, the speed shall be reduced to such*

a rate as will tend to avoid danger of accident; the operator, when such automobile, *motor truck, motor delivery wagon, passenger automobile bus*, motor cycle or other similar motor vehicle is in motion, shall observe the rules of the road by keeping to the right upon meeting vehicles and by passing to left of all vehicles overtaken on any public highway of this state, and at all times giving to the vehicle passed or overtaken or seeking to pass said vehicle one-half of the road. At the intersection of any public street or highway with any other public street or highway of this state, the operator or driver of any vehicle shall have the right of way over the operator or driver of any other vehicle approaching him on such cross street or highway from the left, excepting only in cases * * * where a police officer shall be in actual charge of the regulation of traffic at such intersection. * * * The operator or driver of any vehicle, when any street car proceeding in the same direction is actually taking on or discharging passengers at the crossings or intersections of any public streets or highways, shall stop such automobile, *motor truck, motor delivery wagon, passenger automobile bus*, motor cycle or other similar motor vehicle, until such passengers shall have been taken on or discharged from such car.

2. It shall be unlawful for any person to operate any automobile, motor cycle or other similar motor vehicle without a sufficient modern and improved muffler to prevent noise, or with its muffler open upon or along any public street within the corporate limits of any city or village of this state.

SECTION 2. Section 1636—49a of the statutes is repealed.

SECTION 3. A new section is added to the statutes to be numbered and to read: Section 1636—49a. 1. Commencing on January 1, 1922, the highways of Wisconsin, maintained by the state or by its counties, insofar as the limitation upon the use of motor vehicles, trailers, or semi-trailers upon said highways is concerned, are divided into the following classes:

(a) Class A highways shall include those highways upon which may be used any motor vehicle, trailer, or semi-trailer weighing with its load not to exceed twelve tons.

(b) Class B highways shall include those highways upon which may be used any motor vehicle, trailer, or semi-trailer weighing with its load not to exceed seven tons.

2. The class into which any section of highway shall fall shall be determined by the state highway commission, if said section

forms a portion of the maintained state trunk highway system; by the county state road and bridge committee, if said section is a highway, not a state trunk highway, maintained by a county.

3. The determination of classification to be made in accordance with the provisions of subsections 1 and 2 of this section shall be so made by those herein directed to make such classification for the several units of government, and all of said highways shall have been classified on or before January 1, 1922. As soon thereafter as may be possible the state highway commission shall prepare and publish a map of Wisconsin showing the state trunk highway system and also all important and continuous roads to be maintained in 1922 by the counties of the state. Said map shall clearly indicate thereon the classification wherein each portion of said highway shall lie, as determined by the state highway commission and by the county state road and bridge committees. The cost of the preparation and publication of such map shall be a charge against the map revolving fund, created and existing under the provisions of subsection 14 of section 1313 and of subsection (5) of section 20.49, and the proceeds of the sale of said map shall be paid into said revolving fund in accordance with the provisions of said subsections. On or before the first day of May, 1923, and annually thereafter, a similar map showing the revised classification of said highways, if any changes in classification shall have been made by the said commission or committees due to new construction in the preceding year, shall be similarly prepared, published and offered for sale.

4. Except as provided in subsection 6 of this section, no person shall, on or after January 1, 1922, operate any automobile, motor truck, motor delivery wagon, passenger automobile bus, or other similar motor vehicle or trailer or semi-trailer, hauled by or used in connection therewith, upon any class of highways when the weight of said vehicle and load combined shall exceed the maximum weight specified to be used upon said class of highway in subsection 1 of this section.

5. (a) On and after January 1, 1922, no motor truck, motor delivery wagon, passenger automobile bus, or trailer or semi-trailer hauled by or used in connection therewith, shall be operated by any person upon any highway of Wisconsin, unless the said motor vehicle, trailer, or semi-trailer shall have attached to or lettered upon each side thereof, a sign giving its weight without load, the actual advertised load carrying capacity of such motor

vehicle, trailer or semi-trailer, and the total weight of the vehicle and load, the last named being the total of the two above weights. Said weights are to be given in short tons and nearest quarter fractions thereof. The load carrying capacity indicated on any such motor vehicle, trailer or semi-trailer shall, in no case, exceed the load-carrying capacity of such vehicle or trailer as advertised or established by the manufacturer thereof.

(b) Any police officer of any municipality, if he has good reason to believe that the total weight of any vehicle and load exceeds the legal load permitted upon the class of highway over which the same is being driven or hauled, may demand that the owner, operator or driver of any such vehicle shall drive or convey the same to the most convenient public scale and weigh it thereon, and if the total weight of such vehicle and its load is in excess of the legal load herein specified for the class of highway upon which said vehicle was being operated or hauled, it shall constitute a misdemeanor within the provisions of this section.

(c) In case of any motor truck, motor delivery wagon, passenger automobile bus, or trailer or semi-trailer used in connection therewith, shall be registered with the secretary of state at a lower load carrying capacity than that indicated thereon as required in this subsection, the owner thereof shall be required to re-register the same in conformity with the true load carrying capacity of the vehicle or trailer, and there shall be no return of the registration fee and special privilege highway tax previously paid thereon, and in addition the penalties provided in subsection 10 of this section may also be imposed.

6. For good cause, in specific instances, for specific construction operations, or for a specified period, the state highway commission, a county state road and bridge committee, may allow loads to be hauled on any class of highways in excess of those herein provided for, provided that none of the administrative or governing bodies named above may allow such excess loads to be hauled except on highways, the cost of the maintenance of which is paid by the municipalities which said bodies respectively represent. The officers of any municipality charged with maintaining its highways may suspend for a period the right to haul any loads destructive to any highway in case the public interest shall at times require such suspension, by giving notice of such suspension in the public press or by posting a notice of such suspension in which notice shall be specified the total weight of vehicle and

load combined allowed for the specified period upon and along the highway upon which traffic is to be so limited. Said specified total weight of vehicle and load combined shall in no case be less than seven thousand pounds. If at any time any person or persons shall be engaged in hauling, upon any class of highway, any load or loads which are causing injury to the highway or are visibly endangering the permanency of the highway or the public investment therein, the said officers may summarily suspend such hauling in or by any vehicle, be the same motor or tractor driven, propelled or drawn, or horse drawn, and the owner, operator or driver of said vehicle or vehicles, shall instantly comply with such suspension. The authorized representatives of the municipalities paying for the maintenance of any section of highway, have hereby conferred upon them the full control of the use of such highways and of the use of all vehicles on such highways, and may at any and all times, take any proper and reasonable steps in their opinion necessary to insure the preservation of said highways.

7. On and after January 1, 1922, every motor truck, motor delivery wagon and automobile passenger bus operated in Wisconsin having a load carrying capacity of over two tons, shall be equipped with a mirror or mirrors so mounted and placed that the driver thereof may have a view in said mirror or mirrors of traffic approaching said vehicle from the rear.

8. Whenever the provisions of this section conflict with any of the provisions of sections 1636—57a to 1636—57n, inclusive, the provisions of this section shall supercede the same.

9. Any city of the first, second or third class may permit the use on class A highways within their limits of trucks weighing with their loads, more than twelve tons, upon highways wholly maintained by said cities.

10. Any person, firm, or corporation violating or failing to comply with any of the provisions of this section, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars for each offense, and whenever any motor vehicle, wagon, trailer, semi-trailer, or other vehicle shall be operated contrary to the provisions of this section, such unlawful operation shall be deemed a distinct and separate offense on each day that it is continued, and the owner, driver or operator of any such motor vehicle, wagon, trailer or other vehicle shall be responsible for all damages which any highway, street, alley, bridge or culvert may sustain as a result of said

unlawful operation, and the amount thereof may be recovered in any action brought by the unit of government which maintains such highway, street, alley, bridge or culvert.

11. It shall be the duty of the inspectors provided for in section 1636—48a to ascertain violations of the provisions of sections 1636—57a to 1636—57n, inclusive, of the statutes, and also of the provisions of section 1636—49a of the statutes. Said inspectors may arrest, with or without a warrant, any person detected in the actual violation of, or whom such inspector has reasonable cause to believe is guilty of a violation of, any of the provisions of said sections, and to take such person before any court and make proper complaint.

SECTION 4. This act shall take effect upon passage and publication.

Approved July 12, 1921.

No. 451, S.]

[Published July 16, 1921.

CHAPTER 538.

AN ACT to establish a small claims branch of the civil court of Milwaukee county and to amend subdivision 1 of section 15 of chapter 549 of the laws of 1909, as amended by chapter 425 of the laws of 1911, as amended by chapter 320 of the laws of 1913.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The judges of the civil court of Milwaukee county are authorized to designate one or more branches of said court as a small claims branch and to prescribe rules for the commencement and prosecution of actions therein.

SECTION 2. There shall be assigned to said small claims branch all cases commenced in said civil court for money recovery not exceeding fifty dollars, and replevin actions wherein the value alleged in the affidavit shall not exceed fifty dollars, and all other actions in which the parties shall agree that they be assigned to said branch. The judge presiding may on his own motion, and shall upon demand for jury trial, or upon written demand for such transfer by any party, order any case in said small claims branch transferred to the general calendar of the civil court to be tried as other actions are tried. When a case shall be so transferred the clerk shall collect the same fees as in other cases in said court ex-