

No. 291, S.]

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CHAPTER 478.

AN ACT to amend section 85.08 of the statutes, relating to licenses for drivers of motor vehicles and providing penalties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 85.08 of the statutes is amended to read: 85.08 (1) After January 1, 1928, no person shall operate or drive a motor vehicle upon any public highway of this state without obtaining a license for that purpose as provided in this section. No such license shall be issued to any person under sixteen years of age, except as provided in subsection (1a), or to any person who is physically or mentally incompetent to safely operate a motor vehicle upon the public highways, * * * or to any one of the following:

(a) *Any person whose driver's license or motor vehicle license has been withheld, suspended or revoked either by this state or any other state or country during the period in which such withholding or suspension or revocation shall remain in full force and effect. In case of revocation, this disqualification shall terminate one year after such revocation unless such revocation was stayed or suspended during such year in which event the period of any such stay or suspension shall be added to the year.*

(b) *Any person who is an habitual drunkard or is addicted to the use of narcotic drugs.*

(c) *Any person who has previously been adjudged insane or an idiot, imbecile, epileptic or feeble-minded and who has not at the time of the application been declared restored to competency by judicial decree or released from a hospital for the insane or feeble-minded upon certificate of the superintendent that such person is competent nor then unless the secretary of state or his deputy authorized by law to act in the matter, is satisfied that the person is competent to operate a motor vehicle with reasonable safety to persons and property.*

(d) *Any person who is afflicted with or suffering from mental or physical disability or disease such as to prevent such person from exercising reasonable control over a motor vehicle.*

(e) *Any person who is unable to understand highway warnings and signs or directions given in the English language to such ex-*

tent as to be able to drive a motor vehicle on the highways with reasonable safety to persons and property.

(f) Any person who shall have been found negligent in respect to his operation of a motor vehicle in any civil action for damages growing out of an accident and against whom a judgment shall have been rendered on account thereof, unless such person shall have furnished and filed proof of ability to respond in damages for any injury to person or property thereafter occurring as hereinafter provided in subsections (10) and (11) of this section. Such disqualification shall continue for three years from the date of such judgment. Such disqualification shall not apply during any period during which the enforcement of such judgment shall be lawfully stayed, but the period of any stay shall be added to said three year period of disqualification.

(1a) Upon the recommendation in writing of the county judge of the county wherein the child resides the secretary of state shall issue an automobile driver's license to any child, otherwise qualified, who is less than sixteen but more than fourteen years of age. An automobile driver's license issued pursuant to this section shall be of a color readily distinguishable from the licenses issued to persons who are sixteen years of age or over and shall have stamped across the face thereof the words "Not good after . . . (the date when the child becomes sixteen years of age)." Such license shall entitle the child to whom it is issued to drive only an automobile belonging to his parent or guardian during daylight hours, that is from thirty minutes before sunrise to thirty minutes after sunset, and shall not authorize such child to drive a motorcycle, commercial truck, motor bus or taxicab. The parent or guardian shall at all times be responsible for any and all damages growing out of the negligent operation of a motor vehicle by any such child.

(1b) No county judge shall make a recommendation for the issuance of an automobile driver's license to a child who is less than sixteen years of age, unless such child, accompanied by his parent or guardian shall appear in person before such judge and he shall be satisfied that such child is at least fourteen years of age, that he appears to be qualified to safely operate an automobile and that it is necessary for such child to drive his parent's or guardian's automobile without being accompanied by some person above sixteen years of age.

(1c) *No person shall be required to obtain a driver's license for the purpose of driving or operating a road roller, road machinery, or any farm tractor or implement of husbandry, temporarily drawn, moved or propelled upon the highway.*

(1d) *Every person in the service of the army, navy, or marine corps of the United States, and when furnished with a driver's permit and when operating an official motor vehicle in such service, shall be exempt from license under this section.*

(2) In case any application for a motor vehicle operator's license * * * , or other information coming to the attention of the secretary of state, suggests or indicates that the applicant might be lacking in the * * * qualifications necessary to * * * entitle him to license, he may require such applicant to undergo an examination under oath and such physical, mental and driving tests as may be necessary to determine the * * * qualifications of the applicant. To facilitate such examinations and tests, the secretary of state may require any chief of police or sheriff or any inspector in the department of state or any inspector mentioned in section 85.04 to conduct the same in accordance with such reasonable rules as the * * * secretary of state may prescribe. The officer conducting such examination shall forward a report of same on a blank form furnished by the secretary of state, with a recommendation as to whether an operator's license should be issued to the applicant. When the secretary of state shall require * * * a physical examination, the applicant shall pay the cost of the same, but no physician shall charge therefor more than two dollars. In such examinations the person to be examined shall furnish the motor vehicle to be used in such examination, and shall appear at such time and place in the city or village of or nearest his residence as the secretary of state or his agent may designate.

(3) Applications for motor vehicle operator's licenses shall be filed with the secretary of state upon blanks furnished under his authority and shall be verified before a person authorized to administer oaths. The form of such application shall be determined by the secretary of state and shall include the name, * * * age, color of eyes, color of hair, color of complexion, sex, height and weight, race, residence and business address and occupation of the applicant, * * * and whether the applicant has theretofore been licensed as an operator of a motor vehicle, and if so

when and by what state or country 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, his previous experience in operating an automobile, and whether or not the applicant has previously been adjudged insane or an idiot, imbecile, epileptic, or feeble-minded, and whether at the time of such application the applicant has been declared to have been restored to competency by a judicial decree or released from a hospital for the insane or feeble-minded upon a certificate of the superintendent that such person is competent or whether the applicant is suffering from any physical or mental disability or disease, and if so the nature and extent thereof, giving the names and addresses of physicians then or theretofore in attendance upon the applicant. If the applicant has been declared restored to competency by a judicial decree, a certified copy of such decree shall be attached to such application, or if released from a hospital for the insane or feeble-minded upon a certificate of the superintendent that such person is competent, a certified copy of such certificate shall accompany the application. Said application shall state such other and additional information as the secretary of state shall by rule require, including what liability insurance, if any, applicant carries or by which he will be protected if the license is issued and what accidents he has previously had and in what amount and manner and by whom same have been compensated or settled and if not paid for or settled the reasons therefor and such further details as to previous accidents and compensation or lack of compensation for results of same as may be requested by the secretary of state. Every application of any minor under the age of eighteen years for a driver's license must be signed and certified to be true by the father of the applicant, if the father is living and has custody of the applicant, otherwise by the mother, guardian, or other person having the custody of such minor.

(4) No fee shall be required for an operator's license, as provided in this section, if the applicant for the same is a motor vehicle owner registered in this state as such, except when application is made after a revocation or suspension of a former license.

(5) A fee of twenty-five cents shall be paid to the secretary of state with each application for a motor vehicle operator's license except as provided in subsection (4). A motor vehicle operator's license, when once issued, shall remain in force until and unless

suspended or revoked as provided in this section. In the event of the loss or destruction of a motor vehicle operator's license card, the person to whom it was issued may obtain a duplicate thereof by filing an application with the secretary of state, and paying a fee of twenty-five cents. Whenever a motor vehicle operator's license card becomes worn or mutilated to such an extent that the legibility of the information contained thereon is impaired, but not totally destroyed, the holder of such license card shall immediately apply to the secretary of state for a duplicate license, and forward a fee of twenty-five cents, and a duplicate will be issued. All driver's licenses issued by secretary of state and validly outstanding at the time the taking effect of this section shall be valid but shall be subject to being void, or suspended, and to revocation under the provisions of this section.

(6) The secretary of state shall assign a distinguishing number to each motor vehicle operator's license, and keep proper record of all licenses issued, which record shall be open to public inspection. A license card shall be issued to each licensee, in such form as the secretary of state may determine and shall contain the name and post-office address of, the distinguishing number assigned to, and a brief description of the licensee, for the purpose of identification. Upon receipt of such card the licensee shall indorse his or her signature thereon, in ink, in a space provided for that purpose, and such license shall not be valid until such card is so endorsed. Such card shall at all times be carried by the licensee when operating a motor vehicle upon the public highways of this state, and shall be submitted for examination to any proper officer upon demand. For the purpose of verification, such officer may require the licensee to write his signature in presence of each officer. Upon change of street address, rural route or post-office address by the licensee, he shall immediately indorse his new address on the back of his license card and inform the secretary of state of such change.

(7) * * * *The secretary of state upon receiving from any persons an application, in such form as may be prescribed by the secretary of state, for a temporary instruction permit, giving the name, age and address of the applicant and giving such additional information as may be required by the secretary of state and including the statement that a temporary permit is desired so that applicant may learn to drive, may in his discretion, if he finds*

that so to do will be reasonably safe, issue a permit which shall entitle the applicant, during the daytime as defined in subsection (1a) hereof and, while having such permit in his immediate possession, to drive a motor vehicle on the highways for a period of sixty days when accompanied by a licensed driver who is actually occupying a seat beside the applicant and there is no other person in the vehicle. Such permit shall be issued in the same manner as driver's licenses are issued on forms furnished by the secretary of state. A fee of fifty cents shall be collected for each such permit issue; provided, that nothing herein contained shall be construed to exempt any such person from full compliance with this section if he is not so accompanied by a licensed motor vehicle operator, or if there are other occupants of the motor vehicle or if driving when it is not daytime as hereinbefore defined.

(8) * * * *A nonresident who has been duly licensed either as an operator or chauffeur under a law requiring the licensing of operators or chauffeurs in his home state or country, and which license is still in full force and effect and has not been suspended or revoked, and who has in his immediate possession either a valid operator's or chauffeur's license issued to him in his home state or country, shall be permitted, without examination or a license under this section to drive a motor vehicle upon the highways of this state, except as hereinafter provided.*

(8a) *It shall be unlawful for any nonresident whose home state or country does not require the licensing of operators or chauffeurs, and who has not been licensed either as an operator or chauffeur in his home state or country, to operate any motor vehicle upon any highway in this state without first obtaining a driver's license, except that any unlicensed nonresident who is over the age of sixteen years and who is the owner of a motor vehicle which has been duly registered for the current calendar year in the state or country of which the owner is a resident, may operate such motor vehicle upon the highways of this state for a period of not more than thirty days in any one year without making application for or obtaining a driver's license under this section, upon condition that such nonresident must have in his possession while so driving an official certificate showing the lawful registration of such motor vehicle and may be required at any time or place to prove lawful possession or the right to operate such motor vehicle and establish proper identity.*

(8b) Any nonresident or other person whose driver's license or right or privilege to operate a motor vehicle has been suspended or revoked, shall not operate a motor vehicle in this state under a license, permit or registration certificate issued by any other jurisdiction, or otherwise operate a motor vehicle in this state during the period of such suspension, or within one year after the date of such revocation.

(9) Any motor vehicle operator's license or instruction permit issued upon any application which is untrue, or which contains any false statements as to any material matter, shall be absolutely void from the date of its issuance, and any such license card so issued shall forthwith be surrendered upon request or order of the secretary of state.

*(10) * * **

The motor vehicle driver's license and all of the registration certificates, including those issued in accordance with sections 85.01 and 85.02, of any person who shall by a final order or judgment have been convicted of or shall have pleaded guilty to or shall have forfeited any bond or collateral deposited to secure the appearance for trial of the defendant (where such forfeiture shall not have been vacated) for any of the following offenses, or of offenses coming within any of the following classes, hereafter committed:

(a) Violation of any of the provisions of the statutes referred to and enumerated in subsection (2) of section 85.91 of these statutes;

(b) Violation of any of the provisions of sections 85.13, 85.81 and 85.83 of these statutes;

(c) Manslaughter or homicide of any degree arising out of the operation of a motor vehicle;

(d) Perjury or the making of a false affidavit under this section or any other law of this state requiring the registration of motor vehicles or regulating their operation on the highway;

(e) Any crime punishable as a felony under the motor vehicle laws of this state or any other felony in the commission of which a motor vehicle is used;

(f) Reckless driving;

(g) Leaving the scene of accident after injuring any person without giving name and address;

(h) *Operating an unregistered motor vehicle upon any highway of this state in violation of law;*

(i) *Operating a motor vehicle in public highways without being licensed so to do;*

(j) *Any offense in any other state or on any country which if committed in this state would come within the provisions of one or more of paragraphs (a) to (i) of this subsection; shall be suspended forthwith without notice or hearing by the secretary of state, and shall remain so suspended and shall not at any time thereafter be renewed, nor shall any such license be thereafter issued to him or any motor vehicle, owned or used in whole or in part by him, be thereafter registered until he shall have given proof of his ability to respond in damages for any liability thereafter incurred, resulting from the ownership, maintenance, use or operation thereafter of a motor vehicle for personal injury to or death of any one person in the amount of at least five thousand dollars and, subject to the aforesaid limit for any one person injured or killed, of at least ten thousand dollars for personal injury to or the death of two or more persons in any one accident, and for damage to property in the amount of at least one thousand dollars resulting from any one accident. Such proof in said amounts shall be furnished for each motor vehicle registered by such person, and if there is no motor vehicle registered in his name, then such proof shall be furnished covering his responsibility arising from the driving of any motor vehicle by him, except as hereinafter provided. If such person 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, and shall remain so withdrawn, and no operator's or chauffeur's license shall be issued to him and no motor vehicle shall be registered in his name until he shall have given proof as aforesaid. It shall be the duty of the clerk of the court, or of the court where it has no clerk, in which any such judgment or order is rendered or other such action taken to forward within twenty-four hours after the conviction to the secretary of state a certified copy of the transcript thereof, together with a report on form furnished by secretary of state giving name and address of party convicted, motor vehicle number, license and registration numbers, and such additional information as may be required. The secretary of state shall*

thereupon forward the name and address of the person so convicted, to the sheriff of the county in which such person resides. The secretary of state shall also send to the chief of police of each city, and the sheriff of each county, a list of the names and addresses of all motor vehicle drivers whose licenses have been suspended or revoked, and the periods of suspension or revocation thereof. A certified copy of transcript of the judgment, order or record of other action of the court shall be prima facie evidence of the conviction, plea or forfeiture therein stated. In the event that the person so shown to have been convicted, to have pleaded guilty or to have forfeited bond or collateral appears to be a non-resident of this state, the commissioner shall transmit a copy of such certified copy or transcript, certified to by him, to the officer in charge of the issuance of motor vehicle operators' and or chauffeurs' licenses and registration certificates of the state or province of which such person appears to be a resident.

(k) Such judgment of conviction in a court of this state shall operate at once as a suspension of any license of said convicted person to drive a car in this state and also as a suspension of any registration certificate or certificates held by such person on any motor vehicle in this state. The judge of the court shall at the time of conviction plainly inform the party convicted of such suspension and shall order such person convicted to immediately surrender his license card and registry certificate and plates which shall be at once transmitted to the secretary of state. Such a judgment of conviction insofar as it thus acts as a suspension of any driver's license may be stayed by the court but only on condition that the person convicted furnish at once proof of financial responsibility as herein provided. The judge at the time of such conviction may fix a period not exceeding two years during which the driver's license or registry certificates of such person or both shall remain suspended whether or not such person shall furnish the proof of ability to respond in damages as provided by this section. In the event that the judgment of conviction shall be vacated or reversed, the secretary of state shall, upon proof to him thereof, immediately restore and reissue said license or certificates of registration.

(11) * * *

(a) The driver's license and all of the registration certificates of any person who shall have been found negligent in respect to

his operation of a motor vehicle in any civil action for damages and against whom a judgment shall have been rendered on account thereof, shall be forthwith suspended by the secretary of state upon receiving a certified copy or transcript of such judgment from the court in which the same was rendered showing such judgment or judgments to have been entered, and same shall remain so suspended and shall not be renewed, nor shall any motor vehicle be thereafter registered in his name for a period of three years after the entry of said judgment unless said person gives proof of his ability to respond in damages as required in subsection (10) of this section, for future accidents. No such judgment shall be stayed insofar as it operates to cause a suspension of license or registration certificates unless proof of ability to respond in damages for any future accidents is made as provided in subsection (10) of this section. It shall be the duty of the clerk of the court, or of the court where it has no clerk, in which any such judgment is rendered, to forward immediately to the secretary of state a certified copy of such judgment or a transcript thereof, as aforesaid. In the event the defendant is a nonresident, it shall be the duty of the secretary of state to transmit to the commissioner of motor vehicles or other officer in charge of the issuance of operators' permits and registration certificates of the state or province 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 an accident occurring before such proof was given but after this section shall take effect, such license or licenses and certificate or certificates shall again be and remain suspended.

(b) Such suspension shall continue for a period of three years during which time such suspension shall be lifted while said proof of ability to respond for damages is on file in accordance with the provisions of this section and the security thereby provided for is in full force and effect. If, however, the enforcement of such judgment should be stayed so as to excuse the filing of such security during any part of such three year period, then the period of such stay shall be added to the three year period if such judgment is sustained. If any such judgment be reversed, the suspension shall terminate with such reversal.

(c) If any such motor vehicle owner or operator shall not be a resident of this state, the privilege of operating any motor ve-

hicle in this state and the privilege of operation within the state of any motor vehicle owned by him shall be withdrawn for three years after the date of such final judgment against him and shall be restored only when such person shall have given proof of his ability to respond in damages for future accidents, as required in subsection (10) of this section, and while such security is kept in force.

(12) * * * *The action of the secretary of state in refusing to issue a license or declaring a suspension or revocation of the driver's license or registration certificates of any person under the provisions of this section shall be subject to review by action in the circuit court for Dane county, Wisconsin, with right of appeal as in other civil cases and if it shall appear that the action of the secretary of state has been unlawful or unreasonable, such action shall be reversed with directions requiring action which shall be according to law.*

(13) Except as provided in subsections (10) and (11), a motor vehicle driver's license or registration certificate shall be revoked or suspended only after a hearing, upon written complaint filed with any court of record. Such complaints shall be filed by an inspector of the department of state, the chief of police of the city or the sheriff of the county in which such licensee resides, and shall be prosecuted by the district attorney of such county. Persons whose cases are to be heard shall be notified at least three days before the date set for such hearing by personal service, or by registered mail addressed to the licensee at the address given on the last application filed by him. Any person who shall without cause fail to appear when so notified shall forfeit his right to a hearing. * * * Upon revocation or suspension of such license the holder thereof shall immediately surrender his license, through the court, to the secretary of state, and must apply for a new license, at the end of the period of * * * suspension. Such application shall be accompanied by a fee of * * * one dollar. The revocation or cancellation of a motor vehicle operator's license shall be exclusive of any other penalties prescribed by law. *A driver's license shall be revoked in any case where it appears that the circumstances were such that the holder of the license was not lawfully entitled to receive the license when issued or have become such that under the provisions of this act a license should*

not be granted if first applied for at the time of the hearing on the question of suspension or revocation.

(14) * * *

(a) *Proof of ability to respond in damages, when required by this section, may be evidenced by the written certificate or certificates or any insurance carrier duly authorized to do business within the state, that it has issued to or for the benefit of the person named therein a motor vehicle liability policy or policies in the form hereinafter prescribed, which, at the date of the certificate or certificates, is or are in full force and effect, and designating therein by explicit description or by other adequate reference, all motor vehicles to which the policy or policies apply. The secretary of state shall not accept any certificate or certificates unless the same shall cover all motor vehicles then registered in this state 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 policies therein cited shall not be cancelled or expire except as hereinafter provided. If such a person be a non-resident, a certificate, as aforesaid, of an insurance carrier authorized to transact business in the state or country in which the motor vehicle or motor vehicles described in such certificate is registered, or if none be described, then in the state or country in which the insured resides, shall be accepted if such carrier shall (a) execute a power of attorney authorizing the secretary of state to accept service of notice or process in any action arising out of a motor vehicle accident in this state, and (b) its governing executive authority shall duly adopt a resolution providing that its policies shall be deemed to be varied to comply with the law of this state relating to the terms of motor vehicle liability policies issued therein, and (c) agree to accept as final and binding any final judgment duly rendered in any action arising out of a motor vehicle accident in any court of competent jurisdiction in this state; provided, however, that the provisions of this section shall be operative as to such insurance carriers (organized and existing under the laws of such state or country and not licensed to transact business in this state) only to the extent and under the same terms and conditions that under the laws of such state or*

country where such motor vehicle is registered or in which the insured resides, like recognition, if a law of like effect is in force and effect, is granted to certificates of insurance carriers organized and existing under and by virtue of the laws of this state. If, under the laws of such state or country, in which a law of like effect is in force and effect, certificates of insurance carriers organized and existing under or by virtue of the laws of this state are not accepted, the certificates of insurance carriers of such state or country shall not be accepted under the provisions of this section.

(b) The secretary of state shall be notified by the insurance carrier of the cancellation or expiration of any motor vehicle liability policy certified under the provisions of this section at least ten days before the effective date of such cancellation or expiration and until such notice is duly given, such policy shall continue in full force and effect.

(c) Such proof may be the bond of a surety company, approved by secretary of state, duly authorized to transact business within the state, or a bond with at least two individual sureties, each owning real estate within this state of fair cash value of at least eleven thousand dollars over and above any exemptions or homestead, which real estate shall be scheduled and legally described in the bond approved by a judge of a court of record which said bond shall be conditioned for the payment of the amounts specified in subsection (10) of this section; and such bond shall be filed with the secretary of state together with a fee of three dollars and shall not be cancellable except after ten days' written notice to the secretary of state. Such bond shall constitute a lien in favor of the state upon the real estate so scheduled of any surety, which lien shall exist in favor of and for the benefit of any holder of a final judgment against the person who has filed such proof on account of damage to property or injury to, including death, of a person or persons resulting from the ownership, maintenance, use or operation hereafter of a motor vehicle, upon the filing of notice to that effect by the secretary of state in the office of the register of deeds of the county where such real estate shall be located. The register of deeds shall be entitled to a fee of one dollar for recording such notice. No court of record shall approve any such bond with individual sureties unless such sureties have personally appeared before him and have been actually examined under oath

nor unless the testimony taken shows that none of the sureties has signed more than two such bonds including the bond presented for approval nor unless he is clearly satisfied that the sureties are amply able financially to pay the bond in the event of liability to the full extent thereof.

(d) Such proof of ability to respond in damages may also be evidence presented to the secretary of state of a deposit by such person with the state treasurer or other proper fiscal officer of a sum of money or collateral in form satisfactory to the secretary of state amounting to eleven thousand dollars. Subject to the approval of the secretary of state, the state treasurer or other proper fiscal officer shall accept any such deposit and shall issue a receipt therefor. The secretary of state shall approve such deposit by or on behalf of any person except where a judgment theretofore recovered against such person shall not have been paid in full.

(e) Additional evidence of ability to respond in damages, as required by this section, shall be furnished to the secretary of state at any time upon his demand.

*(15) * * * A bond, money or collateral filed or deposited by or on behalf of any person under the provisions of the preceding section, shall be held by the secretary of state or the state treasurer to satisfy, in accordance with the provisions of this section, any execution issued against such person on a judgment for damages as aforesaid arising out of the ownership, maintenance, use or operation of a motor vehicle as aforesaid. Money or collateral so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid. If such a judgment rendered against the principal on the surety company or real estate individual bond given under the provisions of this section shall not be satisfied within thirty days after it has become final as hereinbefore provided, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the state against the company or persons executing such bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond. The provisions of law applicable to the foreclosure of mortgages shall apply to the foreclosure of such lien including provision for a deficiency judgment, and including receivership in cases where it*

would be granted in a mortgage foreclosure under similar circumstances.

(16) * * * The secretary of state shall upon request furnish any insurance carrier, person, or surety a certified abstract of the operating record of any person subject to the provisions of this section, which abstract shall fully designate the motor vehicles, if any, registered in the name of such person, and if there shall be no record of any conviction of such person of a violation of any provision of any statute relating to the operating of a motor vehicle or of any injury or damage caused by such person as herein provided, the secretary of state shall so certify. The secretary of state shall collect for each such certificate the sum of one dollar.

(17) * * * The secretary of state shall furnish any person who may have been injured in person or property by any motor vehicle, upon written request, with all information of record in his office pertaining to the evidence of the ability of any operator or owner of any motor vehicle to respond in damages.

(18) * * * Any operator or any owner, whose operator's license or certificate of registration shall have been suspended as herein provided, or whose policy of insurance or surety bond shall have been cancelled or terminated, or who shall neglect to furnish additional evidence of ability to respond in damages upon request of the secretary of state shall immediately return to the secretary of state his license certificate of registration and the number plates issued thereunder. If any person shall wilfully fail to return to the secretary of state the operator's license, certificate or certificates of registration and the number plates issued thereunder as provided herein, the secretary of state shall forthwith direct any inspector, sheriff, or other police officer to secure possession thereof and to return the same to the office of the secretary of state. Any person wilfully failing to return such operator's license or such certificate or certificates and number plates shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars nor more than one thousand dollars, and such penalty shall be in addition to any other penalty or disqualification imposed for any violation of this section or any other law of this state.

(19) The secretary of state shall cancel such bond or return such proof of insurance, or the said treasurer shall, with the con-

sent of the secretary of state, return such money or collateral to the person furnishing the same at any time after three years shall have elapsed since the filing of such bond or proof or the making of such deposit provided that during the three years' period immediately preceding, such person shall not have been convicted of, pleaded guilty to or forfeited bond or collateral given for any of the offenses specified in subsection 10 of this section, and provided further that no suit or judgment against him for damages as aforesaid arising from the ownership, maintenance, use or operation hereafter of a motor vehicle shall then be pending or outstanding and unstayed or unsatisfied, as aforesaid; and the affidavit of such person, showing fulfillment of these requirements shall be sufficient proof thereof in the absence of evidence to the contrary before or received by the secretary of state. The secretary of state shall direct the return of any money or collateral to the person entitled thereto, at any time upon the acceptance and substitution by or on behalf of the person required to furnish the same, of other evidence of such person's ability to respond in damages, or at any time after three years from the expiration of the latest registration or license issued to such person, or at any time in the event of the death or permanent incapacity of such person to own and/or operate a motor vehicle, or upon other good cause shown therefor, provided no written notice shall have been filed with the secretary of state stating that a suit for damages, as aforesaid arising out of the ownership, maintenance, use or operation of a motor vehicle, as aforesaid, has been brought against such person, and upon the filing by such person with the secretary of state of an affidavit, with the truth of which the secretary of state is satisfied, that he has abandoned his residence in this state or that he has made a bona fide sale of all motor vehicles owned by him and does not intend to own or operate any motor vehicle in this state for a period of one or more years.

(20) If an owner's certificate of registration has been suspended under the provisions of this section, such certificate shall not be transferred nor the motor vehicle, in respect of which such certificate was issued, registered in another name, where the secretary of state has reasonable grounds to believe and is satisfied that such transfer of registration is proposed in bad faith for the purpose of defeating the purpose of this section. Provided, however, that such transfer of registration shall be permitted upon the furnish-

ing of proof of financial responsibility, as defined herein, to the secretary of state by such transferee.

(21) Nothing in this section contained shall be held to apply to or affect policies of automobile insurance against liability which may now or hereafter be required by special act and such policies, if endorsed to conform to the requirements of this section shall be accepted as proof of financial responsibility when required under this section; nor shall anything in this section contained be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance, operation or use by other persons in the insured's employ or in his behalf or motor vehicles not owned by the insured.

(22) Any person who shall forge, or without authority, sign any evidence of ability to respond in damages as required by the secretary of state in the administration of this section and any nonresident who shall operate a motor vehicle in this state from whom the privilege of operating any motor vehicle has been withdrawn as provided in subsection (11) hereof, shall be fined not less than one hundred dollars nor more than one thousand dollars or imprisoned not more than ninety days or both.

(23) (a) "Motor vehicle liability policy", as used in this section, shall be taken to mean a policy of liability insurance issued by an insurance carrier authorized to transact business in this state or issued by an insurance carrier authorized to transact business in the state or country in which the motor vehicle or motor vehicles therein described are registered, or if none be described, then in the state in which the insured resides to the person therein named as insured, which policy shall either (1) designate, by explicit description or other adequate 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 by law upon such insured or upon such other person for injury to or death of any person, (other than such insured and such person or persons as may be covered, as respects such injury or death by any workmen's compensation law), and for damage to property, (except property of others in charge of the insured or of his employes or other agents) growing out of the ownership, maintenance, use or operation of any such motor

vehicle within the continental limits of the United States of America or the Dominion of Canada; or which policy shall, in the alternative, (2) 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 insured and such person or persons as may be covered as respects such injury or death by any workmen's compensation law), and for damage to property, (except property of others in charge of the insured or of his employes or other agents) growing out of the maintenance, 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 continental limits of the United States of America or the Dominion of Canada, in either case 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, 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 both as hereinafter provided: Provided, however, that this subsection shall not be construed as preventing an insurance carrier from granting in a "motor vehicle liability policy" any lawful coverage in excess of or in addition to the coverage herein provided for or from embodying in such policy any agreements, provisions or stipulations not contrary to the provisions of this section and not otherwise contrary to law. And provided further that separate concurrent policies, whether issued by one or several carriers, covering, respectively, (a) personal injury or death, as aforesaid, and (b) property damage, as aforesaid, shall be termed "A motor vehicle liability policy", within the meaning of this section.

(b) Except as in subsection (21) of this section provided, no motor vehicle liability policy shall be issued or delivered in this state and accepted as complying with the requirements of this section as proof of ability to pay damages until a copy of the form of policy shall have been on file with the commissioner of insurance for at least thirty days, unless sooner approved in writing by such commissioner, nor if within said period of thirty days

such commissioner shall have notified the carrier in writing that in his opinion, specifying the reasons therefor, the form of policy does not comply with the provisions of this section. The commissioner of insurance shall approve any form of policy which specifies the name, address and business if any of the insured, the coverage afforded by the policy, the conditions of the policy, including reasonable provisions for co-operation of assured in defense of any action, the premium charged therefor, the policy period, and the limits of liability, and contains an agreement that the insurance thereunder is provided in accordance with the coverage defined in this section, as respects personal injury and death or property damage or both, and is subject to all the provisions of this section. Every such policy shall fully comply with the provisions of section 85.93 and all other provisions of law relating to such policies.

(24) *The insurance carrier shall, upon the request of the insured, deliver to the insured for filing, or at the request of the insured shall file direct, with the commissioner of motor vehicles an appropriate certificate in conformity with the provisions of subsection (14) of this section.*

(25) *Any carrier authorized to issue motor vehicle liability policies may, pending the issue of such a policy, execute an agreement, to be known as a "binder"; or may, in lieu of such a policy, issue an endorsement to an existing policy. Every such binder or endorsement shall be subject to the provisions of this section and shall be construed to provide indemnity or insurance in like manner and to the same extent as a motor vehicle liability policy.*

(26) (a) *Any person who shall operate any motor vehicle subject to license under the laws of this state upon the public highways without having first obtained an operator's license, or without being able to show satisfactory evidence of having made application for such a license, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars or more than fifty dollars, or be imprisoned in the county jail for not to exceed thirty days, or be punished by both such fine and imprisonment.*

(b) *Any person who shall operate a motor vehicle upon the public highways after his operator's license has been revoked or suspended or while it is suspended, and before the termination of such period of suspension or revocation, shall be deemed guilty*

of misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars or not more than one hundred dollars, or imprisoned in the county jail for not to exceed six months, or be punished by both such fine and imprisonment.

(c) Any person duly licensed who shall refuse to exhibit his or her license card to any proper officer upon demand, or who shall refuse to write his signature in the presence of such officer, shall be deemed guilty of misdemeanor, and upon conviction thereof shall be fined not more than twenty-five dollars, or imprisoned in the county jail not to exceed thirty days.

(d) Any person who shall use or have in his possession any altered or forged operator's license card, or who shall allow another person to use any license card issued to him, or who shall fail to deliver his license card to the secretary of state or his agent upon notice of revocation or suspension of such license, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars or not more than one hundred dollars, or imprisoned in the county jail not to exceed three months, or be punished by both such fine and imprisonment.

(27) The secretary of state shall cause to be printed copies of this section, together with application blanks, license cards, and such other forms as may be necessary to its efficient administration. A quantity of application blanks shall also be forwarded to the sheriff of every county, and to the chief of police of every city, and to such others as the secretary of state deems advisable. Such sheriffs and chiefs of police and others, shall furnish copies of said blanks to any persons upon request.

(28) In addition to their other duties, the license inspectors working under the secretary of state, are hereby required to exercise reasonable diligence in ascertaining whether the provisions of this section are being complied with, and to perform such duties in connection therewith as the secretary of state may require. Said inspectors shall have the authority to arrest with or without a warrant any person violating any provision of the state laws, relating to motor vehicles, and the licensing and operation thereof, and take such person before any court and make proper complaint.

(29) The following words, as used in this section shall have the following meanings:

(a) *The singular shall include the plural; the masculine shall include the feminine and neuter, as requisite.*

(b) *“Person” shall include individuals, partnerships, corporations, receivers, referees, trustees, executors, and administrators; and shall also include the owner of any motor vehicle as requisite; but shall not include the state or any political subdivision thereof.*

(c) *“Motor vehicle” shall include trailers, motorcycles, and tractors.*

(30) *The secretary of state shall make rules and regulations necessary for the administration of this section.*

(31) *The term “secretary of state” as used in this section includes any deputy named or appointed by the secretary of state to perform any function to be done in the administration or enforcement of this section.*

(32) *Nothing herein shall be construed as preventing the plaintiff in any action at law from relying for security upon the other processes provided by law.*

(33) *If any part or subdivision or provision of this section shall be deemed unconstitutional, the validity of any of its remaining provisions shall not be affected thereby.*

SECTION 2. This act shall take effect upon passage and publication.

Approved July 4, 1931.

No. 417, S.]

[Published July 9, 1931.

CHAPTER 479.

AN ACT to repeal subsection (12) of section 20.01 and section 35.70 of the statutes, relating to copy law supplements.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Subsection (12) of section 20.01 and section 35.70 of the statutes are repealed.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 4, 1931.