

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

Approved August 1, 1927.

No. 578, S.]

[Published August 3, 1927.

CHAPTER 478.

AN ACT to repeal subsection (2) of section 85.09, subsections (3) and (9) of section 85.10 and subsections (1), (4) and (7) of section 85.18; to amend subsection (4) of section 85.01, section 85.02, paragraph (c) of subsection (4) of section 85.04, subsection (1) of section 85.09, subsection (1), paragraphs (a) and (c) of subsection (5) and subsections (6) and (10) of section 85.10, subsections (2), (3), (4), (6), (8), (9) and (12) of section 85.18, subsection (1) of section 85.22, subsection (1) of section 86.19, subsection (2) of section 192.26 and section 340.42; and to create subsection (16) of section 20.49, subsection (7) of section 84.09, subsections (6), (7), (8), (9) and (10) of section 85.01, section 85.085, subsection (2) and subsection (3) of section 85.09, subsection (3) of section 85.10, subsections (3a) and (3b) of section 85.13 and subsections (1) and (4) and paragraphs (c), (d) and (e) of subsection (5) of section 85.18 of the statutes, relating to the operation of motor vehicles, making an appropriation and providing a penalty.

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

SECTION 1. Subsection (2) of section 85.09 and subsections (3) and (9) of section 85.10 and subsections (1), (4) and (7) of section 85.18 of the statutes are repealed.

SECTION 2. Subsection (4) of section 85.01, section 85.02, paragraph (c) of subsection (4) of section 85.04, subsection (1) of section 85.09, subsection (1), paragraphs (a) and (c) of subsection (5) and subsections (6) and (10) of section 85.10, subsections (2), (3), (4), (6), (8), (9) and (12) of section 85.18, subsection (1) of section 85.22, subsection (1) of section 86.19, subsection (2) of section 192.26 and section 340.42 of the statutes are amended to read:

(85.01) (4) * * * *When two vehicles approach or enter an intersection at approximately the same time, the driver of the*

vehicle on the left shall yield the right of way to the vehicle on the right except as otherwise provided in this section. The driver of any vehicle driving at an unlawful speed shall forfeit any right of way which he might otherwise have hereunder. The driver of a vehicle approaching but not having entered an intersection shall yield the right of way to a vehicle within such intersection and turning therein to the left across the line of travel of such first mentioned vehicle, provided the driver of the vehicle turning left has given a plainly visible signal of intention to turn as aforesaid.

85.02 Except when making absolutely necessary repairs, no person shall park or leave any vehicle along, upon or within the limits of any public highway in such manner as to interfere with the free passage of vehicles over and along such highway. In all cases there shall be left a free and usable passageway of at least eighteen feet so that vehicles going in opposite directions may pass without interference from any standing vehicle. *Whenever any peace officer shall find a vehicle standing upon a highway in violation of the provisions of this section, he is hereby authorized to move such vehicle or require the driver or person in charge of such vehicle to move said vehicle to a position permitted under this section.*

(85.04) (4) (c) For the registration of each motor truck or motor delivery wagon having a gross weight of one and one-half tons or less, a fee of ten dollars; having a gross weight of more than one and one-half tons and less than two and one-quarter tons, a fee of fifteen dollars; having a gross weight of two and one-quarter tons, or more, and less than three tons, a fee of twenty dollars; having a gross weight of three tons or more and less than four tons, a fee of thirty dollars; having a gross weight of four tons or more and less than five tons, a fee of forty-five dollars; if the gross weight is five tons, or more, a fee of forty-five dollars, plus a fee of five dollars for each quarter ton or fraction thereof in excess of five tons. The gross weight in tons shall be in every case arrived at by adding together the weight in pounds of the motor truck or motor delivery wagon when equipped ready to carry a load and the advertised maximum load carrying capacity of the vehicle in pounds, and then dividing the sum of the two by two thousand. *Should any person desire to equip any such vehicle to carry more than the advertised maximum load he shall pay a fee to the secretary of state arrived at by substituting for the advertised maximum load in the foregoing method of compu-*

tation the actual load for which the vehicle is equipped. This section, however, shall not be construed to mean that any such vehicle may be licensed to operate in violation of any other provision of this chapter.

(85.09) (1) Every automobile, motorcycle, or other similar motor vehicle, used upon any public highway of this state, shall be provided with efficient brakes and an adequate bell, horn or other signal device. *All brakes on motor vehicles described herein shall be maintained in good working order and shall conform to regulations not inconsistent with this section, which may be promulgated by the Wisconsin highway commission.* No person shall use any signal device which shall not produce an abrupt sound sufficiently loud to serve as an adequate warning of danger and no person operating any motor vehicle or motorcycle shall make or cause to be made any unnecessary noise with any such bell, horn or other signal device, or use the same except as a warning of danger. The use of siren horns except upon motor vehicles in charge of the police and fire department of cities, *traffic enforcement officers* and upon hospital ambulances and fire patrols is prohibited. *Automobiles and motorcycles used by traffic enforcement officers shall, in addition to the regular horn, be equipped with siren horns to be used only where the officer is in pursuit of a violator. The use of spark plug whistles is prohibited on all motor vehicles.*

(85.10) (1) The highways maintained by the state or by its counties, insofar as the limitation upon the use of motor vehicles, trailers or semitrailers upon said highways is concerned, are divided into class A and class B.

Class A highways include those highways upon which may be used any motor vehicle * * * or trailer * * * weighing with its load not to exceed twelve tons.

Class B highways include those highways upon which may be used any motor vehicle * * * or trailer * * * weighing with its load not to exceed seven and one-half tons.

(5) (a) No motor truck, motor delivery wagon, automobile bus, * * * trailer or semitrailer, hauled by or used in connection therewith, shall be operated upon any highway unless it shall have attached to or lettered upon each side thereof, a sign giving its weight without load, the * * * load capacity of such motor vehicle, trailer or semitrailer, and the total weight of the vehicle and load. The load capacity indicated on

any such motor vehicle, trailer or semitrailer shall, in no case, exceed the * * * load capacity * * * for which said vehicle * * * trailer or semitrailer * * * is registered under paragraph (c) of subsection (4) of section 85.04.

(c) In case of any motor truck, truck tractor, tractor, delivery wagon, passenger automobile bus, or trailer or semitrailer 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 * * * actual load carrying capacity * * * for which the vehicle * * * is equipped to carry, but such actual load shall in no case be so large as to be the direct cause of mechanical failure of the vehicle, 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 * * * county * * * highway 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 *subject to and with the approval of the county highway commissioner or county* 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. * * * 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 of 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.

(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 *for the first offense* * * * not * * * *less than twenty-five nor more than one hundred dollars* * * * *in addition to the costs of the action, and for the second or subsequent offense within any one year the fine shall be not less than fifty nor more than two hundred fifty dollars in addition to the cost of the action.* 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.

(85.18) (2) It shall be unlawful to operate or to cause or permit to operate, any motor * * * *vehicle*, * * * trailer, semitrailer or wagon, on any highway or street, unless the same shall comply in all respects as to equipment, size, weight, width of tires, weight of load, speed and all other provisions set forth in this section. All motor * * * *vehicles, trailers and semitrailers* * * * operating on any highway or street, shall have tires of rubber or some material or construction of equal resiliency, of the width provided for in this section. *The preceding instructions as set forth in this section shall not apply to farm tractors and tractors which comply with subsection (11) of this section. Every rubber tire on any such vehicle operating on any such highways or streets and shall have rubber on its entire traction surface at least one inch thick above the edge of the*

flange of the entire periphery. No motor vehicle shall use as a trailer or semitrailer any vehicle that is not equipped with solid or pneumatic rubber tires.

(3) (a) No motor * * * vehicle, tractor, trailer, semitrailer or wagon shall be so loaded or operated that the total weight of the portion of the vehicle and load combined resting upon any wheel shall exceed eight hundred pounds for each inch of tire width * * * of such wheel. * * *

(b) *No motor vehicle, trailer, or wagon shall be so loaded or operated that more than eighty per cent of the permissible total weight of load and vehicle combined shall be carried on any one axle.*

(c) *The weight of vehicle and load combined carried on a semitrailer when attached to a motor vehicle or trailer shall not exceed eighteen thousand pounds on a class A highway nor eleven thousand two hundred fifty pounds on a class B highway.*

(4) No motor truck, tractor, trailer, semitrailer or wagon except when loaded with loose hay or straw or similar material, shall be operated on any highway or street when the overall dimensions exceed eight feet in width, including load, or thirty-three feet in length, including load, except under a special permit.

(6) (a) Whenever it shall be necessary to transport a single article which cannot be divided and which exceeds eighteen thousand pounds total load on any axle over any public highway or street, the same shall be done only after the issuance of a special permit for a single trip with the load so to be transported. The commissioner of public works in cities of the first class, * * * for his city, and the county highway commissioner in each county, for his county are hereby authorized in their discretion, upon proper application in writing, to grant such special permit for the moving of any such heavy single article, provided that the person, firm or corporation making such application for such permit shall furnish a bond or certified check in a suitable sum, running to the unit of government granting the permit and conditioned to save the units of government, through which such article is transported, harmless from any claim, loss or damage that may result from the granting of such permit, or that may arise from or on account of any act done thereunder, and further conditioned that the grantee shall restore to a condition satisfactory to the officer in charge of the maintenance of any such highway

or street, any pavement, bridge, culvert, sewer, pipe or other public utility that may be injured by reason of the transportation of such heavy article under such permit. If after such article has been moved over the highway, no damage is found to have resulted therefrom, the certified check or bond shall be returned to the person or persons furnishing same, but in the event of any damage having resulted therefrom the officer in charge shall repair same, or, if necessary, replace the damaged portion of the highway, and the cost of the same shall be paid by the owner of the vehicle causing same, and for failure to pay such costs, the officer *issuing the permit* shall deduct the required amount from the proceeds of the certified check, or shall enforce the bond, and for that purpose may maintain an action upon such bond. *Every such permit shall designate the route to be traversed and may contain any other conditions or restrictions deemed necessary by the person or body granting the permit.*

(8) Except as hereinafter provided no vehicle weighing more than three tons, including the weight of vehicle and load, if *completely* equipped with pneumatic tires, shall be operated at a speed to exceed * * * *thirty* miles per hour, and if equipped with two or more solid rubber tires, the speed shall not exceed * * * *twenty-five* miles per hour. No vehicle weighing six tons or more including the weight of vehicle and load, shall be operated in excess of * * * *twenty-five* miles per hour if *completely* equipped with pneumatic tires, or in excess of * * * *twenty* miles per hour if equipped with two or more solid rubber tires. Motor vehicles registered under paragraph (d) of subsection (4) of section 85.04 may operate at the same speed as automobiles. All vehicles * * * equipped with metal tires are limited to a speed not to exceed * * * *ten* miles per hour. * * * These speed limits shall supplement and not replace those specified elsewhere in the statutes.

(9) Cities * * * may enact additional rules and regulations in regard to the * * * speed *and* equipment * * * of vehicles named in this section when operated over streets maintained by such cities.

(12) Any person violating any of the provisions of this section * * * shall *for the first offense* be fined not less than *twenty-five* nor more than * * * one hundred dollars * * * and *for the second or subsequent offense* within any one year the fine shall be not less than *fifty* nor more than two

hundred fifty dollars in addition to the costs of the action. The owner, driver, operator or mover of any such motor truck, wagon, tractor or trailer shall be responsible for all damages which any highway, street, alley or bridge may sustain as a result of said violation, and the amount thereof may be recovered in an action brought by the unit of government wherein such highway, street, alley or bridge is located.

(85.22) (1) Any person who violates subsections (1), (2) or (3) of section 85.01, *section 85.02*, or any order issued under subsection (4) of section 85.16, or any municipal ordinance or regulation passed pursuant thereto, shall be fined not less than five nor more than one hundred dollars, or imprisoned not less than ten days nor more than three months. And any person who violates subsections (4) and (5) of section 85.01 or section 85.08 shall be fined not less than ten nor more than one hundred dollars, and for a second or subsequent violation thereof in any year shall be fined not less than fifty nor more than five hundred dollars or imprisoned not exceeding sixty days, or both.

(86.19) (1) No sign shall be placed within the limits of any public street or highway except such as are necessary for the guidance or warning of travel. It shall be the duty of the county highway committee in each county to cause the removal of all other signs from the state and county trunk highways, and the duty of the town, village and city officers to cause the removal of such other signs from all other roads and streets within their respective towns, villages and cities. Any sign on any public street or highway in violation of this section after June 30, 1925, shall be removed therefrom by the officers responsible for the maintenance of such street or highway, *or by any state highway employee*, and disposed of in such manner as they may deem advisable.

(192.26) (2) Such signs shall consist of a metal disc twenty-four inches in diameter, and the field thereof shall be enameled * * * *federal yellow* with an enameled black border line * * * *three-eighths of an inch wide the outside edge of which is to be three-eighths of an inch from the edge of the sign* and an enameled black perpendicular and horizontal cross line two and one-half inches wide; the reverse side of such disc shall be colored black. In each of the upper quarterings shall appear in black enamel the capital letter "R" five inches high, three and * * * *eleven-sixteenths inches wide, lines one inch stroke.*

In the event that more than one track is to be crossed there shall be two such horizontal cross lines on such signs.

340.42 Any person who shall wilfully and maliciously discharge any gun, pistol or other firearms, or throw any dangerous missile into any railroad or street railway car or train, or motor vehicle as defined in chapter 85, upon or in which either passengers, * * * employees or other persons are being carried, shall be deemed guilty of assault with intent to do great bodily harm under section 340.41, and shall be punished in accordance with the terms of that section, upon complaint duly made by any passenger or employee present upon such car or train at the time of the assault.

SECTION 3. There are added to section 20.49 a new subsection, to section 84.09 a new subsection, to section 85.01 five new subsections, to section 85.09 two new subsections, to section 85.10 a new subsection, to section 85.13 two new subsections, to section 85.18 two new subsections and to subsection (5) of said section three new paragraphs, and to the statutes a new section to be numbered and to read: (20.49) (16) Annually, beginning July 1, 1927, ten thousand dollars to assist in the enforcement of the provisions of sections 85.10 and 85.18.

(84.09) (7) No city or village shall except in case of emergency block off any street over which any United States or state highway is marked, unless it first gives such notice to the state highway commission division engineer as to permit the marking of a temporary route.

(85.01) (6) The driver of any motor truck when traveling upon a public highway or street outside of a business or residence district shall not follow another motor truck within one hundred feet, but this shall not be construed to prevent one motor truck overtaking and passing another.

(7) All trucks while being towed on any public highway or street shall display a red flag.

(8) In crossing an intersection of highways or the intersection of a highway by a railroad right of way the driver of a vehicle shall at all times cause such vehicle to travel on the right half of the highway unless such highway is obstructed or impassable.

(9) The driver of a vehicle shall not drive to the left side of the center line of a highway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient dis-

tance ahead to permit such overtaking and passing to be made in safety. The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction upon the crest of a grade or upon a curve in the highway where the driver's view along said highway is obstructed within a distance of five hundred feet.

(10) Upon all highways of sufficient width, except upon one-way streets, the driver of a vehicle shall drive the same upon the right half of the highway and shall drive a slow-moving vehicle as closely as possible to the right-hand edge or curb of such highway except when overtaking and passing another vehicle subject to the regulations provided in this section. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicles and the traffic upon and the condition of the highway. The driver of a vehicle entering a public highway from an alley, private road or drive shall yield the right of way to all vehicles approaching on such public highway.

85.085 (1) Not more than three adults shall occupy at any one time the driver's seat of any automobile while such automobile is being operated upon any street or highway in this state, nor shall any person ride on a fender, hood, running board or any outside portion of any automobile while the same is being so operated.

(2) No vehicle shall carry any load extending beyond the line of fenders on the left side of such vehicle nor extending more than six inches beyond the line of fender on the right side thereof.

(3) After March 1, 1928, it shall be unlawful for any person to drive any vehicle upon a highway with any sign, poster or other nontransparent material upon the front windshield, side wings, side or rear windows of such motor vehicle other than a certificate or other papers required to be so displayed by law.

(4) Any person violating any provision of this section shall upon conviction be subject to a fine of not less than five nor more than one hundred dollars.

(85.09 (2) (a) No person shall drive a motor vehicle on a highway unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise or annoying smoke.

(b) It shall be unlawful to use a "muffler cut-out" on any motor vehicle upon a highway.

(c) No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent its contents from unnecessarily or dangerously dropping, sifting, leaking or otherwise escaping therefrom.

(3) Every windshield on a motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(85.10) (3) The state highway commission shall cause to be prepared and published a classification of highway maps and all the state highways appearing thereon shall be classified according to the foregoing classification. Said maps shall be available for distribution on or before April first of each year.

(85.13) (3a) Types of reflective signals as approved by the industrial commission under subsection (3) of this section may be carried in lieu of a tail light or in addition thereto on all trucks, tractors, trailers or semitrailers which are electrically equipped. These signals shall be applied in lieu of a tail light on all trucks, tractors, trailers and semitrailers which are not electrically equipped when such vehicles are being driven upon or occupy any public highway in this state.

(3b) Every motor vehicle other than any road roller, road machinery or farm tractor having a width at any part in excess of eighty inches shall carry two clearance lamps on the left side of such vehicle, one located at the front and displaying a yellow light visible under normal atmospheric conditions for a distance of five hundred feet in front of the vehicle, and the other located at the rear of the vehicle and displaying a yellow (or red) light, visible under all like conditions from a distance of five hundred feet to the rear of the vehicle.

(85.18) (1) The following words and phrases when used in this chapter shall for the purpose of this chapter have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning:

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

(b) "Motor Vehicle." Every vehicle, as herein defined, which is self-propelled.

(c) "Motor Truck." Every vehicle used for commercial purposes carrying its loads as a single unit with nondetachable propelling power, except those running on rails.

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

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

(f) "Farm Tractor." Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

(g) "Road Tractor." Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

(h) "Trailer." Every vehicle without motive power designed for carrying property or passengers wholly on its own structure and to be drawn by a motor vehicle.

(i) "Semitrailer." Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

(j) "Wagon." Every animal drawn vehicle, except those running on rails.

(k) "Pneumatic tires." All tires inflated with compressed air.

(l) "Solid rubber tire." Every tire made of rubber other than a pneumatic tire.

(m) "Metal tires." All tires the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

(4) No vehicle shall exceed a total outside width including load thereon of eight feet except that the width of a farm tractor shall not exceed nine feet and excepting further that the limitations as to the size of vehicles stated in this section shall not apply to implements of husbandry temporarily propelled or

moved upon the public highway except under special permits issued in accordance with subsection (6) of this section.

(5) (c) A motor vehicle the over-all length of which does not exceed thirty-three feet shall be permitted to be operated upon the highways having attached thereto a trailer or semitrailer or both if the over-all length of the motor vehicle and trailer or trailers does not exceed fifty feet.

(d) Whenever a trailer or semitrailer is used in connection with a motor vehicle upon the highways the attachment must be of such construction as to cause the trailer or trailers to follow in direct line with the propelling vehicle. The trailer hitch shall in addition to the above be of such construction as to eliminate any dangerous side swing or wobbling of the trailer or trailers.

(e) The distance between the rear axle of the motor vehicle and semitrailer axle shall not be less than eight feet.

SECTION 4. This act shall take effect upon passage and publication, except that paragraphs (a) and (b) of subsection (3) of section 85.13 of the statutes shall not become effective until January 1, 1928.

Approved August 1, 1927.

No. 595, S.]

[Published August 3, 1927.

CHAPTER 479.

AN ACT to create subsection (24) of section 20.20 of the statutes, relating to the construction of a dam on the Rock River in the city of Horicon and making an appropriation.

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

SECTION 1. A new subsection is added to section 20.20 of the statutes to read: (20.20) (24) On July 1, 1927, ten thousand dollars to construct and build a dam or dams on the Rock river in or near the city of Horicon for the purpose of controlling and regulating the flood waters on the Rock river and restoring the public waters of Rock river on the Horicon marsh to the natural levels which existed prior to the private drainage of the same.

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

Approved August 1, 1927.