

TITLE EIGHTH

Of the General Police.

CHAPTER 120.

General Provisions Respecting the Police.

AN ACT DEFINING MOTOR VEHICLES AND PROVIDING FOR THE REGISTRATION OF THE SAME AND UNIFORM RULES REGULATING THE USE AND SPEED THEREOF.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That, except as hereinafter provided, no motor vehicle shall be operated or driven upon any public street, road, turnpike or highway in this State until the said motor vehicle shall have been registered with the Secretary of State. **Motor vehicles must be registered**

Section 2. Every resident of this State who is the owner of a motor vehicle, and every non-resident, except as hereinafter provided, shall, annually, apply to the Secretary of State for the registration of the said motor vehicle. The application shall contain the name, place of residence and correct post-office address of the owner, with a brief description of the motor vehicle, stating the name of the maker, manufacturer's number and character of the motive power and rated horse power. The said application shall be made upon a blank provided for the purpose by the Sec- **Renewed annually**
Application shall contain name, address and description of motor
How made

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Fee for registration	<p>retary of State. It shall be signed by the owner and shall be verified by oath or affirmation. Upon receipt of the application and a fee of three dollars for a motor cycle and a fee of five dollars for any other motor vehicle, the Secretary of State shall register the said motor vehicle in a book to be kept for that purpose, and shall issue to the owner a registration certificate and the Secretary of State at the expense of the State shall provide two number tags containing the registration number, the figures of which shall not be less than five inches in height, and the abbreviated name of the State and the year. Provided, however, that non-residents of this State shall be entitled to the same exemptions from the provisions of this Act as are granted to the citizens of this State by the laws of the State in which said non-residents reside.</p> <p>“The fees provided for by this Act shall include all the fees due the Secretary of State upon any license or certificate provided for by this Act.”</p> <p>Section 3. No motor vehicle shall be operated upon any public street, road, turnpike or highway unless the number tags are carried conspicuously, one on the front and the other on the rear of the motor vehicle in such manner that they may be easily read. They shall be parallel to the axles of the motor vehicle, and shall be kept free from oil, grease, dirt or other substance likely to impair their legibility; and between one hour after sunset and one hour before sunrise, the rear number tags shall be illuminated so that the number can be plainly distinguished when the motor vehicle is in use. Provided that when used upon the motor cycle the number tags shall be attached so that they may be plainly read from both sides of the said motor cycle instead of being attached to the front and rear; and provided further that the requirements as to illuminating the rear number tag shall not apply to motor cycles. Not more than one set of number tags shall be displayed upon any motor vehicle, except as provided in Section 2 for non-residents. No owner or operator of any motor vehicle shall be subject to fine or arrest when one number tag is missing, provided he makes affidavit that the same has been lost or removed without his knowledge or consent, and that he will promptly provide a new tag.</p> <p>Section 4. No person, except as provided for non-residents in Section 2, shall operate a motor vehicle other than a motor</p>
Registration certificate Number tags	
Exemption of non-residents	
All fees included	
Number must be on front and rear of vehicle	
Shall be illuminated between certain hours	
How attached to motor- cycle	
Owner or operator not subject to fine or arrest	
Must obtain a license	

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cycle, upon the public streets, roads, turnpikes or highways of this State unless he has first obtained from the Secretary of State a license. No license shall be issued to, nor shall any motor vehicle be operated by any person under sixteen years of age. Applications for license shall be made in writing upon a blank furnished by the Secretary of State, and shall contain the name of the applicant, his place of residence, including City or Town, street and number, and his post-office address, and shall state that he is over sixteen years of age and is qualified to operate a motor vehicle. It shall be signed by the applicant's own hand and verified by oath or affirmation. Upon receipt of the application and a fee of five dollars, the Secretary of State shall issue to the applicant a license. The license shall contain the licensee's name and residence, and the date and number of the license, and shall be carried by the licensee at all times when operating a motor vehicle.

No license issued to any one under 16 years of age

Application—How made

Section 5. Motor vehicles may be registered and licenses issued at any time during the year, but all registration and licenses shall cease to be effective on the thirty-first day of December of the year issued. A registration certificate or license issued to one person shall not be transferred to another person, and no operator's license shall be issued to a firm or corporation nor in the name of more than one person. Upon the transfer of ownership of any motor vehicle, its registration shall expire, and it shall be the duty of the person in whose name such vehicle is registered to immediately notify the Secretary of State of the name and address of the new owner, and to return to the said Secretary of State the registration certificate for the vehicle so transferred. Should the original owner make application for the registration of another motor vehicle within the period of two months, accompanied by a fee of one dollar, he shall be assigned the number previously issued to him.

May be issued at any time, but cease to be effective at end of year

Certificate not transferable

Registration shall expire upon transfer of ownership

Shall notify Sec. of State and return certificate

Old number restored within two months

Section 6. Motor vehicles, operated by manufacturers or dealers for the purpose of testing or selling, shall be exempt from the necessity of individual registration, provided said manufacturer or dealer registers with the Secretary of State in the "dealer's class." Application for such registration stating the number of cars to be registered, shall be made upon a blank provided for the purpose by the said Secretary of State which shall state the name and business of the applicant, and shall be verified by oath

Manufacturers or dealers shall register in the "dealers' class"

Application for such How made

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or affirmation. Upon receipt of the application and a fee of five dollars for each car to be registered, the Secretary of State shall issue to the applicant a certificate of registration, and the manufacturer or dealer shall provide a pair of number tags which shall contain numbers of registration in figures not less than five inches in height, the year and the words "Delaware Dealer." Such car shall be operated only by licensed drivers who shall have authority to operate motor vehicles bearing the said tags for testing or demonstrating purposes or for hire.

No intoxicated person shall operate motor vehicle

Section 7. No person when intoxicated shall operate a motor vehicle under penalty of a fine of not more than One Hundred Dollars or imprisonment not exceeding thirty days, or both. Any Justice of the Peace of the State or the Judge of the Municipal Court of the City of Wilmington shall have power and jurisdiction to hear and determine the offense created by this section.

Justice of the Peace, or Judge of Municipal Court, shall have jurisdiction

Shall operate under proper license and number

Section 8. No person having been licensed shall operate a motor vehicle under another license, not operate an unregistered motor vehicle. No motor vehicle shall be operated under any other number than that of its own registration.

Motor vehicle shall have proper brakes and signal White and red lights

Section 9. Every motor vehicle shall be provided when in use with good and sufficient brakes, and with a horn, bell or other signal device, which shall be sounded whenever necessary to insure the safety or other uses of the highway. Motor vehicles shall, from one hour after sunset until one hour before sunrise show at least one white light visible not less than two hundred feet in the direction toward which the motor vehicle is proceeding, and one red light shall be shown visible in the opposite direction.

Use of chains prohibited, except when necessary

Section 10. The use of chains on the wheels of motor vehicles is prohibited, except on highways of natural dirt, plank, asphalt, cobble, brick, Belgium block, or on at least one inch of ice or hardened snow, except in cases where the condition of other highways is such as to render their use necessary for the safety of the users of the highway.

Reasonable warning of approach shall be given

Section 11. Upon approaching any person walking upon the public highways, or a horse, horses, or other draft animals being led, ridden or driven, the operator of the motor vehicle shall give

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reasonable warning of his approach and use every precaution to avoid injuring such persons or frightening such animals, bringing his motor vehicle to a stop, should such animals appear to be unmanageable, stopping his engine, if the occasion require it, until such animals (have) had sufficient time to pass. In case of injury to person or property due to the operation of a motor vehicle, the operator of said vehicle shall stop, and upon the request of the person injured, or in whose custody such property then was, give his name and address, and that of the owner of said motor vehicle.

In case of injury to persons or property operator shall stop, and upon request give name and address

Section 12. Every person driving a motor vehicle shall, at request or upon signal by putting up the hand or otherwise from a person riding or driving a horse or horses in the opposite direction, cause the motor vehicle to stop and remain stationary so long as may be necessary to allow said horse or horses to pass on.

Motor shall be stopped at request or upon signal

Section 13. Whenever a person operating a motor vehicle, or any person riding, driving or leading a horse, horses or other draft animals, shall meet any other vehicle or other draft animals, the operators, drivers or person having such animals in charge, shall reasonably turn to the right of the center of the said highway, so that such vehicle or animals may pass without interference, and the driver of any vehicle overtaking any other vehicle or draft animals being led, ridden or driven upon any public highway, shall pass to the left thereof, the driver of such vehicle or persons having charge of such animals so overtaken shall turn to the right of the center of the road to allow free passage to the left.

Motors and other vehicles shall keep to the right upon approaching each other

Section 14. The following rates of speed may be maintained but not exceeded. Upon any public street or highway where the buildings are less than an average distance apart of one hundred feet, a rate of speed of one mile in five minutes shall be permitted, but no exceeded, which, however, shall be reduced to the (rate) of one mile in ten minutes at curves and at intersections of other streets or highways. Upon any public street or highway where the buildings are of greater distance apart than one hundred feet, at a rate of speed of one mile in three minutes shall be permitted, but not exceeding, but this rate of speed shall be reduced to one mile in five minutes at all curves, intersecting roads, in descending steep hills, and in passing other vehicles, providing that nothing in this Section shall permit any person to

Rate of speed

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drive a motor vehicle at a greater rate of speed than is reasonable, having regard to the traffic, or so as to endanger the safety of any person or injure the property of any person; provided further, that motor vehicles used as ambulances, or by physicians responding to emergency calls, or motor vehicles used by the police, fire department or military when in the performance of duty, are exempt from compliance with the provisions of this section.

Certain motors exempt from the provisions of this act

Section 15. All operators of motor vehicles shall, upon request or signal of any constable or police officer, stop and exhibit their registration certificate or license, and shall furnish to any legally constituted authority all information in their possession as to the identity of the operator or owner of any motor vehicle.

Shall stop at the request of constable or police officer

Section 16. The constables and police officers of any city, town or county of this State may arrest upon view and without warrant any person or persons violating any of the provisions of this Act. In the event of an arrest as aforesaid, if the defendant is unable to give sufficient bail for a hearing or for his appearance at Court, the magistrate before whom he is first taken may accept as a forfeit, conditioned upon the defendant's appearance as aforesaid, a sum of money equal in amount to the maximum fines which could be imposed under the provisions of this Act, and the costs, or in lieu of such bail or forfeit may accept any article, of sufficient value, or hold in custody the motor vehicle found in the possession of the defendant; and such magistrate, after the trial of the defendant if not sufficient bail according to law has been given in the meantime, shall make such order as to the disposition of such motor vehicle or other articles as to him shall seem just and proper.

Constables and police officers may arrest

Magistrate may accept money or article of sufficient value, in lieu of bail

May hold motor

Section 17. Any person violating any of the provisions of this Act, shall be subject to a fine of not less than ten nor more than twenty-five dollars to be collected by summary conviction before any Mayor or Justice of the Peace or Judge of the Municipal Court of the City of Wilmington as like fines and penalties are now by law collectible; or in case of non-payment of a fine to undergo an imprisonment for a period not exceeding ten days.

Fine imposed for violating the provisions of the act

In case of non-payment of fine, ten days' imprisonment

Any person or persons who have been previously convicted before a Mayor, Justice of the Peace of this State, or Judge of said Municipal Court, of any violation of the provisions of this Act, upon commission of a second or subsequent offense within a

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period of six months shall be sentenced to pay a fine of not less than twenty-five dollar nor more than one hundred dollars, and in case of non-payment of such fine to undergo an imprisonment for a period not exceeding twenty days.

Penalty increased for second or subsequent offense

Section 18. Any person who has been previously convicted of any violation of the provisions of this Act upon the commission of a third offense within a period of six months shall be sentenced to pay a fine of not less than one hundred dollars nor more than two hundred dollars, or imprisoned for a period not exceeding three months, or both, in the discretion of the Court. Upon the certification of the Secretary of State by any Mayor, Justice of the Peace or said Judge of a third conviction for violation of the provisions of this Act in any one year, the license issued to such person so convicted may immediately be revoked by the Secretary of State, and shall not again be re-issued for a period of one year after such revocation.

Penalty further increased for third offense

License may be revoked

Section 19. Any person convicted under the provisions of this Act shall have the right to an appeal to the Court of General Sessions of the County upon giving bond in the sum of five hundred dollars to the State with surety satisfactory to the Mayor, Justice of the Peace or Judge before whom such person was committed. Such appeal to be taken and bond given within two days from the time of conviction.

Any person convicted may appeal

Section 20. The term "motor vehicle" as used in this Act shall apply to all wheeled vehicles operated by any form of engine, motor or mechanical power, excepting road rollers, traction engines and vehicles which move upon or are guided by a track.

The term "motor vehicle" defined

Section 21. The revenue derived from the registration of motor vehicles and the licensing of operators thereof under the provisions of this Act shall be paid to the State Treasurer.

Revenue to be paid to State Treasurer

Section 22. That all registration and licenses in effect at the time of the approval of this Act shall continue in force until the first day of January A. D. nineteen hundred and ten.

Licenses to continue in effect until Jan. 1, 1910

Section 23. That Chapter 124 of Volume 23, Laws of Delaware and Chapter 144 of Volume 24, Laws of Delaware, be and the same are hereby repealed.

Chap. 124, Vol. 23, and Chap. 144, Vol. 24, repealed

Approved April 29, A. D. 1909.