

CHAPTER 187.

*An act to appropriate money to meet additional expense for the support of orphans, half-orphans and abandoned children for the sixty-fifth and sixty-sixth fiscal years*

[Approved May 10, 1915 In effect immediately.]

*The people of the State of California do enact as follows:*

SECTION 1. The sum of one hundred and fifteen thousand dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated to meet additional expense for the support of orphans, half-orphans and abandoned children for the sixty-fifth and sixty-sixth fiscal years.

Appropriation support orphans

SEC. 2. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state shall, under the provisions of section one of article IV of the constitution of the State of California, take effect immediately.

Current expenses

CHAPTER 188.

*An act to regulate the use and operation of vehicles upon the public highways and elsewhere; to provide for the registration and identification of motor vehicles and for the payment of registration fees therefor; to provide for the licensing of persons operating motor vehicles; to prohibit certain persons from operating vehicles upon the public highways; to prohibit the possession or use of a motor vehicle without the consent of the owner thereof, and to prohibit the offer to or acceptance by certain persons of any bonus or discount or other consideration for the purchase of supplies or parts for motor vehicles, or for work or repair done thereon; to provide penalties for violations of provisions of this act, and to provide for the disposition of fines and forfeitures imposed thereon; to limit the power of local authorities to enact or enforce ordinances, rules or regulations in regard to matters embraced within the provisions of this act; to provide for the disposition of registration and license fees, fines and forfeitures collected hereunder; to create a motor vehicle department and to provide for the organization and conduct thereof; to provide for carrying out the objects of this act, and to make appropriation therefor; and to repeal all acts or parts of acts in conflict with this act.*

1915 statutes

[Approved May 10, 1915 In effect—see sections 38, 41 ]

*The people of the State of California do enact as follows:*

SECTION 1. The words and phrases used in this act shall for the purposes of this act, unless the same be contrary to or inconsistent with the context, be construed as follows: (1) "motor vehicle" shall include all vehicles propelled otherwise

Words and phrases defined

1915 A.D.

Words and  
phrases  
defined.

than by muscular power, except such vehicles as run upon rails or tracks, (2) "automobile" shall include all motor vehicles excepting motorcycles; (3) "motorcycle" shall include all motor vehicles designed to travel on not more than three wheels in contact with the ground, and of not exceeding ten horsepower, and of not exceeding the weight of five hundred pounds unladen, *provided, however*, that any motor vehicle which shall be operated on the highway drawing a trailer or other vehicle shall be deemed to be an automobile for all the purposes of this act; (4) "public highway" shall include any highway, county road, state highway or state road, public street, avenue, alley, park, parkway, driveway, or public place in any county or incorporated city and county, city or town within the State of California; (5) "business district" shall mean the territory of any county or incorporated city and county, city or town, contiguous to a public highway, which is on the line of said highway, mainly built up with structures devoted to business; *provided*, that the local authorities having charge of such highway shall have placed conspicuously thereon at the boundary lines of such business district, signs of sufficient size to be easily readable by a person using the highway, bearing the words "business district—slow down to fifteen miles an hour," and also an arrow pointing in the direction of said business district; (6) "closely built up" shall mean the territory of any county or incorporated city and county, city or town, contiguous to a public highway, which is on the line of said highway not mainly devoted to business, where for not less than a quarter of a mile the dwelling houses and business structures on such highway average less than one hundred feet apart; *provided*, that the local authorities having charge of such highway shall have placed conspicuously thereon at the boundary lines of such district, signs of sufficient size to be easily readable by a person using the highway, bearing the words "speed limit twenty miles an hour," and also an arrow pointing in the direction of said closely built up district; (7) "local authorities" shall include all boards of supervisors, trustees or councils, commissions, committees, and other public officials of counties, incorporated cities and counties, cities or towns; (8) "chauffeur" shall mean any person who operates an automobile in the transportation of persons and who receives any compensation for such service in wages, commission or otherwise, paid directly or indirectly, or who as owner or employee operates an automobile carrying passengers for hire; *provided, however*, that this definition shall not include manufacturers' agents, proprietors of garages and dealers, salesmen, mechanics, or demonstrators of automobiles in the ordinary course of their business; (9) the term "state" as used in this act, except where otherwise expressly provided, shall also include the territories, federal districts and insular possessions of the United States; (10) "non-residents" shall mean residents of states or countries other than the State of California who

either have no regular place of abode or business in California, or whose occupation or their regular place of abode or business in this state, if any, covers a total period of less than three months in the calendar year; (11) "owner" shall include any person, firm, association or corporation, having the use or control, or the right to the use or control, of a vehicle under a lease or otherwise, for a period of ten or more successive days; (12) "manufacturer" or "dealer" shall signify a person, firm, association, or corporation, having in his, its or their possession vehicles for sale or trade and for use and operation pursuant thereto, and shall be considered owners of vehicles manufactured or dealt in by them for the purposes of this act, prior to sale and delivery thereof, and of all vehicles in their possession and operated or driven by them or by their employees; (13) "garage" shall mean every place of business where motor vehicles are received for housing or storage for compensation; (14) "intersecting highway" shall mean any highway which joins another at an angle, whether or not it crosses the other; (15) "operator" shall mean any person other than a chauffeur who operates a motor vehicle and any person who operates, rides, drives or propels any vehicle other than a motor vehicle; (16) "person" shall include any corporation, association, co-partnership, company, firm, or other aggregation of individuals; and where the term "person" is used in connection with the registration of a vehicle, it shall include any corporation, association, co-partnership, company, firm, or other aggregation of individuals which owns or controls such vehicle as actual owner, or for the purpose of sale, or for renting, whether as agent, salesman, or otherwise; (17) "department" as used in this act shall mean the motor vehicle department of California, acting directly or through its duly authorized agent; (18) "vehicle" shall include every wagon, hack, coach, carriage, omnibus, push cart, bicycle, tricycle, automobile, cycle-car, motorcycle, sleigh, traction engine, tractor, or other conveyance, in whatever manner and by whatever force or power the same may be ridden, driven, or propelled, which is or may be operated, ridden, driven or propelled upon the highway, and implements of husbandry temporarily drawn or driven or otherwise propelled on the highway, excepting only conveyances designed to be propelled by pedestrians, and railroad, street and interurban railway cars; (19) the city and county of San Francisco shall be considered a county; (20) "net receipts" shall signify the balance remaining of the money paid to the department in conformity with the provisions of this act after the payment of all salaries, expenses and refunds incident to the administration and enforcement of this act.

Words and phrases defined

1915 Statutes

SEC 2. All motor vehicles owned and used in the transaction of official business by the representatives of foreign powers or by officers, boards or departments of the government of the United States, and all motor vehicles owned by and used in the operative work of such corporations as are

Exempt from tax.

1915 Statutes

who is only temporarily within the State of California, other than a foreign corporation doing business in California; *provided*, that the registration number plate of such other country or state shall be displayed on such motor vehicle substantially as provided in this act for motor vehicles registered pursuant to the provisions hereof.

Numbers  
must be  
displayed

SEC. 11 Except as otherwise herein provided, no person shall ~~operate or drive a motor vehicle on the public highways unless such vehicle shall at all times have displayed, one on the front and the other on the back thereof, the number plates furnished for it as heretofore provided, together with the registration seal or disc, furnished by the department, securely attached to the number plate on the front of said vehicle in the space provided thereon for that purpose, said number plates to be securely fastened to such vehicle so as to prevent the same from swinging at a minimum distance of sixteen inches from the ground; and no person shall attach to, or display on, such vehicle, any number plate, or registration disc or seal, assigned to it under any motor vehicle law other than this act, or any registration seal or disc other than that assigned for the current year, or a fictitious number plate, or registration seal or disc; *provided, however*, that but one number plate with the regulation registration seal or disc shall be required upon motorcycles and that such number plate upon motorcycles shall be attached to the rear thereof. All letters, numbers, seals or discs, and other identification marks shall be kept clear and distinct, and free from grease, dust or other blurring matter, so that they shall be plainly visible at all times during daylight and under artificial light in the night time.~~

When fee  
becomes  
delinquent

The registration fee required under this act to be paid upon a motor vehicle shall become delinquent in the case of any such vehicle forthwith upon the operation of the vehicle on the public highways without the registration fee required by this act first having been paid to the department, accompanied by the application for registration provided herein. It is hereby provided, in addition to any and all other penalties provided by this act, that if, at the expiration of thirty days after any registration fee becomes delinquent, such fee has not been paid and registration applied for, a penalty shall be added to the amount of such fee in an amount equal to twenty-five per cent of the fee required by section seven of this act, and that such fee, together with the amount of said penalty, shall be a lien upon the motor vehicle in regard to which said registration fee is delinquent, and the department shall have power and it is hereby made its duty to collect the said registration fee, together with the penalty, by seizure of such motor vehicle from the person in possession thereof, if any, and by sale of such motor vehicle. The seizure and sale herein authorized shall be conducted and carried out by the department in the same manner as is provided by law for the seizure and sale of personal property by the county tax collector for the collection of taxes due on said personal property.

Person is a fiction & not a man  
Drive is a condition of being paid for hire

## CHAPTER 39

Stats 1939, p 1274, amended  
 Stats 1933, p 128

*An act to add Part 4, comprising Sections 9601 to 10501, inclusive, to Division 2 of, and to add Section 50010 to, the Revenue and Taxation Code, thereby consolidating and revising the law relating to taxation and the raising of revenue, including the provisions of "An act imposing a license fee or tax for the transportation of persons or property for hire or compensation upon the public streets, roads and highways in the State of California by motor vehicle and providing that this act shall take effect immediately," approved May 15, 1933, as amended, and repealing acts and parts of acts specified herein.*

In effect July 1, 1943 [Approved by Governor March 19, 1941. Filed with Secretary of State March 19, 1941.]

*The people of the State of California do enact as follows:*

New part SECTION 1. Part 4, comprising Sections 9601 to 10501, inclusive, is hereby added to Division 2 of the Revenue and Taxation Code, to read as follows:

PART 4. MOTOR VEHICLE TRANSPORTATION  
 LICENSE TAX

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

Short title 9601. This part is known and may be cited as the "Motor Vehicle Transportation License Tax Law."

Construction 9602. Except where the context otherwise requires, the definitions given in this chapter govern the construction of this part.

"Operator" 9603. "Operator" includes:  
 (a) Any person engaging in the transportation of persons or property for hire or compensation by or upon a motor vehicle upon any public highway in this State, either directly or indirectly.

(b) Any person who furnishes any motor vehicle for the transportation of persons or property under a lease or rental agreement when pursuant to the terms thereof the person operates the motor vehicle furnished or exercises any control of, or assumes any responsibility for, or engages either in whole or in part in, the transportation of persons or property in the motor vehicle furnished.

"Operator" does not include any of the following:

(a) Any person transporting his own property in a motor vehicle owned or operated by him unless he makes a specific charge for the transportation. This subdivision does not in any way limit any other exemption granted by this section.

1941 Statutes

1941 Statutes

(b) Any farmer, resident of this State, who occasionally transports property for other farmers, or who transports his own farm products, or who transports laborers to and from farm work incidentally in his farming operations.

(c) Any nonprofit agricultural cooperative association, organized and acting within the scope of its powers under Chapter 4 of Division 6 of the Agricultural Code, to the extent only that it is engaged in the transporting of its own property or the property of its members.

(d) Any person whose sole transportation of persons or property for hire or compensation consists of the transportation of children to or from any public school and whose total compensation from all sources for providing such transportation does not exceed fifty dollars (\$50) in any calendar month.

(e) Any person engaged in the business of operating a hearse or other vehicle in a procession to a burial ground or place of interment and from the burial ground or place of interment to a garage or place of storage.

(f) Any registered owner of a pleasure vehicle who, while operating the vehicle, transports persons to his work or to a place through which he passes on the way to his work, whether for or without compensation, if he is not in the business of furnishing such transportation.

1941 Statutes

9604. "Person" includes any individual, firm, copartner-ship, joint adventure, association, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

"Person"

9605. "Motor vehicle" includes any automobile, truck, tractor, or other self-propelled vehicle used for the transportation of persons or property upon the public highways, otherwise than upon fixed rails or tracks, and any trailer, semi-trailer, dolly, or other vehicle drawn thereby, not exempt from registration fees under the laws of this State.

"Motor vehicle"

9606. "Gross receipts" include all receipts from the operation of motor vehicles entirely within this State and a proportion, based upon the proportion of the mileage within this State to the entire mileage over which such operations extend, of the receipts from the operation of motor vehicles passing through, into, or out of this State, or partly within and partly without this State. "Gross receipts" as applied in connection with operations under lease or rental agreements include such amounts as the board under such rules and regulations as it may prescribe determines to be reasonable compensation for the transportation services rendered by the operator.

"Gross receipts"

"Gross receipts" do not include revenue derived by an express company from the shipment of property over the lines of common carriers, but do include revenue derived by an express company from the transportation of property in

34th session 1941 Statutes  
34th session 1941 Statutes

“De-  
part-  
men-” 9607. “Department” means the Department of Motor Vehicles.

## CHAPTER 2. IMPOSITION OF TAX

Levy of  
tax, rate 9651. A license tax is hereby imposed upon operators at the rate of 3 per cent of the gross receipts of the operators from operations.

Presumpti-  
on 9652. For the purpose of the proper administration of this part and to prevent evasion of the tax it shall be presumed that the gross receipts from all operations of operators are subject to the tax until the contrary is established.

Exemptions 9653. This part does not apply to operators of motor vehicles operated exclusively within incorporated cities or between incorporated cities or incorporated cities and private property where no portion of the public highway outside the corporate limits of the cities is traversed in such operation.

The tax does not apply to the gross receipts derived from the transportation of persons or property wholly within incorporated cities or between incorporated cities or incorporated cities and private property or wholly on private property where no portion of the public highway outside the corporate limits of the cities or private property is traversed in such operation.

## CHAPTER 3. LICENSES AND EMBLEMS

### Article 1. Issuance of License

Application  
for license 9701. Every operator of a motor vehicle within this State who transports or desires to transport for compensation or hire persons or property upon any public highway within this State shall apply to the board, on such forms as the board may prescribe, for a license to operate motor vehicles for the transportation of persons or property for hire or compensation upon public highways in this State.

Fee 9702. Each application for a license shall be accompanied by a fee of five dollars (\$5) payable to the board.

Issuance of  
license 9703. Upon the receipt of the application, accompanied by the required fee, the board shall issue to the applicant a license to transport for compensation or hire persons or property upon any public highway within this State. The board may refuse to issue a license to any person to whom a license was previously issued and subsequently revoked for a violation of this part.

9704. No license issued authorizes the operation of any motor vehicle upon the public highways of this State contrary to the laws in effect regulating the operation of motor vehicles.

Effect of license

9705. No license issued is assignable by operation of law or otherwise.

Nonassignable

9706. Every license issued expires on December 31st next succeeding the date upon which it is issued.

Expiration  
See also  
Stats 1941,  
p 3107

9707. If any person becomes an operator and fails to apply for the license and pay the fee required within 30 days thereafter or fails to apply for the renewal of a license and pay the license fee of five dollars (\$5) prior to January 1st of the succeeding year and continues to act as an operator taxable under this part, the amount of five dollars (\$5) shall be added to the license fee to be charged to the person.

Penalty  
See also  
Stats 1941,  
p 3107

### Article 2. Emblems

9726. After obtaining the required license the operator shall obtain from the department number plates or emblems for each motor vehicle operated by him indicating, in such manner as the department may determine, that the license has been obtained.

Emblems

9727. The number plates or emblems shall be attached to and conspicuously displayed upon each of the motor vehicles authorized to be operated by the license in such manner as the department may require.

Display

9728. The department may charge and collect from operators required to display number plates or emblems the pro rata cost to the State of the designing, manufacturing, and distributing of the number plates or emblems.

Cost

9729. Upon the issuance of any number plates or emblems for display on any motor vehicle licensed under this part, the department shall immediately notify the board thereof.

Notice to board

### Article 3. Revocation of License

9751. Whenever any operator licensed under this part fails to comply with any provision of this part or any rule or regulation of the board prescribed and adopted under this part, the board upon hearing, after giving the operator 10 days' notice in writing of the time and place of the hearing to show cause why his license should not be revoked, may revoke the license.

Cause for revocation

9752. The department upon receiving written notice from the board that the license of an operator has been revoked by

Suspension of vehicle registration

*source of these*

*1941 statutes from Calif State Assn. office at the Chief Clerk*



such types of vehicles as carry the trade names of LaPlant-Choate, LeTourneau, and Be Ge.

"Chauffeur" 250. A "chauffeur" is a person who is employed by another for the principal purpose of driving a motor vehicle on the highways and receives compensation therefor.

"City" 255. "City" includes every city and city and county within this State.

"Commercial vehicle" 260. (a) A "commercial vehicle" is a vehicle of a type required to be registered under this code used or maintained for the transportation of persons for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property.

(b) Passenger vehicles which are not used for the transportation of persons for hire, compensation, or profit are not commercial vehicles. This subdivision shall not apply to Chapter 4 (commencing at Section 6700) of Division 3.

"Commissioner" 265. The "commissioner" is the Commissioner of the California Highway Patrol.

"County" 270. "County" includes every county and city and county within this State.

"Crosswalk" 275. "Crosswalk" is either:

(a) That portion of a roadway included within the prolongation or connection of the boundary lines of sidewalks at intersections where the intersecting roadways meet at approximately right angles, except the prolongation of such lines from an alley across a street.

(b) Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Notwithstanding the foregoing provisions of this section, there shall not be a crosswalk where local authorities have placed signs indicating no crossing.

"Darkness" 280. "Darkness" is any time from one-half hour after sunset to one-half hour before sunrise and any other time when there is not sufficient light to render clearly discernible any person or vehicle on the highway at a distance of 500 feet.

"Dealer" 285. (a) "Dealer" is a person not otherwise expressly excluded by this section, who:

(1) For commission, money, or other thing of value, sells, exchanges, buys, or offers for sale, negotiates, or attempts to negotiate, a sale or exchange of an interest in, a vehicle subject to registration under this code, or induces or attempts to induce any person to buy or exchange an interest in a vehicle and, who receives or expects to receive a commission, money, brokerage fees, profit, or any other thing of value, from either the seller or purchaser of said vehicle, or

(2) Is engaged wholly or in part in the business of selling vehicles or buying or taking in trade, vehicles for the purpose of resale, selling, or offering for sale, or consigned to be sold, or otherwise dealing in vehicles, whether or not such vehicles are owned by such person.

1959 Statutes  
6564

1959 Statutes

(b) The term "dealer" does not include:

(1) Insurance companies, finance companies, public officials, or any other person coming into possession of vehicles in the regular course of business, who shall sell such vehicles under a contractual right or obligation, or in performance of an official duty, or in authority of any court of law; provided, such sale is for the purpose of saving the seller from loss or pursuant to the authority of a court of competent jurisdiction.

(2) Persons who sell or distribute vehicles of a type subject to registration for a manufacturer to vehicle dealers licensed under this code, or who are employed by manufacturers or distributors to promote the sale of vehicles dealt in by such manufacturers or distributors; provided, however, that if any such persons also sell vehicles at retail, they shall be deemed to be vehicle dealers and are subject to this code.

(3) Persons regularly employed as salesmen by vehicle dealers licensed under this code while acting within the scope of such employment.

(4) Persons exclusively engaged in the bona fide business of exporting vehicles or of soliciting orders for the sale and delivery of vehicles outside the territorial limits of the United States; provided, no federal excise tax is legally payable on any of such transactions, or such tax is legally refundable on such transactions.

(5) Persons not engaged in the purchase or sale of vehicles as a business, disposing of vehicles acquired for their own use, or for use in their business when the same shall have been so acquired and used in good faith, and not for the purpose of avoiding the provisions of this code.

290. The "department" is the Department of Motor Vehicles except when used in Chapter 2 of Division 2 (commencing at Section 2100) and in Divisions 11 and 12 (commencing at Sections 21000 and 24000) of this code it shall mean the Department of the California Highway Patrol.

"Department"

295. The "director" is the Director of Motor Vehicles.

"Director"

300. A "drawbar" is a rigid structure forming a connection between a trailer and a towing vehicle, securely attached to both vehicles by nonrigid means and carrying no part of the load of either vehicle.

"Drawbar"

305. A "driver" is a person who drives or is in actual physical control of a vehicle.

"Driver"

310. "Driver's license" includes both an operator's and a chauffeur's license.

"Driver's license"

315. "Essential parts" are all integral and body parts of a vehicle of a type required to be registered under this code, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance.

"Essential parts"

320. "Established place of business" is a place actually occupied either continuously or at regular periods by a dealer, manufacturer, automobile wrecker or automobile driving school where the books and records pertinent to the type of

"Established place of business"

1959 Statutes

1959 Statutes