

THE ADMINISTRATION OF THE DRIVERS' LICENSE LAW IN IOWA¹

Not many decades separate 1942 from the "horse and buggy" era when the automobile was a curiosity and its driver was warned to come to a full stop and give assistance to the driver of a horse frightened by the horseless vehicle. In fact some of our contemporaries can hark back to the period of American life when no motor cars traversed our highways. In a little more than a generation this modern engine of transportation has become so common that there is now about one automobile for every three to four persons in these United States. From a thing of curiosity and luxury the automobile has developed into a necessity for the American no matter what his "walk of life" may be.

In 1900 only eight thousand automobiles were reported in the entire United States. Now there are more than thirty million motor vehicles, both passenger and commercial. The effect of such phenomenal increases has been to make long distances negligible and to bring regions formerly inaccessible within easy reach. As the automobile has increased in numbers so also its efficiency has become greater. Cars have been made more beautiful, faster, and more durable.

While one may state with finality that the benefits accruing to the people of this nation as a whole from the increase in automobiles are phenomenal, a problem of sinister implications has, at the same time, been created. In the hands of careless, incompetent, or indifferent drivers, the automo-

¹ This article was prepared as a doctoral dissertation and was submitted to the Graduate College of the State University of Iowa in August, 1938. It has been condensed, edited, and brought down to date.

bile has caused fatalities and accidents, and the fatalities have increased in proportion to the number of automobiles, the number of miles these cars are driven, and the growth in population.²

In 1911 deaths from automobile accidents in the United States were estimated at 2043. This was only three per cent of all accidental deaths in the country. By 1915, with some two and a half million motor vehicles, the United States reported almost four thousand fatalities due to car accidents, about five and a half for each 100,000 of the population. By 1920 almost ten million motor vehicles were registered in the United States which then had a population of 105,710,620. The automobile fatalities had risen to 10.4 for every 100,000 persons. In 1930 the United States counted 122,775,046 inhabitants and 26,545,281 motor vehicles. Accidents due to cars had increased the death toll to 29,080 in registration areas alone, or 24.5 deaths for each 100,000 people. This was 30 per cent of all accidental deaths in the United States.

Since 1930 the number of cars in the United States has increased more slowly. Deaths due to car accidents increased more rapidly than cars or population. The death toll for the United States in 1935 was 34,183, or 26.8 per 100,000 population. In 1939, 29,485,680 motor vehicles were registered in the United States, with 30,564 deaths reported as due to car accidents.

The most rapid increase in the number of motor vehicles in the United States came during the ten years preceding 1925. The number of accidents and fatalities, as might be expected, varies with the number of cars, although the ratio

² Data concerning motor vehicles and fatalities in the United States have been taken from various volumes of the *Statistical Abstract of the United States*. The figures for a given year sometimes vary slightly in different volumes. See also *Priority for Traffic Safety 1941* (Automotive Safety Foundation), p. 3.

is affected by other conditions, especially by the increase in traffic miles. It has been found that there is a mathematical increase in the danger of accidents as related to the number of cars. Where the highway mileage remains the same, doubling the number of cars will result in four times as many accidents. This rapid increase in the number and use of motor vehicles brought before State and local officials a new problem — one which has not yet been solved.

At first the drivers of automobiles were governed only under the general rules of the road, enforced by local police, constables, and sheriffs, but the fact that automobiles had a much larger range than horse-drawn vehicles soon made it evident that the States must take at least some of the responsibility. A motorist was not always a member of the community. He might live in a distant county or in a neighboring State. The arm of the law had to be longer. Gradually the regulation of automobiles and automobile traffic came into the orbit of State government. Automobiles called for better roads. Therefore a system of licensing motor vehicles soon came into use, both for the sake of identification and for revenue. The automobile, however, must have a driver and to fix the driver's responsibility a license to drive came into use.

In the enforcement of these various laws the authority of the State came into question. Cases at law grew out of challenges to the authority of the States to give or withhold the right to operate automobiles and to regulate their speed. Almost unanimously the courts have ruled that driving an automobile is a privilege and not a right and that the control of motor vehicles is a justifiable use of a State's police powers.³

But the regulation of automobile traffic soon proved to be

³ Salberg *v.* Davenport, 211 Iowa, 612; *People v. Diller*, 24 California Appellate Ds., 799; *State v. Sterrin*, 78 New Hampshire, 220; *People v. Rosenbermer*, 209 New York, 115; *Commonwealth v. Kingsbury*, 199 Massachusetts, 542.

an inter-State problem. At least the advantage of uniformity was recognized. The New England States were pioneers in the regulation of motor vehicle traffic. The first attempt in this direction came from the State of Maine.⁴ In 1915 the legislature authorized the Governor to appoint three commissioners who were to confer with other commissioners from the States of Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and Maryland. These commissioners were to consider the possibility of uniform laws for licensing drivers in the States they represented.

In 1924, the Federal Department of Commerce began to take an interest in this problem of uniformity in the licensing of motor vehicle operators. It called a National Conference on Street and Highway Safety to investigate the problem. Nation-wide agencies such as the American Automobile Association, the National Safety Council, and the American Railway Association coöperated with the Department of Commerce in organizing and financing the conference.

This conference made detailed studies of highway safety. Significant recommendations for licensing drivers were made by the Committee on Traffic Control and the Committee on Public Relations. The first group recommended a uniform drivers' licensing law, a minimum age limit, and adequate means of determining a driver's ability to operate a motor vehicle. The Committee on Public Relations advocated "nation-wide uniform practices" in the matter of licensing the automobile operator.⁵

In a conference held in 1926, a uniform code for the licensing of chauffeurs and operators was drawn up and

⁴ *Laws of Maine*, 1915, Ch. 327.

⁵ *Report of Committee on Street and Highway Safety, National Conference on Street and Highway Safety*, 1924, p. 11; *Report of Committee on Public Relations, National Conference on Street and Highway Safety*, 1924, p. 7.

adopted. The Committee on the Uniformity of Laws and Regulations reported that "safe, economical, and convenient use of the highways requires uniformity in state vehicle acts, and state administration regulations."⁶

Iowa has conformed to motor vehicle trends in the nation both as to the number of cars and fatalities. Automobiles came into Iowa with the twentieth century but it was more than ten years before their number attracted more than curious attention. The following table⁷ indicates the number of motor vehicles registered in Iowa, some data as to the number of accidents due to automobiles, and the number of deaths due to such accidents. Loss of time and expenditures for medical care are not recorded.

FATALITIES AND ACCIDENTS IN IOWA RELATIVE TO THE
NUMBER OF CARS REGISTERED

<i>Date</i>	<i>Motor Vehicles Registered</i>	<i>Accidents Reported</i>	<i>Fatalities</i>
1913	75,068	.....	80
1915	152,134	.....	129
1920	440,105	.....	161
1925	661,630	.....	261
1930	788,675	.....	619
1931	760,284	.....	582
1932	691,637	13,612	530
1933	636,379	13,268	546
1934	676,254	11,011	544
1935	709,691	10,335	575
1936	740,550	11,842	526
1937	760,634	13,977	571
1938	773,503	12,712	486
1939	805,525	14,981	530
1940	900,735	19,835	538

⁶ *Report of Committee on Uniformity of Laws and Regulations, National Conference on Street and Highway Safety, 1926, p. 9.*

⁷ Except for the fatality figures for 1913, 1915, and 1920, the data given in this table was furnished by Mr. Karl W. Fischer, Commissioner of Public Safety, Des Moines, in a communication dated October 7, 1941. The first three fatality figures were furnished by the Iowa Department of Health on October 20, 1941.

These figures indicate that the number of cars in Iowa approximately doubled between 1913 and 1915, increased three-fold during the next five years, and was one-third larger in 1925 than in 1920. Thereafter the number of cars increased only slowly. Indeed the number decreased slightly during the depression period of the early thirties, being 788,675 in 1930 and only 636,379 in 1933.

The death toll in Iowa follows the same general trend, but shows the greatest increase between 1925 and 1930, being almost three times as large in 1930 as in 1925, although there was no large increase either in population or number of cars. This increase was apparently connected with the increased mileage of paved and graveled roads, more travel, and the greater speed at which cars could be driven.

There is no record of the number of miles driven by the thousands of Iowa cars, but gasoline consumption is an approximate indication of traffic. In 1925, with 661,630 cars registered, Iowa gasoline consumption for traffic uses was approximately 208 million gallons. The fatalities numbered 261. Five years later the number of cars had increased to 788,675 or about 19 per cent, while gasoline consumption had increased to more than 382 million gallons, about 83 per cent. Fatalities had jumped to 619 or about 137 per cent. By 1935 the number of cars had decreased by about 10 per cent and gasoline consumption was down to about 302 million gallons, a decrease of about 21 per cent. The death record, however, was down only 7 per cent.

The increase in the number of cars and especially the increase in accidents and fatalities soon made Iowa officials realize that the old laws of the highway were no longer sufficient. Automobile drivers could no longer be controlled by county and municipal authorities. As early as April, 1904, the General Assembly passed a law "requiring regis-

tration of motor vehicles and regulating their use or operation upon highways or streets".⁸ Each owner of a car was required to file with the Secretary of State a statement of his name and address, with a description of the car. The filing fee was one dollar. The motor vehicle was then assigned a number which was to be displayed on a plate fixed to the back of the car. No one even thought of asking the owner or driver of the car whether he knew how to drive or not. In 1907 the fee for the registration of an automobile was raised to five dollars.⁹

In 1911 the Iowa General Assembly rewrote the law governing the operation of motor vehicles. That such means of transportation had achieved an economic status is evident from the fact that this law defined "chauffeurs". The owner was required to describe his automobile in detail. Two number plates were now required. The only limitation on the operator of an automobile was the provision that no person under fifteen years of age was permitted to operate or drive a motor vehicle unless accompanied by the owner.

Driving a car while intoxicated was made a misdemeanor and for a driver to leave the scene of a personal injury without giving his name and address and the number of his car to the injured person or to a police officer was made a felony. Conviction upon either of these charges was to be reported by the court to the Secretary of State, who, upon the recommendation of the court, was to suspend the registration of the motor vehicle which had been operated by the

⁸ *Laws of Iowa*, 1904, Ch. 53. The maximum speed in the built-up sections of cities and towns was ten miles per hour; in other places in towns, fifteen miles. An average speed of twenty miles an hour was fixed for country driving. At a signal from a person riding or driving a horse, team, or other domestic animals, the operator of an automobile was required to stop his car until the horse-drawn vehicle had passed, if the two travelers were going in opposite directions or, if going in the same direction, he was to use caution in passing the slower conveyance and give assistance if necessary.

⁹ *Laws of Iowa*, 1907, Ch. 68.

person convicted or his own car if he owned one and had been driving a car belonging to another person. If no appeal was taken or the conviction was upheld, the registration was to be revoked. A person operating any motor vehicle while his registration certificate was suspended or revoked was guilty of a misdemeanor. Upon a fourth conviction of a chauffeur or owner, the vehicle owned or used by the guilty person could not be re-registered for six months, and not thereafter except at the discretion of the Secretary of State.¹⁰

The enforcement of these provisions was left to the local officials and the regularly established courts and to the Secretary of State, and no special agency was established. The Secretary of State reported a "Clerk Auto M. Dept" at a salary of \$1200 a year, apparently under a blanket appropriation for clerical help.¹¹

As the work of keeping track of automobile registrations and delinquent drivers increased, the Secretary of State organized a Motor Vehicle Bureau within his office and in 1913 the General Assembly appropriated \$10,200 for salaries in the "Motor Vehicle Department".¹² The Secretary of State, however, listed the clerks and other employees engaged in this work under "Motor Vehicle Bureau".¹³

ATTEMPTS TO SECURE LEGISLATION ON DRIVERS' LICENSES

These earlier laws dealt with cars rather than with drivers. It was not until 1919 that the Iowa legislature gave direct attention to the licensing of drivers of automobiles. Chapter 275 of the acts of the Thirty-eighth Gen-

¹⁰ *Laws of Iowa*, 1911, Ch. 72.

¹¹ *The Iowa Official Register*, 1911-1912, p. 194; *Laws of Iowa*, 1911, p. 306.

¹² *Laws of Iowa*, 1913, p. 433, Joint Resolution No. 15. See also *Laws of Iowa*, 1917, pp. 327, 328.

¹³ *The Iowa Official Register*, 1913-1914, p. 184, 1915-1916, p. 176, 1917-1918, p. 127.

eral Assembly embodied new legislation relative to the "Licensing and Regulation of Motor Vehicles". Section 11 of that law provided that persons employed as chauffeurs should be required to secure a license. Any person might make application for such a license and set forth his qualifications on forms furnished by the Secretary of State. The applicant was required to state whether he was single or married, whether he had ever been convicted of a violation of the motor vehicle laws of the State or of intoxication during the year previous, and give his age, residence, color, and business. The license was not issued, however, until there was satisfactory evidence that the applicant was at least eighteen years of age and "a fit and proper person to receive such license".

Chapter 370 of the acts of the same session of the General Assembly provided that the word "chauffeur" should not apply "to employees engaged in operating motor trucks for persons, firms or corporations engaged in mercantile and agricultural enterprises." Hence the law with regard to licensing the operators of cars was very limited in its scope. The chauffeur's license fee at this time was \$2 annually. The law explained that where the word "department" was used, it meant the office of the Secretary of State.¹⁴

At the next session of the General Assembly, in 1921, a measure was introduced in the House of Representatives to provide for "the licensing of all motor vehicle drivers or operators". This measure was indefinitely postponed in the House and no further action was taken during that session.¹⁵ Although this law failed of passage the wording of the proposed measure indicates that regulation was coming

¹⁴ *Laws of Iowa*, 1919, Chs. 275, 370.

¹⁵ *House File*, 1921, No. 375; *Journal of the House of Representatives*, 1921, pp. 515, 516.

more and more into public consciousness. Under the proposed law parents were required to sign with minors who made application for licenses. And provision was made for the revocation of licenses in punishment of offenses against the law.

In 1923 Senator J. O. Shaff introduced in the Fortieth General Assembly a measure to provide for operators' as well as chauffeurs' licenses. Application was to be made to the motor vehicle department, through the county treasurer. Each person was to be given a distinguishing number or mark and was to receive a certificate, including among other data, a description of the licensee. No fee was required for an operator's license. Section 3 of this measure provided that anyone operating a motor vehicle while in an intoxicated condition should be guilty of a misdemeanor, and be subject to a fine of not to exceed five hundred dollars or imprisonment not exceeding one year, or both fine and imprisonment. In addition to this the operator's license should be suspended for six months, and upon conviction of a second such offense the license was to be "revoked permanently". This measure, like the one in the previous session, however, failed of passage — being rejected in the Senate by a vote of twenty-four to four, twenty-one Senators, including the author of the bill, being listed as not voting. So the law remained as it was enacted in 1919.¹⁶

During the session of the Forty-first General Assembly in 1925 no measure was introduced dealing with the subject of drivers' licenses.¹⁷

In the Forty-second General Assembly, in 1927, Senator Shaff again introduced a bill "relating to the licensing of motor vehicle operators and chauffeurs", taken almost

¹⁶ *Senate File*, 1923, No. 391; *Journal of the Senate*, 1923, p. 1053.

¹⁷ *Historical and Classified Index to Legislative Bills*, 1925, pp. 22, 23.

verbatim from the uniform Motor Vehicle Operators' and Chauffeurs' Licensing Act drafted in 1926. This measure was comprehensive in scope and would have gone far in codifying the law on this subject, if it had been enacted into law. But like the previous measure it was defeated in the Senate — the ayes being 16 and the nays 21.¹⁸

In the following session of the General Assembly (the Forty-third) Senator Shaff introduced his licensing measure a third time as Senate File 69. This act was similar to the one presented in 1927. Senator Shaff's measure also had additional support due to the fact that in his message to the legislature Governor John Hammill had specifically recommended the adoption of the "Uniform Motor Vehicle Operator's and Chauffeur's License Act". Uniformity, he said, "will promote law observance, comfort and safety."

Senate File 264, a second bill by Senator Shaff, introduced on February 19th, and House File 275, identical bills, were finally substituted for Senator Shaff's original bill. For the first time, an operator-licensing measure passed the Senate by a vote of twenty-seven to seventeen, six members being absent or not voting. The House bill, introduced by Harry C. Paulson of Clinton County, on February 20th, was referred to the Committee on Motor Vehicles and Transportation. It was placed on the House calendar from which it was never taken. Senate File 264, the companion bill, was given the first and second readings in the House, but was lost in the Sifting Committee.¹⁹

THE FIRST DRIVERS' LICENSE LAW

In 1931 Senator L. H. Doran introduced two bills relating to the operators of motor vehicles. One of these was soon

¹⁸ *Senate File*, 1927, No. 149; *Journal of the Senate*, 1927, pp. 1192-1194.

¹⁹ *Senate File*, 1929, Nos. 69, 269; *House File*, 1929, No. 275; *Journal of the Senate*, 1929, p. 43; *Journal of the House of Representatives*, 1929, pp. 421, 937, 1301.

withdrawn. The other was adopted by a vote of 37 to 6 in the Senate and 81 to 16 in the House.²⁰ The law²¹ thus enacted was comprehensive and detailed. All persons driving motor vehicles upon the highways must obtain licenses except persons driving road rollers, road machinery, farm tractors, or similar agricultural implements, and persons in the Army, Navy, or Marine Corps of the United States who had official permits and were operating official motor vehicles. A non-resident over fifteen years of age duly licensed in his home State or country was exempt from the Iowa license requirement. Residents of States and countries in which operators' and chauffeurs' licenses were not required were permitted to drive cars registered for the current year in the State or country of their residence upon Iowa highways for a period of thirty days within the year without registration. Any person, whether non-resident or not, whose driver's license had been suspended or revoked under the act was, however, prohibited from operating a motor vehicle under a license from another jurisdiction, and no new license was to be granted during the period of suspension or for one year following revocation.

No license was to be issued to a person under fifteen except that a child fourteen years of age or over might, at the request of a parent or guardian, be given a license to drive to and from school. The application of a person under eighteen must be signed by his father, if living and having the custody of the minor, or otherwise by the mother or guardian, or in case there was no parent or legal guardian, by the employer. Chauffeurs must be at least eighteen years of age.

²⁰ *Journal of the Senate*, 1931, pp. 76, 77, 197, 201, 683, 1475, 1563; *Journal of the House of Representatives*, 1931, pp. 902, 1705.

²¹ *Laws of Iowa*, 1931, Ch. 114.

No person, whether licensed or not, under the age of sixteen was permitted to drive a school bus and drivers of passenger-carrying buses must be at least twenty-one. Persons under fifteen were, however, still permitted to drive a car if accompanied by a person at least nineteen years of age. There was, apparently, no requirement that this older person must have a driver's license. Licenses were not to be issued to habitual drunkards, narcotic addicts, or persons who had been adjudged insane or an idiot, imbecile, epileptic, or feeble-minded unless such person had been restored to competency by court order or by release from an institution upon certificate from the superintendent that he was competent to carry on normal activities, but even in such cases the license could be withheld at the discretion of the Motor Vehicle Department.

Licenses were to be granted only upon examination "as to his physical and mental qualifications to operate a motor vehicle in such manner as not to jeopardize the safety of persons or property . . . but such examination shall not include investigation of any facts other than those directly pertaining to the ability of the applicant to operate a motor vehicle with safety, or other than those facts declared to be prerequisite to the issuance of a license under this act." Examinations might, however, be waived by the department in case of applications for renewals for either operators' or chauffeurs' licenses and for three months after the act took effect examinations might also be waived in case of a new applicant otherwise qualified who could furnish satisfactory evidence that he (or she) had satisfactorily operated a motor vehicle in Iowa for not less than a year.

Although these licenses came from the Motor Vehicle Department in the office of the Secretary of State, the Department was to designate local officers — county sheriffs,

chiefs of police, town marshals, or other persons — to take charge of the actual work of examination and investigation. This work was usually entrusted to county sheriffs. They were required to report their findings to the Motor Vehicle Department and might issue the licenses to residents of their counties or to non-residents. The Motor Vehicle Department was required to keep a record of all operators' and chauffeurs' licenses issued, denied, suspended, and revoked.

The license issued was to carry the number assigned to the license and contain data as to name, age, and residence, as well as a brief description of the person to whom it was issued. The licensee was to sign it. In addition to his license, a chauffeur was also to display a badge with his license number. The license was to be in the immediate possession of the licensee at all times when he was driving a car and was to be displayed upon demand.

The fee for an operator's license was twenty-five cents, for a chauffeur's license two dollars. Fifteen cents from the operator's fee and fifty cents from the chauffeur's fee was to be retained by the local office; the remainder went to the State Treasurer, "as provided for herein". Owners of motor vehicles were, however, to be granted individual operators' licenses without the payment of the fee. Operators' licenses were to be valid for two years, expiring on December thirty-first of odd-numbered years. Chauffeurs' licenses were good for only one year.

Detailed provisions were made for the suspension and revocation of such licenses on certain conditions. The maximum period of suspension was fixed at one year. Courts were required to forward to the Motor Vehicle Department a record of the conviction of any person for a violation of the laws of Iowa relative to the operation of motor vehicles, and might recommend the suspension or revocation of the

license of the person convicted. The Department, however, could use its discretion about following this recommendation except in certain specified cases.

The licenses of persons convicted of the following crimes must be revoked: manslaughter, resulting from the operation of a motor vehicle; driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug; perjury or making false affidavits under the motor vehicle act or any act regulating the use of motor vehicles; any crime punishable as a felony under the motor vehicle laws of Iowa or a felony in the commission of which a motor vehicle was used; conviction or forfeiture of bail upon three charges of reckless driving in the preceding twelve months; and conviction of a driver involved in the death or injury of another person upon a charge of failing to stop and disclose his identity at the scene of the accident.

Upon receiving a report of the conviction of a person upon a charge of operating a motor vehicle while his license was suspended or revoked, the Department was to extend the period of suspension or revocation for an additional like period. In the case of revocation this apparently meant the extension of the period before another license could be granted. Driving a car during the period for which one's license was suspended or revoked was made a misdemeanor and was to be punished accordingly.

In addition to the *must* revocations, the Department was authorized to suspend, at its discretion, the licenses of the following licensees: any person believed to have committed any of the crimes for which conviction made revocation mandatory, any person whose reckless or unlawful operation of a motor vehicle caused or contributed to accidents resulting in death or injury to any other person or serious property damage; any person believed to be mentally or physically incompetent to drive a car; or any person be-

lieved to be an habitual reckless or negligent driver. In such cases the licensee was to be notified of the suspension and afforded an opportunity for a hearing on the charge in the county of his residence. After such hearing the Department might rescind the suspension or it might add to the period of suspension or revoke the license entirely.

The Department was also authorized to suspend or revoke the right of a non-resident to operate a motor vehicle in Iowa for any cause for which the license of a resident might be suspended or revoked and a non-resident who operated a motor vehicle after such suspension or revocation was to be guilty of a misdemeanor. The Department might also suspend or revoke the license of an Iowa resident upon receiving notice of his or her conviction in another State for an offense which was a ground for such action under the Iowa law. The Department was further authorized to forward a certified copy of the record of the conviction of a non-resident to the proper authority in the State in which the person so convicted resided.

Upon suspension or revocation of either operators' or chauffeurs' licenses, the license must be surrendered and a chauffeur was required also to surrender his badge. Both badge and license were to be returned at the end of the suspension period. Following revocation, a new license was not to be issued or applied for until the expiration of one year from the date of revocation.

Any person refused a license or any person whose license was revoked for causes not made mandatory in the law was permitted to appeal within thirty days to a court of record in the county of his residence for a hearing. This hearing (in equity) was to be held "upon ten (10) days' written notice" to the Motor Vehicle Department. Following the hearing, the court was authorized to decide whether or not the applicant was entitled to a license.

Possession or display of a fictitious operator's or chauffeur's license or of such a license which had been cancelled, revoked, suspended, or altered was made unlawful as was lending a license or permitting the use of a license by another person, displaying a license not one's own, failing or refusing to surrender a license which had been revoked, suspended, or cancelled, and giving a false or fictitious name or address in applying for a license. It was also made unlawful to cause or knowingly permit an unlicensed person under eighteen years of age to drive a motor vehicle on the highway, to employ an unlicensed chauffeur, or to permit the illegal use of a motor vehicle.

AMENDMENTS TO THE DRIVERS' LICENSE LAW

At the regular session in 1933 the General Assembly picked up a few loose ends in the 1931 drivers' license law. The "department" as used in the law was specifically defined as the "motor vehicle department of the state of Iowa under the secretary of state". The fees turned over to the State Treasurer were to be placed in the maintenance fund of the Motor Vehicle Department and the Department was authorized to expend these funds to carry the provisions of the act into effect. The fees for duplicate licenses had been the same as for the original licenses, but the 1933 amendment reduced the fee for a duplicate chauffeur's license to fifty cents — fifteen of which were retained by the county issuing the duplicate and thirty-five were to be sent to the Treasurer of State to be placed in the Motor Vehicle Department's maintenance fund.²²

The General Assembly also provided that all operators' licenses expiring on December 31, 1933, and not heretofore revoked were to be extended until December 31, 1935.²³

²² *Laws of Iowa*, 1933, Ch. 77; *Code of 1931*, Sec. 5000.

²³ *Laws of Iowa*, 1933, Ch. 81.

The statutory provisions concerning the form of the licenses were general, but the Motor Vehicle Department was given broad powers to promulgate rules and regulations. It was apparently under this authority that the Department issued the licenses with two detachable stubs, in addition to the main section. These could be removed one at a time. This form was possibly devised to fit the provision in the general law that three convictions for reckless driving meant loss of the license. In 1934 the General Assembly amended the drivers' license act to provide that in case revocation of the entire license was not mandatory, a court should, upon the conviction of an operator or chauffeur for minor offenses concerning the motor vehicle code, detach one stub of the license and send it to the Motor Vehicle Department as a record of the conviction.²⁴

In 1935 the General Assembly made another addition to the drivers' license law. Examiners appointed by the Department were given the authority of peace officers for the purpose of enforcing laws relating to motor vehicles and the operation of motor vehicles. This provision indicated that the Motor Vehicle Department had taken over the examination and investigation of applicants for drivers' licenses, as authorized by the phrase "or to appoint other persons within this state to act for the department for the purpose of examining applicants for operators' and chauffeurs' licenses." The next section in this law was possibly connected with the first. It amended the section concerning the transfer of drivers' license funds to the Department by adding "to be used for the purpose of making effective the uniform operators' and chauffeurs' license law". The exemption of the owner of a car from the payment of the

²⁴ *Laws of Iowa, 1933-1934, Special Session, Ch. 55; Code of 1931, Sec. 4960-D32.*

twenty-five cent fee was also removed and drivers' licenses which were, by a law passed in 1933, to expire on December 31, 1935, were now to expire on June 30, 1935.²⁵

THE PRESENT DRIVERS' LICENSE LAW

The Forty-seventh General Assembly enacted a comprehensive motor vehicle law.²⁶ This law is the basis for the sections on drivers' licenses in the *Code of 1939*, which are presented below. In 1939 the General Assembly created a Department of Public Safety, directly responsible to the Governor, with a Commissioner of Public Safety in charge, and transferred to the new Department, among other responsibilities, the licensing of operators of motor vehicles and chauffeurs. By another law the entire Motor Vehicle Department was transferred from the office of the Secretary of State to the newly created office of Commissioner of Public Safety.²⁷

The acts passed in 1937 and 1939 seem to have covered the field of drivers' licenses rather satisfactorily for only one change was made by the Forty-ninth General Assembly in 1941. These laws, as presented in the *Code of 1939*, Secs. 5013.01 to 5015.09, are presented below in ten point type, with some explanatory comments.

5013.01 *Operators and chauffeurs licensed.* No person, except those hereinafter expressly exempted shall drive any motor vehicle upon a highway in this state unless such person has a valid license as an operator or chauffeur issued by the department of public safety. No person shall operate a motor vehicle as a chauffeur unless he holds a valid chauffeur's license.

5013.02 *Chauffeurs exempted as operators.* Any person holding a valid chauffeur's license hereunder need not procure an operator's license.

²⁵ *Laws of Iowa*, 1935, Ch. 46.

²⁶ *Laws of Iowa*, 1937, Ch. 134, Secs. 205-255.

²⁷ *Laws of Iowa*, 1939, Ch. 120, Secs. 32, 33, 41-46, and Ch. 121.

5013.03 *Persons exempt.* The following persons are exempt from license hereunder:

1. Any person while operating a motor vehicle in the service of the army, navy, or marine corps of the United States;
2. Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway;
3. A nonresident who is at least sixteen years of age and who has in his immediate possession a valid operator's license issued to him in his home state or country may operate a motor vehicle in this state only as an operator;
4. A nonresident who is at least eighteen years of age and who has in his immediate possession a valid chauffeur's license issued to him in his home state or country may operate a motor vehicle in this state either as an operator or chauffeur except any such person must be licensed as a chauffeur hereunder before accepting employment as a chauffeur from a resident of this state;
5. Any nonresident who is at least eighteen years of age, whose home state or country does not require the licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than ninety days in any calendar year, if the motor vehicle so operated is duly registered in the home state or country of such nonresident.

5013.04 *Persons not to be licensed.* The department shall not issue any license hereunder:

1. To any person, as an operator, who is under the age of sixteen years, except that the department may issue a restricted license as provided in section 5013.19 to any person who is at least fourteen years of age;
2. To any person, as a chauffeur, who is under the age of eighteen years, [except that the department may issue to any person over the age of sixteen (16) years a license to operate a light delivery truck, panel delivery truck or pickup];²⁸
3. To any person, as an operator or chauffeur whose license or driving privilege has been suspended during such suspension or to any person whose license, or driving privilege, has been revoked, until the expiration of one year after such revocation;

²⁸ The material in the brackets was added in 1941.— *Laws of Iowa*, 1941, Ch. 173.

4. To any person, as an operator or chauffeur, who is an habitual drunkard, or is addicted to the use of narcotic drugs;

5. To any person, as an operator or chauffeur, who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law;

6. To any person, as an operator or chauffeur, who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;

7. To any person when the commissioner has good cause to believe that such person by reason of physical or mental disability would not be able to operate a motor vehicle with safety upon the highways.

5013.05 *Special restrictions on chauffeurs.* No person who is under the age of twenty-one years shall drive any motor vehicle while in use as a carrier of flammables or combustibles, or as a public or common carrier of persons, except a school bus.²⁹

5013.06 *Instruction permits.* Any person who, except for his lack of instructions in operating a motor vehicle, would otherwise be qualified to obtain an operator's license under this chapter, may apply for a temporary instruction permit, and the department shall issue such permit, entitling the applicant, while having such permit in his immediate possession, to drive a motor vehicle upon the highways for a period of sixty days, but, except when operating a motorcycle, such person must be accompanied by a licensed operator or chauffeur who is actually occupying a seat beside the driver.

In 1940 the Department of Public Safety construed the law as it appears in Sections 5013.06 and 5013.12 of the Code as including persons applying for limited operators' licenses. Previous to this interpretation, a driver's permit for a school child, for example, was issued without a preliminary instruction period or examination.³⁰

5013.07 *Temporary permit.* The department may, in its discretion, issue a temporary driver's permit to an applicant for an

²⁹ Persons sixteen years of age or over may drive school buses but must have special chauffeurs' licenses.— *Code of 1939*, Sec. 5032.04.

³⁰ Information from Karl W. Fischer, Commissioner of Public Safety, December 13, 1941.

operator's license permitting him to operate a motor vehicle while the department is completing its investigation and determination of all facts relative to such applicant's right to receive an operator's license. Such permit must be in his immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused.

When new licenses were issued in the summer of 1941 Section 5013.07 was used as the basis for issuing interim licenses to extend the driving privilege of persons applying for renewal of licenses, pending receipt of the new licenses.

5013.08 *Application for license or permit.* Every application for an instruction permit or for an operator's or chauffeur's license shall be made upon a form furnished by the department and shall be verified by the applicant before a person authorized to administer oaths, and officers and employees of the department are hereby authorized to administer such oaths without charge.

5013.09 *Contents of application.* Every said application shall state the full name, age, sex, and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as an operator or chauffeur, and, if so, when, and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation, or refusal.

5013.10 *Applications of minors.* The application of any person under the age of eighteen years for an instruction permit or operator's license shall be signed and verified before a person authorized to administer oaths by both the father and mother of the applicant, if both are living and have custody of him, or in the event neither parent is living then by the person or guardian having such custody or by an employer of such minor.

5013.11 *Death of person signing application — effect.* The department upon receipt of satisfactory evidence of the death of the persons who signed the application of a minor for a license shall cancel such license and shall not issue a new license until such time as a new application, duly signed and verified, is made as required

by this chapter. This provision shall not apply in the event the minor has attained the age of eighteen years.

5013.12 *Examination of new or incompetent operators.* The department may examine every new applicant for an operator's or chauffeur's license³¹ or any person holding a valid operator's or chauffeur's license when the department has reason to believe that such person may be physically or mentally incompetent to operate a motor vehicle. Such examinations shall be held in every county within periods not to exceed fifteen days. It shall include a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning, and directing traffic, his knowledge of the traffic laws of this state, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle and such further physical and mental examinations as the department finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways.

5013.13 *Appointment of examiners.* The department is hereby authorized to appoint persons from the highway patrol or may designate the county sheriff³² for the purpose of examining applicants for operators' and chauffeurs' licenses. It shall be the duty of any such person so appointed to conduct examinations of applicants for operators' and chauffeurs' licenses under the provisions of this chapter to make a written report of findings and recommendations upon such examination to the department. Examiners appointed by the department shall have the authority of peace officers for the purpose of enforcing the laws relating to motor vehicles and the operation thereof, and when on duty shall wear a uniform and proper identifying badge or badges as prescribed by the commissioner which shall be purchased by the department and paid for from the department maintenance fund.

5013.14 *Licenses issued.* The department shall upon payment of the required fee, issue to every applicant qualifying therefor an operator's or chauffeur's license as applied for, which license shall bear thereon a distinguishing number assigned to the licensee the full name, age, residence address and a brief description of the

³¹ For administrative interpretation of this provision, see the comment following Sec. 5013.06.

³² Although this section authorizes the designation of county sheriffs as examiners, this work is now done entirely by the Highway Patrol.

licensee, and spaces upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

The department shall issue with every chauffeur's license a chauffeur's badge of metal with a plainly readable distinguishing number assigned to the licensee stamped thereon and every chauffeur shall display such chauffeur's badge in plain sight upon the band of his cap or upon the lapel of his outer coat while operating a motor vehicle as a public or common carrier of persons or property.

Due to scarcity of metals needed in defense industries, the Department in 1941 was directed by the Executive Council to discontinue the issuing of chauffeurs' badges for the year 1942. A statement that badges were not issued was printed on the chauffeur's license for 1942, so that the chauffeur may not be held for failure to produce a badge in case a local officer is unaware of the change. This change was made only after the Department had ascertained from the chauffeurs themselves that such badges were frequently lost. In 1941 chauffeurs paid some \$1,500 for duplicate badges. Lost badges if found by irresponsible or criminally inclined persons were a possible aid in accomplishing a crime. Law enforcement officers, on their part, relied on the license rather than the badge to check the chauffeur's registration.³³

5013.15 *Carried and exhibited.* Every licensee shall have his operator's or chauffeur's license in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a justice of peace, a peace officer, or a field deputy or examiner of the department. However, no person charged with violating this section shall be convicted if he produces in court, within a reasonable time, an operator's or chauffeur's license theretofore issued to him and valid at the time of his arrest.

5013.16 *Fee.* The fee for an operator's license shall be fifty cents. The fee for a chauffeur's license shall be two dollars.

³³ Information from Karl W. Fischer, December 13, 1941.

5013.17 *Disposal of fees.* Such license fees shall be forwarded by the department to the treasurer of state who shall place same in the general fund of the state, provided that for each operator's license issued by a county sheriff for which a license fee is paid, the sheriff issuing the same shall be entitled to retain the sum of fifteen cents and for each chauffeur's license, the sum of fifty cents, which shall be credited to the county general fund.

The law of 1937 (Ch. 134, Sec. 223) provided that such license funds were to be placed by the State Treasurer in the maintenance fund of the Motor Vehicle Department to be used for the administration and enforcement of the drivers' license law. In 1939 (Ch. 120, Sec. 43) this allocation of funds was dropped. Since the General Assembly made no provision that county sheriffs should issue such licenses, the allocation of funds to the county general fund is inoperative. It was, apparently, merely carried over from the earlier law.

5013.18 *Restricted licenses.* The department upon issuing an operator's or chauffeur's license shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of vehicle or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee, including licenses issued under section 5013.19, as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

The department may either issue a special restricted license or may set forth such restrictions upon the usual license form.

The department may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee shall be entitled to a hearing as upon a suspension or revocation under this chapter.

It is a misdemeanor, punishable as provided in section 5036.01, for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

5013.19 *Minors.* Upon a written request of a parent or guardian, a restricted license may be issued to any person between the

ages of fourteen and sixteen years, to be valid only in going to and from school.

5013.20 *Duplicate certificates and badges.*³⁴ In the event that an instruction permit or operator's or chauffeur's license or chauffeur's badge issued under the provisions of this chapter is lost or destroyed, the person to whom the same was issued may upon payment of a fee of fifty cents for a chauffeur's license or badge or twenty-five cents for an operator's license, obtain a duplicate, or substitute thereof, upon furnishing proof satisfactory to the department that such permit, license, or badge has been lost or destroyed.

5013.21 *Expiration of operator's license.* Every operator's license shall expire on July 5 of each odd-numbered calendar year and shall be renewed upon its expiration upon application, and examination, and payment of the license fee specified herein, provided that persons holding licenses previously issued and upon which no notation appears of a traffic violation, against whom no accident has been reported, or from which no stub has been detached for any reason shall be issued an operator's license without examination.

5013.22 *Expiration of chauffeur's license.* Every chauffeur's license issued hereunder shall expire December 31 each year and shall be renewed annually upon application and examination, and payment of the fees required by law, provided that the department in its discretion may waive the examination of any such applicant previously licensed as a chauffeur under this chapter.

5013.23 *Records.* The department shall file every application for a license received by it and shall maintain suitable indexes containing, in alphabetical order:

1. All applications denied and on each thereof note the reasons for such denial;
2. All applications granted; and
3. The name of every licensee whose license has been suspended or revoked by the department and after each such name note the reasons for such action.

5013.24 *Conviction and accident file.* The department shall also file all accident reports and abstracts of court records of convictions received by it under the laws of this state and in connection therewith maintain convenient records or make suitable nota-

³⁴ See the comment following Section 5013.14.

tions in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which he has been involved shall be readily ascertainable and available for the consideration of the department upon any application for renewal of license and at other suitable times.

CANCELLATION, SUSPENSION OR REVOCATION OF LICENSES

5014.01 *Authority to cancel license.* The department is hereby authorized to cancel any operator's or chauffeur's license upon determining that the licensee was not entitled to the issuance thereof hereunder or that said licensee failed to give the required or correct information in his application or committed any fraud in making such application.

5014.02 *Surrender of license and badge.* Upon such cancellation, the licensee must surrender the license so canceled and any chauffeur's badge to the department.

5014.03 *Suspending privileges of nonresidents.* The privilege of driving a motor vehicle on the highways of this state given to a nonresident hereunder shall be subject to suspension or revocation by the department in like manner and for like cause as an operator's or chauffeur's license issued hereunder may be suspended or revoked.

5014.04 *Certification of conviction.* The department is further authorized, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

5014.05 *Conviction in another state.* The department is authorized to suspend or revoke the license of any resident of this state upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this state, would be grounds for the suspension or revocation of the license of an operator or chauffeur.

5014.06 *Surrender of license — duty of court.* Whenever any person is convicted of any offense for which this chapter makes mandatory the revocation of the operator's or chauffeur's license of such person by the department, the court in which such conviction is had shall require the surrender to it of all operator's and

chauffeur's licenses then held by the person so convicted and the court shall thereupon forward the same together with a record of such conviction to the department.

5014.07 *Record forwarded.* Every court having jurisdiction over offenses committed under this chapter, or any other law of this state regulating the operation of motor vehicles on highways, shall forward to the department a record of the conviction of any person in said court for a violation of any said laws, and may recommend the suspension of the operator's or chauffeur's license of the person so convicted, and the department shall thereupon consider and act upon such recommendation in such manner as may seem to it best. Upon conviction in all cases where recommendation of suspension or revocation is not made or is not mandatory, every court shall detach one stub of the license of such operator or chauffeur and forward same to the department.

5014.08 "*Conviction*" defined. For the purpose of this chapter the term "conviction" shall mean a final conviction. Also for the purposes of this chapter a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.

The Department revokes licenses only when mandatory provisions of the Code require it. In the suspension of licenses the Department makes a distinction between punitive and safety cases. Licenses are suspended as punitive measures only when this is recommended by a court. In other cases suspension is used as a safeguard against possible accidents.³⁵ Since the drivers' licenses for 1941-1943 have no stubs attached, the provision in Section 5014.07 concerning the detaching of stubs is inoperative. These stubs were in the first place added only as an administrative detail and are not required by law.

5014.09 *Mandatory revocation.* The department shall forthwith revoke the license of any operator or chauffeur, or driving privilege, upon receiving a record of such operator's or chauffeur's conviction of any of the following offenses, when such conviction has become final:

³⁵ Information from Karl W. Fischer, December 13, 1941.

1. Manslaughter resulting from the operation of a motor vehicle;
2. Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug;
3. Any felony in the commission of which a motor vehicle is used;
4. Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;
5. Perjury or the making of a false affidavit or statement under oath to the department under this chapter or under any other law relating to the ownership or operation of motor vehicles;
6. Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of twelve months.

5014.10 *Authority to suspend.* The department is hereby authorized to suspend the license of an operator or chauffeur without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

1. Has committed an offense for which mandatory revocation of license is required upon conviction;
2. Is an habitually reckless or negligent driver of a motor vehicle;
3. Is an habitual violator of the traffic laws;
4. Is incompetent to drive a motor vehicle;
5. Has permitted an unlawful or fraudulent use of such license; or
6. Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation.

The Department of Public Safety now delegates to each officer in the Department authority to enter an order for the suspension of a license in the field for the first, fourth, and fifth reasons. In other cases action must be from the office at Des Moines. In all cases hearings are provided.³⁶

5014.11 *Notice and hearing.* Upon suspending the license of any person as hereinbefore authorized the department shall immediately notify the licensee in writing and upon his request shall

³⁶ Information from Karl W. Fischer, December 13, 1941.

afford him an opportunity for a hearing before the commissioner or his duly authorized agent as early as practical within not to exceed twenty days after receipt of such request in the county wherein the licensee resides unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the commissioner or his duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a re-examination of the licensee. Upon such hearing the department shall either rescind its order of suspension or, good cause appearing therefor, may extend the suspension of such license or revoke such license.

5014.12 *Period of suspension or revocation.* The department shall not suspend a license for a period of more than one year and upon revoking a license shall not in any event grant application for a new license until the expiration of one year after such revocation.

In February, 1939, the Iowa Attorney General ruled that the pardoning power of the Governor does not extend to cases of suspension or revocation of drivers' licenses, but this opinion was not supported by the Supreme Court.³⁷

5014.13 *Surrender of license and badge.* The department upon suspending or revoking a license shall require that such license and the badge of any chauffeur whose license is suspended or revoked shall be surrendered to and be retained by the department except that at the end of the period of suspension such license and any chauffeur's badge so surrendered shall be returned to the licensee.

5014.14 *No operation under foreign license.* Any resident or nonresident whose operator's or chauffeur's license or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this chapter shall not operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other state or country or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this chapter.

³⁷ *Biennial Report of the Attorney General, 1938-1940*, pp. 78, 79; *Slager v. Olson*, September 16, 1941.

5014.15 *Appeal.* Any person denied a license or whose license has been canceled, suspended, or revoked by the department except where such cancellation or revocation is mandatory under the provisions of this chapter shall have the right to file a petition within thirty days thereafter for a hearing in the matter in a court of record in the county wherein such person shall reside and such court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon thirty days written notice to the commissioner, and thereupon the court shall hear and determine the matter as an original proceeding upon a transcript of all the proceedings before the commissioner, and upon additional evidence and other pleadings as the court may require. The decision of the court shall be final.

VIOLATION OF LICENSE PROVISIONS

5015.01 *Unlawful use of license.* It is a misdemeanor, punishable as provided in section 5036.01 unless another punishment is otherwise provided, for any person:

1. To display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious or fraudulently altered operator's or chauffeur's license;
2. To lend his operator's or chauffeur's license to any other person or knowingly permit the use thereof by another;
3. To display or represent as one's own any operator's or chauffeur's license not issued to him;
4. To fail or refuse to surrender to the department upon its lawful demand any operator's or chauffeur's license which has been suspended, revoked, or canceled;
5. To use a false or fictitious name in any application for an operator's or chauffeur's license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;
6. To permit any unlawful use of an operator's or chauffeur's license issued to him.

5015.02 *Perjury.* Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of this chapter to be sworn to or affirmed, is guilty of perjury and upon conviction shall be punishable by fine or imprisonment as other persons committing perjury are punishable.

5015.03 *Driving while license denied, suspended, or revoked.*

Any person whose operator's or chauffeur's license, or driving privilege, has been denied, canceled, suspended or revoked as provided in this chapter, and who drives any motor vehicle upon the highways of this state while such license or privilege is denied, canceled, suspended, or revoked, is guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than two days or more than thirty days. The sentence imposed under this section shall not be suspended by the court, notwithstanding the provisions of section 3800 or any other provision of statute.

5015.04 *Permitting unauthorized minor to drive.* No person shall cause or knowingly permit his child or ward under the age of eighteen years to drive a motor vehicle upon any highway when such minor is not authorized hereunder or in violation of any of the provisions of this chapter.

5015.05 *Permitting unauthorized person to drive.* No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized hereunder or in violation of any of the provisions of this chapter.

5015.06 *Employing unlicensed chauffeur.* No person shall employ as a chauffeur of a motor vehicle any person not then licensed as provided in this chapter.

5015.07 *Renting motor vehicle to another.* No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed hereunder or, in the case of a nonresident, then duly licensed under the laws of the state or country of his residence except a nonresident whose home state or country does not require that an operator be licensed.

5015.08 *License inspected.* No person shall rent a motor vehicle to another until he has inspected the operator's or chauffeur's license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his presence.

5015.09 *Record kept.* Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of said latter person and the date and place when and where said license was issued. Such record shall be open to inspection by any police officer or officer or employee of the department.

ADMINISTRATION OF THE DRIVERS' LICENSE LAWS

The act passed in 1931 provided for the licensing of motor vehicle operators and chauffeurs by the State, but it was apparently anticipated that most of the actual work would be performed by the local officers and that the work in the office of the Secretary of State would be largely clerical and no special division or bureau was established by the legislature to handle the work.

When this act went into effect on January 1, 1932, there was already a Motor Vehicle Department in the office of the Secretary of State, and this Department had a staff of inspectors whose duty it was to enforce the laws concerning the loads carried by trucks and other laws concerning the operation of motor vehicles on the highways. It was these inspectors whom Mrs. Miller put in uniform in 1933. With the addition of the new responsibility of drivers' licenses, the Secretary of State enlarged the Motor Vehicle Department to include this work, and in 1935 a Drivers' License Division was organized.

When the Iowa Highway Safety Patrol³⁸ was created in 1935, it too was assigned to the office of the Secretary of State and included in the Motor Vehicle Department. The same session of the General Assembly provided that examiners appointed by the Motor Vehicle Department should have the authority of peace officers. It was not until 1937, however, that the three lines of work — motor vehicle registration, drivers' licenses, and the Highway Patrol — were integrated to avoid conflict and duplication. Under this consolidation the Highway Patrol took over the drivers' license examiners. Service as an examiner, as well as in the Patrol, was counted in fixing salaries. Under this law the Department was also authorized to appoint persons

³⁸ For an account of the Iowa Highway Patrol see Walter E. Kaloupek's *The History and Administration of the Iowa Highway Safety Patrol* in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. XXXVI, pp. 339-386.

from the Highway Patrol for the purpose of giving examinations for operators' and chauffeurs' licenses. While employed in this work the patrolmen wore their regular uniforms and lost none of their authority as peace officers.³⁹

When the Department conducted its second winter camp at Fort Des Moines in February, 1937, the program included suggestions for the drivers' license examiners as well as other patrolmen. The program included lectures on such subjects as public relations, procedure in court, the drivers' license law, examinations and reports, and hearings involving licenses. One of the lecturers was Ed Murray, then chief examiner of the Drivers' License Division.

From the beginning persons appointed as drivers' license examiners have been high-class individuals. Most of them have had at least some college training. Many are college graduates. Courtesy and the importance of safety have always been emphasized.

Under the law of 1939 which transferred the drivers' license work from the office of the Secretary of State to the newly created Department of Public Safety, the Commissioner of Public Safety was given the responsibility of enforcing the laws covering the operation of motor vehicles and became the head of the Highway Patrol, the Drivers' License Division, and the Motor Vehicle Registration Division. The Department was also given charge of the Bureau of Criminal Investigation and Identification, the work of the Fire Marshal, the police radio communication system, and the Motor Vehicle Accident Statistics Division. It also took over some of the work formerly carried on by the Iowa Safety Council, a private organization which had been carrying on educational activities in Iowa.⁴⁰ This

³⁹ *Laws of Iowa*, 1937, Ch. 134, Secs. 41, 219.

⁴⁰ Information from Karl W. Fischer, December 13, 1941. See also *Code of 1939*, Sec. 1225.21.

work was put in charge of a Division of Safety Education. Thus almost complete control of all activities involving motor vehicles and their drivers was given to the Commissioner of Public Safety. This integration has eliminated duplication of records and collects all information in one department.

The concentration of authority makes the office of Commissioner of Public Safety very important. Under the law of 1939 he is appointed by the Governor with the approval of two-thirds of the Senate for a term of four years. He must be a man of "high moral character", "of good standing" in his home community, and of recognized executive capacity. He must also have been a resident of Iowa for five years prior to his appointment.⁴¹ The first appointee to this important office was Karl W. Fischer who is still serving.

The Iowa law has continued to safeguard patrolmen (including those who give examinations for drivers' licenses) by prohibiting the dismissal of any member of the Patrol who had served six months except for good cause.

For the purpose of administration of the drivers' license law, the State was divided into districts, with a drivers' license examiner assigned to each district. There are now fifteen districts, the size being determined by the population. The smallest district in area is Polk County. Each examiner will, it is planned, be able to cover the entire area within six days. As members of the Iowa Highway Safety Patrol, these examiners are effectively insulated from politics.⁴²

In the beginning the examination for the ordinary oper-

⁴¹ *Code of 1939*, Sec. 1225.07.

⁴² Politics, said Mr. Lew E. Wallace, head of the Department of Motor Vehicles, "had no place in the Highway Safety Patrol".—*The Des Moines Register*, May 5, 1935. Mr. Karl W. Fischer is equally emphatic on the point of "no politics".

ator's license was very superficial if it was given at all. The county sheriff was usually busy and the examination consisted of any questions he happened to think of at the moment. Often no questions were asked or answered. At most the number did not usually exceed twelve.⁴³ The following were typical: (1) Have you ever been involved in an accident?; (2) What is the make of your car?; (3) How many years have you driven a car?; and (4) Have you ever been arrested on a charge of intoxication?

The laws of the Forty-seventh General Assembly, however, made the specific requirement that such examinations should include tests of the applicant's ability to read, his vision, his ability to understand highway signs, and his knowledge of traffic laws. Under recent laws and administrative procedure the examination of would-be drivers has become more than a perfunctory form. Drivers in the early days learned the motor vehicle laws piecemeal as their driving experience increased. Sometimes they remained ignorant of the most important traffic rules. It is now required that even beginners who are just learning to drive be familiar with the rules of traffic.

It was urged by members of the Department of Motor Vehicles in 1937 that all drivers should be examined before receiving licenses, but to have insisted upon the examination of drivers of long experience might have aroused a great deal of opposition and hostility to the general idea of requiring drivers' licenses and the whole system might have been endangered. Sometime in the future, no doubt, all drivers will have been examined, through continued testing of the new drivers if not by additional legislative requirements.

Those who must, under the present law, submit to a test

⁴³ *Report on a Survey of Administration in Iowa* (prepared by the Brookings Institution in 1933), p. 35; conference with Mr. Horace Tate, Deputy Commissioner of the Department of Motor Vehicles, August, 1937, Des Moines.

of their qualifications and abilities to drive can be grouped into the following classifications. The most important group is made up of new drivers, including those requesting school permits. An applicant wishing to receive instructions is given an instructor's permit good for sixty days to learn to handle his car. While driving under this permit he must be accompanied by a licensed driver or chauffeur.⁴⁴ Another group is made up of those whose licenses have been suspended because of some violation of the law or for some other reason. Their permits to operate an automobile or a truck may be restored only after an examination. Closely related to the group just described are those whose licenses have been revoked. Persons who have had licenses but have failed to renew them at the proper time must also take the examinations.

A person in any of these groups must present himself to the testing official, make an application, and pay a fee as he did in the first place. Each applicant is asked whether or not his license has ever been suspended or revoked. If the reply is "yes", additional questions are asked as to when, where, and why it happened. If the applicant answers "no" falsely, his record in the Department files will reveal this, when the card is taken out for the addition of new data, and the applicant may be punished under Sections 5014.09 (5) and 5015.02 of the Code.⁴⁵

A non-resident of Iowa, sixteen years of age or over, with a valid operator's license from another State, may operate a motor vehicle in Iowa. A non-resident who is eighteen years of age or over who comes from a State which does not require a driver's license may also drive a vehicle registered in his home State for a period of ninety

⁴⁴ *Laws of Iowa*, 1937, Ch. 134, Sec. 210.

⁴⁵ *Laws of Iowa*, 1937, Ch. 134, Sec. 243; information from Karl W. Fischer, December 13, 1941.

days. After that time he must secure an Iowa license. A chauffeur from another State employed in Iowa by a resident of Iowa must be examined for a license even though he may hold a valid license from his home State.⁴⁶

When the driver appears for an examination, the first thing that the examiner does is to look over the vehicle in which the operator is to demonstrate his driving ability. Inspection of the lights, both front and rear, and the rear-view mirror is the first step. In the case of a truck the process includes inspection checks on the safety equipment and the width of the vehicle. If there are any defects the testing officer recommends that corrections be made before any other phases of the test are begun. The Department holds that the automobile or truck must be in proper condition before the efficiency of the operator can be properly tested. From personal observations on the part of the writer it can be said that in practically all cases the examiner was thorough and impartial in his inspection.

A person's ability to drive is demonstrated on a course laid out by the Department. The situations which the Department of Public Safety and the Drivers' License Division consider necessary in determining driving ability include the following:

- (1) Ability of the driver to start his car with ease as well as his ability to move his car out of a parking space.
- (2) Ability of the driver to use his service or foot brake. This takes place upon a signal of the examiner when the vehicle has reached a speed of twenty miles per hour.
- (3) Response to traffic signals along the testing course. In this situation the use of hand signals is also noted.
- (4) Stopping on a hill (if one is in the course of the driving test) and applying the emergency or hand brake.
- (5) Starting from a dead stop on a hill without killing the motor.

⁴⁶ *Laws of Iowa*, 1937, Ch. 134, Sec. 207.

There have been a number of criticisms concerning the driving test. One has been that the presence of the examiner in the car has an effect upon the driver that otherwise he would be free from. For example, one operator taking the driving examination thought the officer was trying to trip him up in his reactions. The driver did the opposite of every direction he was given. In no other part of the examination is the personality of the examiner so likely to influence the applicant. A second criticism arises out of the contention that even a poor driver can handle a car safely most of the time and his bad driving may not become apparent in a short road test.⁴⁷

Another criticism is that it is impossible to give the same kind of a road test to all applicants under the same conditions since terrain and population vary. But in defense of the method of testing driving ability, one can say that it is as efficient as it can be.

The use of mechanical equipment for testing the driver's ability to operate a motor vehicle would eliminate those human factors that may have some effect upon the outcome of the test. Professor A. H. Lauer, Iowa State College, Ames, Iowa, has developed a device that places the applicant in a driver's seat (with wheel, gear, clutch, and brake). Before him there moves a belt that has all the appearance of a highway, upon which various situations are portrayed. As this moving belt brings these situations to the would-be driver his reactions are recorded by the tester as the subject adjusts himself to the circumstances on the pseudo-highway.⁴⁸ The Department of Public Safety has purchased

⁴⁷ *House Executive Documents*, No. 368, 75th Congress, 1st Session, pp. 33, 34.

⁴⁸ Similar devices have been created by Dr. Harry De Silva, Harvard Bureau of Traffic Research. As early as 1913 Professor Hugo Munstemberg of Harvard University devised testing skills for measuring ability to drive an electric car. — *House Executive Documents*, No. 368, 75th Congress, 1st Session, p. 34.

experimental equipment costing about \$5,000 which is being used in testing persons who volunteer to take the test. It is hoped that these tests will indicate certain norms or average reactions which may be used later in testing drivers whose ability to drive is questioned or those who have had accidents.⁴⁹

The important feature in machines for measuring driving ability is mainly in the fact that all people get the same kind of test without the influences of human personality perhaps affecting the score. These devices are not new but the most logical reason for not using them is the large and important one of cost. From the standpoint of efficiency in the testing itself such a device would be of great value.

The first test of the motor vehicle laws used by the State examiners was oral. This was none too satisfactory and just a year later, in 1936, a written examination of the road rules was substituted. The principal reason for the change to the written test was a need for speeding up the examination procedure. Furthermore the test which required written answers tended to eliminate the personal factor. As in the driving test just referred to it is highly probable that in oral examinations the personality of the examiner had its influence upon the person being tested.

The 1937 drivers' license general examination questions were quite formidable. The thirty-three items in this test covered all four sides of a single fold of paper 8½ x 11 inches. Some of the questions were long and intricate and many of them were confusing. For example the first question of the 1937 examination was:

“Does the Iowa law require the licensee to have in his immediate possession his instruction permit, school permit, or chauffeur's license when operating a motor vehicle?” The applicant was to answer “yes” or “no”. The problem

⁴⁹ Information from Karl W. Fischer, December 13, 1941.

is so worded that some applicants might be led to give the wrong answer because of the poor statement of the question.

The later examinations, however, show some improvement over the one just discussed. Instead of the multitude of questions, the number in the most recent test studied is only seventeen. The wording is simple. There are no "yes" or "no" questions. The questions are printed on two sides of a single sheet of paper 6½ x 11 inches in dimension and are based primarily upon an *Iowa Driver's Guide* which summarizes the Motor Vehicle Code. These new questions are so simplified that it would appear that little or no confusion should arise in the applicant's mind as he takes the examination. A typical question is:

What is the hand signal for?

Right Turn

Left Turn

Stop or Slow

There is another feature to the examination form that would seem to increase the efficiency of the newer tests. The examinations are not uniform. The questions are jumbled in their order so that two people being examined at the same center need not get the same set of questions.

All applicants except illiterates take the written test. Illiterates, however, must be able to recognize road and stop signs. In addition to the driver's license examination which all applicants take, chauffeurs and drivers of school buses⁵⁰ take an examination adapted to their particular type of driving. The laws are so much more complicated

⁵⁰ Persons who drive school buses must have chauffeurs' licenses usually granted only to persons eighteen years of age or over. A driver of a school bus must also obtain written permission from both the president and the secretary of the board of the school district he serves. Limited chauffeurs' licenses may be granted to school bus drivers who are sixteen years of age or over.—*Laws of Iowa, 1937, Ch. 134, Sec. 402; Code of 1939, Sec. 5032.04.*

for truck drivers than for ordinary automobile drivers that this type of procedure is logical. Not all operators of passenger cars could drive and manipulate the large commercial vehicles plying the highways in this modern day.

Still another step is necessary before a driver's fitness is finally determined. The operator's vision must be tested. This the examiner does by means of a Projecto Chart. This instrument flashes small figures of various colored numbers and letters upon a screen. The applicant must be able to recognize these. The chief value of a machine of this type rests in the fact that it measures the sharpness of a person's vision and also reveals color-blindness. The Department, however, usually disregards color-blindness in issuing drivers' licenses, since it is possible for a person who is color blind to distinguish between red and green signals although he does not see the correct colors. Surprising as it may seem there were no motor vehicle accidents in Iowa for the years 1933, 1934, 1935, and the first half of 1937 which were due to color-blindness.⁵¹

To qualify for a license, the would-be driver must show at least normal sight, according to a standard vision chart. If glasses are needed to bring a person's sight within the accepted range, this fact must be indicated upon the application by the examiner. The licensee needing glasses is told that he must wear glasses while driving.

Deafness is not regarded by the Department of Public Safety as being necessarily detrimental to driving so long as the driver has adequate equipment upon his car to compensate for his deficiency in hearing. The Drivers' License Division takes the attitude that if mirrors are located so that the deaf driver has complete coverage of the view to the rear of his car, he can be a competent driver.

⁵¹ Accident analyses for 1933, 1934, 1935, 1936, January to July, 1934, prepared by the Iowa Safety Council.

Nothing in the examination is designed as yet to measure accurately the physical and mental fitness of an individual. The prospective operator is asked to answer certain questions concerning his use or non-use of drugs and liquor, and his mental health.

REVOCATION AND SUSPENSION OF THE DRIVER'S LICENSE

Possession of a license does not, in itself, guarantee safe driving and the State, when it grants a privilege, can take it away.⁵² The examination does not eliminate the negligent or indifferent driver, nor is there anything in the examining procedure that can detect the criminal who uses the automobile in the execution of his crimes. It is here that difficulties arise. The driving public as a whole is not composed of criminals and should not be treated as such. But it taxes the ingenuity of lawmakers to devise means of enforcement and penalties which will reach the relatively small group of drivers who are not criminally minded, but who violate the law through negligence or a stubborn belief that they should decide when to obey a traffic law.

Shortly after the enactment of the drivers' license law in Iowa, the Brookings Institution issued its study of State administration in Iowa. Its comment was "*The law relative to the licensing of operators and chauffeurs . . . should eventually be strengthened and clarified with reference to licensing, reporting of accidents, and suspension and revocation of drivers' licenses.*" Suspensions and revocations, said the report, "do not appear to be as frequent in Iowa as statistics indicate they should be; and in this respect more effective enforcement seems to be needed."⁵³

The most effective weapon that the Department of Public

⁵² Babbitt's *Law Applied to Automobiles*, p. 220, Sec. 324.

⁵³ *Report on a Survey of Administration in Iowa* (prepared by the Brookings Institution in 1933), pp. 105, 106.

Safety has at hand in enforcing rules for safe driving is the authority to withdraw a license. Authorities hold that the license is not property; therefore, its withdrawal does not violate the Constitution.⁵⁴ The Rhode Island Supreme Court, in supporting the point of view that the license is not property, has held that neither suspension or revocation violates constitutional rights.

Revocation is much the sterner of the two policies of withdrawal, with several characteristics that distinguish it from suspension. In the first place, revocation is mandatory in certain instances such as conviction in cases involving manslaughter resulting from the operation of a motor vehicle, driving while intoxicated, conviction of any felony in which a motor vehicle is used, failure to give aid in case of an accident involving death or personal injuries, conviction of perjury involving statements made to the Department, and conviction of reckless driving three times within a period of twelve months. Neither the court nor the Department of Public Safety has any discretion concerning revocation of a license whenever a conviction for any of the above situations is involved. Revocation is mandatory. In no event may the Department reinstate or issue a new license to one whose license has been revoked within one year from the date of revocation.⁵⁵

The Department is also authorized to suspend or revoke the license "of any resident of this state upon receiving notice of the conviction of such a person in another state for an offense therein which, if committed in this state, would be grounds for the suspension or revocation of the license of an operator or chauffeur."⁵⁶

⁵⁴ Babbitt's *Law Applied to Automobiles* (Third Edition), Sec. 233.

⁵⁵ *Laws of Iowa*, 1937, Ch. 134, Sec. 240; *Code of 1939*, Sec. 5014.09. For the ruling concerning the authority of the Governor to set aside a revocation of a license, see p. 32.

⁵⁶ *Laws of Iowa*, 1937, Ch. 134, Sec. 236; *Code of 1939*, Sec. 5014.05.

The Department of Public Safety is authorized to send a record of the conviction of a non-resident driver to the State of his residence for any violations he might have committed in Iowa. The Department may also revoke or suspend the driving privilege of a non-resident.⁵⁷

Suspension of the license is another penalty which may be used in certain cases when recommended by the court.⁵⁸ In fact, all those items for which revocation is mandatory upon conviction are subject to suspension while the case is pending. Dismissal of charges against the accused, however, does not automatically release the license from suspension.

In addition to the reasons for suspension given above, a driver's license may be suspended for habitual reckless or negligent driving, for habitual violation of the traffic laws, for permitting the fraudulent use of the driver's license, and for any offense committed outside the State which would be grounds for revocation in Iowa.

The Department has developed additional technique to reduce lawless driving. Interested citizens, as observers sponsored by various organizations interested in safety work, report the license number of the vehicle and the offense. The sender of the report must give his consent to appear in court if required. This was required in order to avoid the reports of the spiteful person or "grouch". For the first offense, an appropriate letter of warning is sent; for the second or perhaps third offense the offender may find himself summoned for a driver's license examination.⁵⁹

Accidents are a very important concern of the Department of Public Safety, and the operators of both automo-

⁵⁷ *Laws of Iowa*, 1937, Ch. 134, Sec. 234; *Code of 1939*, Sec. 5014.04.

⁵⁸ *Code of 1939*, Sec. 5014.07.

⁵⁹ Information from the Motor Vehicle Department, 1938, and Karl W. Fischer, December 13, 1941.

biles involved in a serious accident may be summoned for a driver's license examination.

Arising out of accidents are sometimes regrettable situations such as failure to stop at the scene of an accident. The license of a hit-and-run driver, if he is apprehended, shall be revoked. Failure to report an accident is sufficient grounds to justify suspension of a license.

Suspension of license may also be invoked when a person fails to satisfy a judgment involving damage done, injuries, or death arising out of use or ownership of a motor vehicle, within sixty days after its award. Suspension remains until the judgment is satisfied to the extent of \$5,000 in a case involving one person, \$10,000 if two or more persons are injured, or \$1,000 for property damage.⁶⁰

At a hearing for reinstatement of a license before the Department all the data concerning a suspended driver is presented. For instance, in an accident hearing the Department presents the driver's statement and its records, and witnesses are produced to enable the person hearing the appeal to come to a final decision in a case. Evidence which is submitted is given with the idea of allowing the operator the greatest possible benefit. At the hearing, the burden of proof, however, rests upon the individual to show why his license should be reinstated.

The attitude of helpfulness of the Department can best be illustrated by sketching briefly a case from the files. The case involved a youngster who had held a limited license, i. e., one which required that the driver of a car be accompanied by another person. He had been "picked up" for reckless driving and had changed his age on the license from sixteen to eighteen. In the course of the hearing the discovery was made that he drove his parent's car at specified times. The father was somewhat hostile toward the

⁶⁰ *Laws of Iowa, 1937, Ch. 134, Sec. 306; Code of 1939, Sec. 5021.02.*

police authorities and to the representatives of the Department at the outset. The mother was convinced that the best course to follow was indefinite suspension of her son's license. The only desire of the Department was to impress the youngster with the seriousness of his careless driving and disregard for rules. The emphasis was placed upon the desire to give the youth the proper start as a responsible driver.

CONCLUSIONS

It is difficult to determine the value of the drivers' license law without a detailed study of the factors which cause accidents. The number of cars, their speed, the number of miles driven, the weather, the physical and psychological condition of the drivers — all have some bearing on accident rates. It is true that the number of accidents and fatalities have not shown any marked decrease since the enactment of the drivers' license law,⁶¹ but the increase in traffic must be considered in this evaluation of the law. Prevention of an increase of accidents is also valuable. Any attempt to measure the effectiveness of a safety program with a drivers' license policy the sole method used would be utter folly. The licensing of operators and chauffeurs can not in itself achieve a maximum of safety consciousness or responsibility.

Perhaps too much weight is placed upon that phase of the test dealing with the fitness of the car. All operators do not own cars. Perhaps a better test of the driver's ability might be had if he did not drive his own automobile at all. At any rate the responsibility of examining a motor vehicle for mechanical fitness might well be removed from the drivers' license examiner and a compulsory uniform State testing law be adopted. That such testing is needed was

⁶¹ See the table of motor vehicles registered, accidents, and fatalities on page 7 above.

indicated by the results of a voluntary testing of cars in Iowa in the summer of 1941, when 70.2 per cent of the vehicles tested were found to have defective lights.⁶²

The view has been expressed that perhaps the crux to the whole problem of safety is one which would involve some test of a person's judgment. The implication might be that even the services of psychologists might be of some value in really testing the operator's ability to drive a car. No part of the examination — written, driving, or vision — reaches that trait in some person's physical or mental make-up that prompts him (or her) to go at a reckless speed or to take undue chances.

Examinations are being constantly studied by the Department. Experts and students of the safety problem will probably devise some technique that will make the examination more meaningful. The fact that examinations are being revised by the Department and testing apparatus investigated is a favorable sign in itself.

A program of specialized tests would strengthen the granting of a license in the interests of safety. On the other hand, some revision might be had in the matter of judging the abuse of the privilege. A hearing should be granted only in cases of serious proportions. Perhaps the conduct of a hearing might be in the hands of some officer other than the examiner himself. Michigan has a license appeal board composed of the commissioner of the department of public safety, the attorney general, and the secretary of state, who is the chairman. Anyone of these may appoint deputies to serve in his absence. Anyone believing himself to be aggrieved by the action of the department may appeal to this board. Witnesses may be subpoenaed by this body.⁶³ Such a plan might permit more equitable

⁶² *Public Safety Magazine*, December, 1941.

⁶³ *Laws of Michigan*, 1931, Ch. 91, Sec. 16.

hearings or at least remove any claim that the one presiding was prejudiced.

Safety consciousness might be intensified by a system of graduated penalties with regard to revocation of an operator's license. A bill was introduced in the 1935 legislature of Iowa which provided that a first conviction for the illegal transportation or selling of liquor or a conviction for driving while intoxicated called for a revocation period of two years; a second conviction for the same offense would bring a revocation of three years; and a third conviction would result in revocation for ten years.⁶⁴

The usual approach to the problem of safety education seems to be that of "locking the door after the horse is stolen". But the effects of more strict enforcement upon the small percentage of drivers who are dangerous should leave their impressions upon the general driving public. The opinion is held by those who are close to the problem that severe laws and strict enforcement will alienate public support of the fundamental purpose of the drivers' license law and arouse hostility against the Department as well. On the other hand, since the number of persons coming within the scope of legal penalties imposed by the Department is such a small minority, severity of laws may be of some advantage.

The Department is adequately equipped with personnel of the highest type and with well-integrated organization for administering the drivers' license law in the interests of safety.

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⁶⁴ *House File*, 1935, No. 251.