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Motor Vehicles

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MOTOR VEHICLES

Motor Clubs—Chapter 338 amends the Traffic Code.¹ The most important change is in the authorization of motor clubs whose membership cards may contain bail bond guarantees up to one thousand dollars.² The Act does not indicate the statute under which the motor clubs must be organized. The only requirement for formation is that “any association or corporation operating as a motor club . . . shall deposit with the Secretary of State . . . cash in the sum of twenty-five thousand dollars or an annual bond” in the same amount.³ The following three possibilities are submitted: 1. The Indiana General Corporation Act⁴ may apply. But arguments against that Act’s application are that a motor club under the new Act need not be a corporation;⁵ a motor club, if a corporation, need not be organized for “pecuniary profit;”⁶ and a motor club, although a corporation organized for “pecuniary profit,” may be organized for “insurance . . . business” and hence be expressly excluded.⁷ 2. The Indiana General Not For Profit Corporation Act⁸ may apply, if the

22. *Id.* §§ 12, 13.

23. This is part of the general insurance rate regulation discussed in topic: Insurance, *supra*, p. 364.

1. *Ind. Stat. Ann.* (Burns, 1933) § 47-1801.

2. *Ind. Acts* 1947, c. 338, § 20.

3. *Ibid.*

4. *Ind. Stat. Ann.* (Burns, 1933) § 25-201 to § 25-254.

5. *Supra*, n. 2.

6. *Ind. Stat. Ann.* (Burns, 1933) § 25-201.

7. *Ibid.*

8. *Ind. Stat. Ann.* (Burns Supp. 1945) § 25-521 to § 25-542.

motor club has incorporated by meeting the formation requirements of that Act,⁹ and is "organized and conducts its affairs for purposes other than the pecuniary gain of its members."¹⁰ 3. The Indiana Insurance Law¹¹ may apply. That law is stated to be applicable to "all . . . corporations, associations . . . authorized to make insurance . . . organized or incorporated under the provisions of any law of this state."¹² Further, the definition and classifications of insurance in the Indiana Insurance Law are sufficiently broad to include the motor club bail bond guarantees.¹³

Accident Reports—Minimum property damage which requires a report to the Department of Public Safety is raised from twenty five to fifty dollars.¹⁴

Pedestrian Duties—The following two new pedestrian duties are created: 1. Where sidewalks are provided, to refrain from walking upon adjacent roadways; and 2. Where sidewalks are not provided, to walk on the left side of the roadway "when practicable."¹⁵

Garage Reports—The person in charge of any garage or repair shop is required to report to the State Police Department any motor vehicle brought into his shop which shows evidence of bullet marks.¹⁶

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9. Id. § 25-521 to § 25-528.
 10. Id. § 25-808.
 11. Ind. Stat. Ann. (Burns, 1933) § 39-3201 to § 39-5120.
 12. Id. § 39-3202.
 13. Id. § 39-3203 defines insurance: ". . . to grant indemnity or security against loss for a consideration." § 39-3501 classifies insurance: ". . . to insure against any loss . . . resulting from . . . operation of any automobile"
 14. Ind. Acts 1947, c. 338, § 7, amending Ind. Stat. Ann. (Burns, 1933) § 47-1916.
 15. Ind. Acts 1947, c. 338, § 15. Apparently these duties come within the penalty section of the amended act, making violation a misdemeanor. Ind. Stat. Ann. (Burns, 1933) § 47-1823. Violation of a statute that defines the standard of care required to meet a recognized danger constitutes negligence per se, e.g., operation of a motor vehicle equipped with inadequate brakes is a violation of the law and not merely prima facie evidence of violation. *Rentschler v. Hall*, 69 N.E. (2d) 619 (Ind. 1947); See Restatement, "Torts" (1934) §§ 286,469. However, a statute that prescribes a general rule of conduct—specifically, a rule of the road—will not be construed to be negligence if the circumstances justify an apparent disobedience. *Telda v. Ellman*, 280 N.Y. 124, 19 N.E. (2d) 987 (1939); Harper, "Development in the Law of Torts" (1946) 21 Ind. L.J. 447.
 16. Id. § 8. Apparently the penalty section of the amended act applies. *Supra*, n. 15.

Driver Regulations—Chapter 159 creates a Division of Safety Responsibility and Driver Improvement in the Bureau of Motor Vehicles.¹⁷ It provides for automatic suspension of drivers' licenses where drivers fail to show financial responsibility, as required by the Act, within sixty days following an accident resulting in death, personal injury, or property damage exceeding fifty dollars.¹⁸ The previous Act required the Commissioner of Public Safety to take affirmative action to suspend the driver's license in cases where the property damage exceeded twenty-five dollars. Driving while intoxicated is no longer considered an offense for which a driver's license may be revoked without notice or hearing.²⁰ However, the Act contains mandatory provisions that a court convicting a person for such offense shall recommend that his license be suspended.²¹ The suspension of a driver's license when his judgment debt arising from an auto accident has remained unsatisfied for thirty days is continued.²² The new Act increases the minimum judgment debt from twenty-five to fifty dollars.²³

OIL AND GAS CONSERVATION

Chapter 277 creates an Oil and Gas Division within the Department of Conservation. The Act requires persons who drill oil and gas wells or persons who have the custody and control of the land upon which the well is sought to be drilled to first secure permits from the Department.¹ Permits expire one year from the date of issuance unless previously "acted upon."² The Department has authority to require an applicant for a permit to file a bond not exceeding one thousand dollars for each well, to provide for compliance with the Act.³ The Attorney General may sue to restrain continuing

17. Ind. Acts 1947, c. 159, § 46 specifically repealed Ind. Acts 1943, c. 175 as amended by Ind. Acts 1945, c. 355.

18. Ind. Acts 1943, c. 175, § 4 as amended Ind. Stat. Ann. (Burns, Supp. 1945) § 47-1047.

19. Id. § 4(h).

20. Id. § 5(b).

21. Id. § 9.

22. Id. § 6(a).

23. Id. § 6(b).

1. Ind. Acts 1947, c. 277, § 19.

2. Id. § 20.

3. Id. § 18.