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AFTER THE AUTOMOBILE ACCIDENT IN PENNSYLVANIA

JAMES D. McHUGH*

The year of 1936 was a year of the gravest consequence in the lives of a great multitude of Pennsylvania residents. In this year more than 55,000 automobile accidents occurred within the borders of the Commonwealth. Almost twenty five hundred of the hapless victims of these accidents went to their deaths; more than fifty thousand others were injured.¹ Many of the injured were seriously crippled or grotesquely disfigured, and rendered virtually without value in a practical world. The savings of numerous lifetimes were dissolved in the payment of the bills of physicians, hospitals and undertakers. Automobiles, by the thousand, were consigned to the junkheap. In scores of homes, pay checks were stopped forever by death, or diminished by disability.²

The legislature has, through two means, undertaken to meet this problem. It has enacted amendments to the Vehicle Code further regulating the manner of operating an automobile,³ and it has enacted amendments to the financial responsibility law further regulating the requirement of proof of financial responsibility.⁴ Our discussion here will be limited to the second means.

The financial responsibility law was enacted principally to ameliorate the effects of automobile accidents. But it has also been an influence for safety, in so far as it has taken some persons from the highways and has provided the threat of the expense of insurance premiums for others who might come within its operation. However, it was chiefly to provide the balm of money damages, at least in some instances, that this law began its life in 1934. The statute is directed at those persons, who, according to the standards established by the act are most likely to cause damages or injuries to others.⁵ From the members of this group the act demands assurance of their ability to respond in damages before they will be permitted to continue to use the highways.

*A.B. 1927, Georgetown University; LL.B. University of Pennsylvania, 1930. Counsel, Bureau of Motor Vehicles, Department of Revenue.

¹Statistical Summary of Motor Vehicle Accidents. (See table on page 223)

²E. Corstvet, *The Uncompensated Accident and its Consequences*, 3 *Law and Contemporary Problems* 466 (1936).

³House Bill No. 1984, Printer's No. 1918.

⁴Senate Bill No. 758, Printer's No. 538.

⁵N. P. Feinsinger, *Financial Responsibility Laws and Compulsory Insurance: The Problem in Wisconsin*, 10 *Wisconsin Law Review* 192, (1934).

In its essence, and previous to the 1937 session of the legislature, the financial responsibility law provided,⁶ that a person shall not be allowed to continue to operate an automobile on the highways of Pennsylvania without first establishing proof of financial responsibility, (1) when his operator's license has been suspended, or (2) when within the twelve months preceding his application for license, he has done damage to others in excess of \$200 by the negligent operation of his automobile, or (3) when he has failed to satisfy a judgment in excess of \$200 arising out of an automobile accident. Financial responsibility may be established by filing with the Secretary a certificate of an insurance company, or the bond of a corporate surety company, or by depositing with the Secretary \$10,000 in cash.⁷ Wherever financial responsibility is required it must be established in the minimum amounts of \$5,000/\$10,000.⁸ In almost every instance, where proof of financial responsibility has been given, it has been established by means of an insurance company certificate.⁹ Therefore, for all practical purposes "financial responsibility" means a policy of insurance.

The argument most frequently advanced in support of this law is that it applies only to the person who has demonstrated that he is not a careful driver or who has shown by actual experience that he is without financial worth. However, assuming that all drivers may be classified in the records of the Department of Revenue as careful or careless drivers, it would seem that the merits of this law should be judged not merely on the basis of the capability or financial worth of some of the drivers that are excluded from its operation, but by the degree and frequency that the law provides financial recompense to the victim of accidents on the highway.

There are no statistics available, showing the payments made to claimants in Pennsylvania automobile accidents, but the general testimony is to the effect that comparatively few persons ever recover any money compensation unless the defendant is insured.¹⁰ We are told that this result is allowed to occur, for one

⁶The Act of May 15, 1933, No. 110, P.L. 553.

⁷15 Pennsylvania Bar Association Quarterly 33. In the draft of a proposed compulsory automobile financial responsibility act prepared by a special committee of the Pennsylvania Bar Association no provision is made for the establishment of financial responsibility by the depositing of cash or a liability bond. Some members of the committee thought that such provisions might be held to be a special law for the collection of debts and therefore contrary to Art. 3, sec. 7, clause 17 of the State Constitution.

⁸Section 1 of the Act of May 15, 1933, P.L. 553, provides that financial responsibility shall be established to cover the "personal injury to or death of any one person in the amount of at least five thousand (\$5,000) dollars, and, subject to such limit for any one person injured or killed, in an amount of at least ten thousand (\$10,000) dollars for injury to or the death of two or more persons in any one accident, and for damage to property in the amount of at least one thousand (\$1,000) dollars, resulting from any one accident."

⁹In one instance only was the bond of a surety company used to establish proof of financial responsibility. Records of Division of Safety, Department of Revenue.

¹⁰Shippen Lewis, Merits of Automobile Compensation Plan, 3 Law and Contemporary Problems 583 (1936). Young B. Smith, Compensation for Automobile Accidents; A Symposium, 32 Columbia Law Review 785 (1932).

reason, because of a wish not to impose upon the so-called "careful driver" the obligation of purchasing insurance for which, presumptively, he will have no use. The conclusion that "careful drivers" do not need insurance is predicated upon the premise that "careful drivers" are never involved in accidents. It takes no cognizance of the every day reality that the so called "careless driver" exercises no discrimination in the choice of victims.¹¹ If the victim is a "careful driver" and the "careless driver" carries no insurance the consequence is almost always a financial loss to the "careful driver." The person whom the financial responsibility law seeks to favor then is made to feel and pay for the lack of more universal automobile insurance. Consequently, in determining the value of the exemption granted to the pocket book of the "careful driver" it should be borne in mind that the freedom from the obligation of purchasing insurance involves the exposure of the same pocket book to a far heavier toll in the form of property damages and personal injuries inflicted by an uninsured driver.

The other stronghold of the defenders of the financial responsibility law, i. e., the increase in the insurance rates under any other more stringent plan, has been made to appear impregnable enough to check the most redoubtable legislator.¹² The principal exhibit used in this argument is the increase in automobile insurance rates that has occurred under the Massachusetts compulsory insurance law.¹³ But in considering this argument, it must be remembered that an increase in rates has been the general experience in this country in the last ten years. Although the compulsory insurance law has increased the rates of automobile insurance in Massachusetts it has produced virtually universal automobile insurance in that state, while the financial responsibility laws and the higher insurance rates effective in the various other states having such a law, have produced only a very small increase in the number of insured automobiles.¹⁴ A careful study, recently completed by a Connecticut Commission reached the conclusion that insurance rates under the compulsory law of Massachusetts were generally lower than the insurance rates effective in Connecticut under a voluntary insurance law. As a result of the report of this Commission a bill was recently presented in the Connecticut legislature providing for compulsory automobile insurance.¹⁵ However, as indicated above,

¹¹Supra, Note 1, see "No violation."

¹²Edward C. Stone, *Critique of Massachusetts Compulsory Automobile Liability Insurance*, Published by Association of Casualty and Surety Executives.

¹³Ralph H. Blanchard, *Compulsory Motor Vehicle Liability Insurance in Massachusetts*, 3 *Law and Contemporary Problems* 537 (1936). It is shown that premium rates have increased approximately 50% over 1926.

¹⁴Report of Special Committee on Automobile Accident Compensations, 24 *Pennsylvania Bar Association Quarterly* 101 (1935).

¹⁵Report of the Governor's Temporary Commission to Study The Financial Responsibility Act, State of Connecticut, December 1936. The Commission recommended that a State fund be established and that from this fund the medical, surgical, hospital and nursing expenses be paid in a sum not exceeding three hundred (\$300) dollars for every resident of Connecticut injured by an automobile in Connecticut. The payments from the fund should be made without delay and without reference to the "fault" of the injured person. The motorist at fault should be re-

general conclusions relating to the relative cost of insurance under a compulsory insurance law in one state and under a financial responsibility law in another are based on uncertain grounds because of the lack of comparable statistics in this field.

In plugging the gaps that the experience of three years exposed in the financial responsibility law the legislature considered the objection that was made against the underlying theory of the law and those objections that were made against the manner of the operation of the law.

The argument that is made against the basic theory of the financial responsibility law is that it is founded upon the doctrine of "fault" and that the doctrine of "fault" is no longer suitable for determining liability in automobile accidents,¹⁶ and therefore the financial responsibility law should be discarded. It is true that the financial responsibility law derives its sustenance, in large measure, from the doctrine of "fault." The reasonableness and strength of the doctrine of "fault" is the reasonableness and strength of the financial responsibility law. Indeed, the chief justification for requiring those persons whose negligence has caused injuries or damages to others, or who have been unable to pay certain judgments, founded on their negligent operation of an automobile, to prove their financial responsibility and not to require such proof of all other drivers, is that negligence or "fault" can be traced to such persons.¹⁷ But it is argued that the development of the speed, braking capacity and general ease of control of the automobile have engendered problems in the placing of responsibility that make an automobile negligence trial little more than a guessing game. The result of increasing the mobility of the automobile has been to push further back the boundaries of negligence and to add to the difficulty of determining whether the conduct in question has crossed the boundary. It is scarcely an exaggeration to say that the movements of an automobile contributing to or causing an accident will yield the truth of their occurrence only to the analysis of a scientist, or one especially skilled in such problems. But the legislature has, by retaining and amending the present financial responsibility law accepted for the present, at least, "fault" as the proper determinant of liability in automobile accidents.

quired to compensate the fund for the amount paid out by it on behalf of the injured person. House Bill No. 1781, Printer's No. 1731, introduced at the 1937 session of the legislature, would allow hospitals to recover from the Commonwealth on account of expenses in the care of indigent persons injured in motor vehicle accidents and provided that such expenses should be paid from the Motor License Fund. This bill is analogous to the recommendation of the Connecticut Commission in that every one injured in an automobile accident in the Commonwealth would be assured of receiving prompt and proper medical attention. The bill (H.B. 1415-3-1 Motor Vehicles) that was introduced in the Connecticut legislature did not closely follow the recommendations of the Commission but provided for compulsory insurance with \$5,000/\$10,000 limits for death or injury to any person or persons and \$1,000 limit for damage to property, and was defeated.

¹⁶Justice Horace Stern, Supreme Court of Pennsylvania, *Negligence as a Basis for Liability in Automobile Accidents*, 14 *Pennsylvania Bar Association Quarterly* 104 (1932). Report by the Committee to Study Compensation for Automobile Accidents to the Columbia Council for Research in the Social Sciences, (1932) pages 216 and 217.

However, the legislature has recognized the validity of the principal objections that have been made against the manner of operation of the law, and, by amendment, has attempted to meet them

It was said that the law did not include a sufficient number of persons to achieve a practical result.¹⁸ The statute until it was amended by the legislature at its last session provided that any person whose negligence had caused two or more accidents aggregating more than \$200 in the twelve months preceding his application for an operator's license shall be required to establish financial responsibility before a license for the succeeding year shall be issued to him.¹⁹ The terms of the act have been made more extensive by requiring financial responsibility of every person who wishes to obtain or retain an operator's license and who has caused one or more accidents aggregating \$100 or more in any twelve months period, unless such person pays all the claims for damages that have resulted from his negligence. The substitution of "any twelve month period" in place of "the twelve month period next preceding" an application for an operator's license will remove the delay that sometimes occurred before the law began to operate. Because this amendment exempts from its operation persons who have paid damage claims against them, arising out of an automobile accident, it will exclude some persons from its scope who formerly would have been required to establish their financial responsibility. However, it is believed, that this exemption will, on the whole, have a beneficial result because it will foster the payment of claims and will provide an additional incentive for obtaining insurance. But this exemption from the requirement of insurance does not mean that the Department will not continue to have the authority to suspend an insured operator's license and to demand proof of his financial responsibility under the act before reinstating his license where such operator has committed any violation of the Vehicle Code.

¹⁷Richard M. Nixon, *Changing Rules of Liability in Automobile Accident Litigation*, 3 *Law and Contemporary Problems* 476 (1936). There is one instance where the suspension of operator's license and the requirement of proof of financial responsibility is not dependent upon "fault." Section 615 b-4 of the Act of May 1st, 1929, P.L. 905 (The Vehicle Code) authorizes the Secretary of Revenue to suspend the license of any person "operating any motor vehicle involved in an accident resulting fatally to any person." In *Commonwealth v. Wilson*, C.C.P. No. 5, Dec. Term, 1936, No. 5712, Philadelphia County, where the license of a person, innocent of negligence, criminal or otherwise, was suspended on a showing that he was operating a motor vehicle involved in a fatal accident, the action of the Secretary was sustained. Alessandrini, J., said: "There can be no mistake as to the legislative intent when it empowered the Secretary of Revenue to suspend an operator's license wherever it was shown that his automobile was involved in a fatal accident. It is urged by the appellant that this provision is too drastic and operates unjustly, since it deprives one of the right to operate a motor vehicle, who, through no carelessness or fault of his own, has been involved in a fatal accident. This may be so, but without attempting to read the legislative mind it is not too much to say that the mounting frequency of fatal accidents of this type has made it necessary in the interests of public safety to fasten greater responsibility than heretofore upon drivers."

¹⁸Report of Special Committee on Automobile Accident Compensation, 24 *Pennsylvania Bar Association Quarterly* 101 (1935).

¹⁹Section 8, Act of May 15, 1933, P.L. 553.

The legislature has, in another act, brought within the jurisdiction of the Public Utility Commission all common and contract carriers doing an intrastate business and confers upon the Commission the authority to require insurance of all such carriers.²⁰ The Public Service Commission formerly had the authority to require insurance only of common carriers and it is estimated that this additional authority will allow the Public Utility Commission to require insurance of thirty thousand more carriers than formerly.

Further, the amount of the judgment remaining unpaid before insurance shall be required,²¹ has been reduced from \$200 to \$5.33. The amount of \$5.33 was chosen because the right of appeal from a verdict obtained in a magistrate's court exists only where the judgment exceeds this amount, and it was deemed advisable to require proof of financial responsibility only where the defendant had a right of appeal. The figure was lowered from \$200 because it was thought that the public needed protection from a person unable to satisfy a judgment less than \$200, at least as much as it needed protection from a person unable to satisfy a judgment in excess of \$200.

It was also urged, in opposition to the operation of the law, that, in every instance where the Department of Revenue suspended the operator's license of a person, it was required, because of such suspension, to require proof of financial responsibility before the license could be reinstated. The inevitable result of this provision was that the Department, being unwilling to require proof of financial responsibility for the less serious offenses, was deprived of the use of the suspension of the operator's license in minor infractions of the Vehicle Code, where a suspension would have had a salutary effect. Such a suspension was a safety measure exercised by the Department for years before the advent of the financial responsibility law.²² However, the legislature has, by an amendment, given to the Department the discretion to determine what persons among those suspended shall be required to prove their financial responsibility. This amendment will restore to the Department the authority to use the suspension of an operator's license as a cautionary measure without necessarily imposing upon the person whose license has been suspended the obligation of establishing his financial responsibility.

²⁰House Bill No. 851. Printer's No. 832, Section 815. Lyman Brownfield, *Compulsory Liability Insurance for Commercial Vehicles*, 3 *Law and Contemporary Problems* 571 (1936). The Interstate Commerce Commission is given the authority to require insurance of commercial vehicles engaged in interstate commerce under the Motor Carrier Act of 1935. 49 U.S. Stat. 543, 15 U. S. C. A. 77c.

²¹3 Fed. Sup. 697 (N.Y.). Judgment creditors were restrained from filing with the Commissioner of Motor Vehicles of New York a certified copy of an unsatisfied judgment against a bankrupt on the grounds that to do otherwise would deny to the bankrupt the full effect of his discharge in bankruptcy. But see 6 Fed. Sup. 158 (N.Y.) where a contrary result was reached.

²²Robbins B. Stoeckel, *Administrative Problems of Financial Responsibility Laws*, 3 *Law and Contemporary Problems*, 530 (1936).

The complaint was also made that the insurance coverage required under the law, gave more extensive coverage than was required, and added needlessly to the cost of such insurance.²³ For example, if the operator of an automobile which was covered by the insurance of the owner, against the negligence of the operator, fell within the operation of the financial responsibility law, such operator would be required to obtain a motor vehicle operator's policy. Because it frequently occurred that such operator operated no other vehicle than the insured vehicle of his employer, this additional insurance, as a practical matter, gave no greater protection to the public. It was nothing but an expensive surplusage. An amendment to the law allows a person formerly obliged to be individually insured, to operate a vehicle insured by the owner against the operator's negligence without establishing his own financial responsibility. The amendment also provides that such operator shall only be allowed to operate vehicles which are insured and which are described by appropriate reference on his operator's card.

Another objection made against the operation of the law was that it required the suspension of the license of an operator or the registration plates of an owner when a judgment against either or both of them remained unpaid. The purpose of this provision is to force the payment of judgments, but its effect was frequently to prevent the payment of them by depriving the debtor of the use of his vehicle which might be the only means he had of earning the money to discharge the debt. By amendment, it is provided that no licenses shall be suspended because of an unsatisfied judgment where the court has by its decree allowed such judgment to be paid in installments and there is no default in the payment of the installments.²⁴

But notwithstanding the fact that the legislature has stood its ground and strengthened the weaknesses existing in the financial responsibility law, there is an unmistakable trend toward the establishment of a broader base of liability and the providing of a surer means of compensation in automobile accidents.²⁵ The Vehicle Code, has, in two instances, abrogated the common law rules of liability and imposed vicarious liability upon the owner of an automobile jointly and severally with its operator. The Code stipulates that an owner of an automobile, who

²³Report of Special Committee on Uniform Automobile Liability Security Act, 20 Pennsylvania Bar Association Quarterly 103 (1934). Report of the Special Commission to Study Compulsory Motor Vehicle Liability Insurance and Related Matters, Massachusetts Senate No. 280 (1930), page 175.

²⁴Joseph H. Graun, *The Financial Responsibility Law*, 3 *Law and Contemporary Problems* 505 (1936). Schedule of provisions of laws in effect in other states.

²⁵Francis Deak, *Automobile Accidents: A Comparative Study of the Law of Liability in Europe*, 79 *U. of P. Law Rev.* 271. In France it appears to be finally settled that the operator of a vehicle is liable for all damage done unless he can show that the damage was caused by an unforeseen event or the contributory negligence of the other party. In Germany, liability is imposed upon the lawful possessor of a vehicle regardless of fault, unless the accident was inevitable or was caused by the exclusive negligence of the other person. In Finland, liability is imposed upon the owner for damages caused by his vehicle, regardless of the fault of the operator. However, where the plaintiff has been contributorily negligent, the court, in its discretion, may reduce the amount of compensation. In Norway the law in this particular matter is similar to the law in Finland.

knowingly allows a person under sixteen years of age to operate his vehicle, shall be jointly and severally liable for any damages caused by the negligence of such minor.²⁶ In this instance it is no longer required to prove agency to hold the owner responsible. The common law immunity from liability for the torts of their servants in the performance of municipal functions, long enjoyed by municipal corporations, has also yielded to the social urgency of compensation for the accident victim.²⁷ The Vehicle Code provides that municipalities shall be jointly and severally liable for any damages caused by an employe in the negligent operation of an automobile in the course of his employment. The legislature, at its recent session, further amended the Vehicle Code to overcome a decision of the Pennsylvania Supreme Court which held that municipalities are not liable for the negligence of their servants in the operation of fire engines.²⁸

The current problem of liability in automobile accidents is closely analogous to the problem existing immediately before the widespread enactment of Workmen's Compensation Laws in this country. It was the enormous increase in the accidents occurring in the factories of the country during the early days of this century and the appalling consequences to the victim and his dependents that first gave notice to the various legislatures of the need of remedial legislation in this field. Also it had become apparent that the defenses used by the employer to escape liability, such as the defenses of contributory negligence, voluntary assumption of risk, and the fellow-servant doctrine frequently worked great injustices to the persons injured. Further, it was realized that many of the accidents were unavoidable and could not be blamed upon the carelessness of any person. It was thought that the money loss arising from such accidents should be placed upon the group causing the condition producing the accident and not upon the victim, who was, on many occasions, merely the victim of the condition. Today, as in the earlier days of the century, the attention of the various legislatures has been attracted by a heavy accident toll and its consequent misery. The established processes of the law for the obtaining of compensation have been seriously questioned. Also there is evidence that many of the accidents occurring are unavoidable. In many cases great hardship has resulted to the victim. These symptoms, found in the mischief of the automobile accident are closely similar to the symptoms of the situation presented by the industrial accident of a generation ago.²⁹

One of the objectionable features of the financial responsibility law has been that its effect was to prohibit absolutely the use of highways to thousands of

²⁶Section 618, Act of May 1, 1929, P. L. 905.

²⁷Section 619, Act of May 1, 1929, P. L. 905.

²⁸In *Devers v. Scranton*, 308 Pa. 13 (1932) a municipality was held not liable for the negligent operation of its fire engine by an employe because section 619 only imposes liability on municipalities for the negligent operation of their "vehicles" and a fire engine is not a "vehicle" under the definition contained in the Vehicle Code. Also see *Mooney v. Philadelphia*, 115 Pa. Super. 433 (1934) where a municipality was held liable for the negligence of the operator of one of its garbage trucks.

²⁹*Harper on Torts*, 1933 edition, Chap. 11, page 412.

residents who are reasonably capable drivers but who have not established their financial responsibility. In the three completed years since the financial responsibility law began its operation, the licenses of 30,291 persons have been either suspended or revoked.³⁰ Of this number only 6,785 have established proof of their financial responsibility and have regained their licenses.³¹ It is believed that most of these persons have failed to establish their financial responsibility because of the high cost of such insurance.³² There are two possible explanations for the high premiums charged for insurance under the act. The first is that the persons purchasing such insurance are actually a more hazardous risk than other persons. The second is that the insurance companies, not having sufficient actual experience in the capability of such persons, have been guided solely by the idea which underlies financial responsibility law, i.e., that only careless drivers are required to obtain such insurance.³³

The interest and thought that the problem of the uncompensated automobile accident has engendered is manifest in the number and variety of bills that were introduced in the 1937 session of the legislature relating to automobile insurance. Such legislative activity is ample proof that the various communities throughout the Commonwealth are aware of the inadequacies in the law that time has revealed to exist.³⁴ It is probable that the last word has not yet been said in the question

³⁰Reasons for withdrawal. (See table on page 224)

³¹In 1934 there were 1321 reinstatements; in 1935 there were 2674 reinstatements; in 1936 there were 2790 reinstatements. Out of a total of 3995 persons establishing proof of financial responsibility in 1934-35, there were 1428 who formerly carried insurance, 1634 who formerly did not carry insurance, and 933 who did not state whether they formerly were covered by insurance. Division of Safety, Department of Revenue.

³²There is a 50% surcharge where the insurance is required because of a suspension of license where the offense was (1) operating a motor vehicle while intoxicated, or (2) failing to stop and render assistance when involved in an accident, or (3) homicide or assault arising out of the operation of a motor vehicle.

There is a 25% surcharge where the insurance is required because of a suspension of license where the offense was, (1) driving a motor vehicle at an excessive rate of speed or in a reckless manner and where an injury to person or damage to property actually results therefrom.

There is a 10% surcharge where the insurance is required because of a suspension of license for any other cause. Manual of Automobile Insurance, Pennsylvania Rates, National Bureau of Casualty and Surety Underwriters, page 83.

³³It is the policy of the Department to refuse to issue an operator's license to any person, regardless of his ability to establish proof of financial responsibility, who will be a menace on the highways. For policy in Massachusetts and statistics, see *supra*, note 13, page 552.

³⁴House Bill No. 331, Printer's No. 328 would require every vehicle, except those owned by the Commonwealth and its political subdivisions, to be insured and would allow the rates of premiums to be established by rating bureaus conducted by the insurance companies and would authorize the Insurance Commissioner to file objections to the rates in the Dauphin County Court.

House Bill No. 1643, Printer's No. 1587 is identical with House Bill No. 331, but in addition thereto makes reference to a State Automobile Compensation Fund which shall have the authority to issue policies of automobile insurance.

House Bill No. 543, Printer's No. 438 would require the Department of Property and Supplies to procure liability insurance covering vehicles owned by the Commonwealth and the federal government when operated by members of the National Guard, which insurance would insure not only the Commonwealth but also the person operating the vehicle.

of automobile insurance.³⁵ The legislature has prepared the way for further legislation by making provision that it will have complete information relating to the problem at its next session. An amendment to the financial responsibility act requires insurance companies to notify the Department of the number of vehicles that are insured under the Financial Responsibility Act and the number of applicants for such insurance whose applications have been refused.³⁶

A joint resolution authorizes the Insurance Department and the Department of Revenue to make an investigation of the efficacy and wisdom of the automobile insurance laws in effect in Pennsylvania and in other states and directs them to make a report of their findings and recommendations to the next session of the legislature.³⁷

Harrisburg, Pa.

James D. McHugh.

House Bill No. 1243, Printer's No. 1202 would prohibit an insurance company from discriminating against or refusing to insure any physically handicapped person who has obtained an operator's license in this Commonwealth.

House Bill No. 1645, Printer's No. 1589 is a joint resolution proposing an amendment to article 3, section 21 of the state constitution. The amendment proposed would allow the enactment of laws providing for compensation in a limited amount, to be awarded by a board regardless of fault, for injuries and property damage arising out of automobile accidents. Doubtlessly, this bill was prepared because of the amendment to this section of the state constitution giving the General Assembly the authority to prescribe maximum and minimum payments under the Workmen's Compensation Act. It is submitted that a constitutional amendment is not required before an automobile compensation law could be effective. If the remedy under the automobile compensation act were made optional with the person injured the constitutional objection that the person injured was deprived of a jury trial would be removed. On this basis an award under the Workmen's Compensation Act was sustained before the amendment was made to the state constitution. *Anderson v. Carnegie Steel Co.*, 255 Pa. 33 (1916). Also the applicant for an operator's license might be required to consent to be bound by the compensation act as to any injuries sustained by him while operating an automobile in the state. For a discussion of this question, see Wayland H. Elsbree and Harold Cooper Roberts, *Compulsory Insurance Against Motor Vehicle Accidents*, 76 *University of Pennsylvania Law Review* 690 (1928)

House Bill No. 1469, Printer's No. 1416 would require every person engaged in the business of renting automobiles without the services of an operator to insure such automobiles and would impose liability upon the owner for damages caused by the negligence of the operator.

Senate Bill No. 754, Printer's No. 534 would establish a rating bureau for the classification of risks and the fixing of premium rates for automobile insurance.

³⁵R. Leighton Foster, K. C., *Automobile Liability Security Laws of the United States and Canada*, page 20. Address delivered before the National Convention of Insurance Commissioners, Seattle, Washington, July 10, 1935.

³⁶Section 26.

³⁷House Bill No. 1645, Printer's No. 1589.

The views expressed in this paper do not necessarily represent the opinion of the Department of Revenue.

1. TYPE OF ACCIDENTS

	PERSONS KILLED												PERSONS INJURED																			
	All	0-4	5-14	15-24	25-64	65 and over	All	0-4	5-14	15-24	25-64	65 and over	All	0-4	5-14	15-24	25-64	65 and over														
0. Collision with motor vehicle	32562	28447	518	8	20	121	294	44	4129	181	564	1715	7717	16836	846	1494	12110	11569	1180	71	196	80	519	246	6811	1584	969	4810	1135	3802	784	560
1. Collision with pedestrian	5466	5109	308	1	3	98	160	16	30	4660	40	186	1760	2210	192	373	2587	2683	246	6	87	109	14	26	3008	26	111	1130	1236	80	325	
2. Collision with fixed object	785	734	36	1	6	19	4	6	739	13	36	168	489	12	62	782	641	21	1	7	3	1	1	822	14	438	288	58	7	20		
3. Non-collision accident	239	233	6	5	208	1	2	1	208	8	48	116	13	27	383	269	65	1	21	23	2	9	288	2	4	79	144	11	18			
4. Collision with street car	182	168	1	1	21	23	2	1	21	23	2	1	21	23	35	33	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
5. Collision with bicycle	887	174	43	4	6	9	21	1	9	11	1	1	1	1	887	174	43	4	6	9	21	1	9	11	1	1	1	1	1	1	1	
6. Collision with horse-drawn vehicle																																
7. Collision with R. R. Train																																
8. Collision with animal																																
9. Collision with other vehicle																																
10. Miscellaneous																																
Grand Total	55727	49380	2411	89	242	430	1140	327	183	60354	1625	6881	12428	25134	1861	2925																

STATISTICAL SUMMARY OF MOTOR VEHICLE ACCIDENTS

6. OPERATORS VIOLATION	NUMBER OF VEHICLES INVOLVED			7. CONDITION OF VEHICLE	NUMBER OF VEHICLES INVOLVED			14. DIRECTION OF TRAVEL	NUMBER OF VEHICLES INVOLVED					
	Total	Fatal	Non-Prop. Fatal Dam.		Total	Fatal	Non-Prop. Fatal Dam.		Total	Fatal	Non-Prop. Fatal Dam.			
0. Too fast for conditions	13265	476	6921	5729	0. In apparently good condition	82457	2480	46081	83946	0. Going straight	66874	12271	18762	28281
1. On wrong side of road	8464	116	3338	4413	1. Brakes defective	1626	39	832	755	1. Turning right	2399	46	1294	1030
2. Cutting in	2464	20	1264	1190	2. Steering gear defective	528	18	262	248	2. Turning left	6821	108	3708	3015
3. Passing standing street car	114	1	74	40	3. Glaring headlights	801	42	405	354	3. Backing	827	28	465	344
4. Passing on curve	236	6	105	126	4. One headlight out	108	2	47	59	4. Car parked or standing	5593	83	2510	8000
5. Passing on wrong side	157	4	79	74	5. Both headlights out	407	12	227	168	5. Slowing down or stopping	1168	24	679	465
6. Passing on hill	305	9	164	132	6. Tail light out or obscured	422	11	216	196	6. Skidding	7105	143	3165	3707
7. Passing at intersection	820	19	940	371	7. No chains—slippery road	3652	30	1526	1932	7. Miscellaneous	1244	6	645	693
8. Failed to signal	2079	19	993	1067	8. Puncture or blow-out	764	35	339	340	8. Not stated	24	5	5	14
9. Forced off roadway	4683	106	2316	2341	9. Miscellaneous	367	34	166	168	Totals	91055	2708	50208	38239
10. thru street—failed to stop	2261	27	1199	1026	10. Not stated	23	5	6	12	Totals	91055	2708	50108	38239
11. No violation	53982	1817	31636	20630										
12. Miscellaneous	2188	70	1106	1012										
13. Not stated	67	29	19	13										
Totals	91055	2708	50108	38239										

REASONS FOR WITHDRAWAL	1924									Total
	to 1930	1930	1931	1932	1933	1934	1935	1936	1930	
REVOICATIONS										
Intoxication -----	7570	102	1908	1898	1533	2338	2388	2832	20564	
Failure to Stop (Accident) -----	490	253	201	216	181	238	259	340	2178	
Convicted of Felony -----	7	1662	24	48	33	86	94	76	2030	
Operating During Period of Revocation	14	29	34	38	39	33	52	68	307	
Larceny -----	1726	905	751	614	620	676	648	626	6566	
Permitting Violation -----	84	10	11	12	11	21	25	27	151	
Misstatement of Facts -----	28	7	9	19	24	20	32	25	164	
Turning Off Lights to Avoid Arrest ----	1	1							2	
Manslaughter -----	16								16	
Operating Without Consent of Owner --	249								249	
Assault & Battery (Auto) -----	19								19	
Reckless Driving -----	17								17	
Violation of Liquor Laws -----	368	3	1	3	2				377	
Miscellaneous -----	38	5		1			2	8	54	
TOTAL -----	10577	2977	2939	2849	2443	3407	3500	4002	32694	
SUSPENSIONS										
Intoxication -----	2202	399	472	312	198	258	285	486	4562	
Failure to Stop (Accident) -----	97	26	18	17	35	38	57	41	329	
Reckless Driving -----	1745	412	318	829	1414	1745	3061	2117	11641	
Manslaughter -----	164	37	59	39	29	35	41	35	439	
Misstatement of Facts -----	186	36	45	27	19	24	24	67	428	
Turning Off Lights to Avoid Arrest --	4	2	1	4	1	5	1	5	23	
Larceny -----	718	68	58	48	33	29	39	51	1044	
Assault & Battery (Auto) -----	205	11			1				217	
Operating Without Consent -----	575	186	160	143	140	171	180	214	1789	
Convicted of Misdemeanor -----	120	90	185	168	120	153	154	170	1160	
Operating During Period of Suspension	33	23	18	41	34	64	104	124	441	
Failure to Appear for Hearing -----	225	191	552	855	748	792	1083	1026	5472	
Failure to File Accident Report ----	213	368	198	361	131	24	16	9	1320	
Involved in Fatal Accident -----	592	30	34	368	375	233	253	273	2176	
Incompetent to Operate -----	303	150	182	146	153	189	227	201	1551	
Impersonation -----	380	269	204	142	141	204	227	168	1785	
Permitting Violation -----	207	160	185	125	184	278	334	256	1729	
Violation of Liquor Laws -----	1156	384	425	362	304	41			2672	
Habitual Viol. Motor Vehicle Laws	168	26	79	18			1	16	303	
Misuse of Motor Vehicle -----	100	104	93		8	1			306	
Misuse of Registration Plates -----	2	5			15	8	22	11	63	
Fail. to File Proof of Finan. Resp. --						176	574	83	833	
Fail. to Main. Proof of Finan. Resp. -						114	592	1498	2204	
Fail. to Satisfy Judgment -----						1	61	103	165	
Common Carrier -----		1	2	11	9	13	13	6	55	
Miscellaneous -----	377	16	21	57	62	113	143	251	1040	
TOTAL -----	9670	2987	3825	4179	4154	4709	7492	7181	43697	
TOTAL REVOICATIONS										
& SUSPENSIONS -----	20247	5964	6264	7028	6597	8116	10992	11183	76391	