

vehicle is operating the same at a speed greater than is reasonable and proper, and in violation of the provisions of this section, and the burden of proof shall be upon him to show that such rate of speed was not greater than was reasonable and proper, as above set forth. No motor vehicle equipped with a commercial body, the weight of which including the body and load, is greater than three (3) tons shall be operated at a rate of speed greater than thirty-five miles per hour under any circumstances.

(4) *Maximum of Speed.* No motor vehicle shall be operated upon any highway of this State at a rate of speed greater than forty-five miles per hour under any circumstances or condition, nor shall any motor vehicle be operated with a greater load than that for which the registration certificate therefor has been issued and fee paid.

(5) *Penalties.* Any person violating any of the provisions of Sub-Sections (1) or (3) of this section shall be deemed guilty of a misdemeanor and subject to a fine of not less than one dollar (\$1.00) nor more than one hundred dollars for the first offense. Any person violating any of the provisions of Sub-Section (2) of this section shall be deemed guilty of a misdemeanor and subject to a fine of not less than five dollars (\$5.00) nor more than one hundred (\$100.00) dollars for the first offense. Any person operating a motor vehicle upon any highway of this State at a rate of speed greater than forty-five (45) miles per hour shall be deemed guilty of a misdemeanor and subject, upon conviction, to a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00). Any person operating a motor vehicle upon any highway of this State at a rate of speed greater than sixty miles per hour shall be subject, upon conviction, to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or to be imprisoned for not less than thirty days nor more than one year, or to both fine and imprisonment, for the first offense; and any person who shall be convicted of a second or additional such offense shall be subject to imprisonment for not less than sixty days nor more than two years. Any person convicted shall also be subject, in the discretion of the Commissioner of Motor Vehicles, to a suspension or revocation of his operator's license. The provisions of this section apply to the operator and to the owner who causes or permits his motor vehicle to be operated in violation of this section.¹

Speed of vehicle at intersection, under facts, question for jury; right of way; prayers. See notes to sec. 209. *Taxicab Co. v. Ottenritter*, 151 Md. 530.

¹ Secs. 2 and 3 of ch. 281, acts of 1933, read as follows: All outstanding licenses for motor vehicles subject to the provisions of this act shall be cancelled on June 1st, 1933, but may be renewed upon the payment of the fees provided for in this act from the date of its passage, pro rated for the remainder of the year. A credit shall be allowed for such license fee as shall have been paid with respect to the same vehicle for the current year.

Should any section, or part of a section, of this act be held to be invalid for any reason, such holding shall not be construed as affecting the validity of any remaining section or part of a section of this act, it being the legislative intent that the remainder of this act shall stand, notwithstanding the invalidity of such section or part of a section.