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Transportation of mail; when not deemed "air transportation."
52 Stat. 990, 1005.
49 U. S. C., Supp. V, §§ 481 (*l*), 496 (b).

15, 1938. The transportation of mail under contracts entered into under such section shall not, except for sections 401 (l) and 416 (b), be deemed to be 'air transportation' as used in this Act, and the rates of compensation for such transportation of mail shall not be fixed under this Act."

Repeal.
52 Stat. 218.
49 U. S. C., Supp. V, §§ 471, 472.

SEC. 2. Sections 1 and 2 of the Act entitled "An Act to provide for experimental air-mail service, to further develop safety, efficiency, economy, and for other purposes", approved April 15, 1938, are hereby repealed.

Approved, July 2, 1940.

[CHAPTER 527]

AN ACT

July 2, 1940
[H. R. 9907]
[Public, No. 722]

To provide for the recording and releasing of liens by entries on certificates of title for motor vehicles and trailers, and for other purposes.

District of Columbia.
Liens against motor vehicles and trailers.
Definitions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used herein—

"Person" shall include one or more individuals, firms or unincorporated associations, or corporations.

"Director" shall mean the director of vehicles and traffic of the District of Columbia, including assistants or agents duly designated by the Commissioners.

"Recorder" shall mean the recorder of deeds of the District of Columbia, including assistants or agents duly designated by the recorder.

"Certificate" shall mean a certificate of title for a motor vehicle or trailer issued by the director.

"Owner" shall mean the person to whom such certificate is issued by the director.

"Lien" shall mean any right or interest in or to, or lien or encumbrance upon any motor vehicle or trailer, or the equipment or accessories affixed or sold to be affixed thereto, in favor of a person other than the owner, except (1) a sale of such motor vehicle or trailer accompanied by delivery of possession and on execution of the assignment on the back of the certificate covering it, or (2) any possessory lien now or hereafter provided by law or any lien acquired in any judicial proceeding.

"Instrument" shall mean any written instrument signed and acknowledged by an owner creating such lien.

"Lien information" shall mean the amount, kind, date of lien, name and address of holder, and recorder's record number, if any.

Unentered liens not valid; exceptions.

SEC. 2. During the time a certificate is outstanding for any motor vehicle or trailer, no lien against such motor vehicle or trailer or any equipment or accessories affixed or sold to be affixed thereto shall be valid except as between the parties and as to other persons having actual notice, unless and until entered on such certificate as hereinafter set forth: *Provided*, That the foregoing shall not apply to a lien or liens in existence at the effective date of this Act against a motor vehicle or trailer for which a certificate is outstanding at the effective date of this Act, or any equipment or accessories affixed thereto. The provisions of sections 546 and 547, subchapter 3, chapter XVI, of the Code of Laws of the District of Columbia shall not apply to liens recorded as herein provided and a lien shall have no greater validity or effect during the time a certificate is outstanding for the motor vehicle or trailer covered thereby by reason of the fact that the lien has been filed in accordance with said sections or, in the case of a conditional sales contract, that the purchase price of the property does not exceed $100.

Proviso.
Existing liens not affected.

31 Stat. 1275.
25 D. C. Code, §§ 177–179.

Priority of liens.

SEC. 3. In the absence of agreement of all parties affected and in the absence of circumstances estopping a lien holder from insisting upon such rights, lien shall be entered on the certificate by the recorder and shall have priority among themselves in the following order:

(a) If the motor vehicle or trailer has been previously titled or registered in this or some other jurisdiction, unsatisfied liens shown by the previous certificate, title, registry, or proof of ownership shall be entered in the order in which they appear on such previous certificate, title, registry, or proof of ownership.

(b) Liens for which instruments are presented with the application for the certificate.

(c) Liens, where the instruments are presented for recording, together with the certificate, irrespective of the fact that one or more instruments not entered on the certificate may have been previously presented for recording without such certificate.

(d) As between two or more instruments presented for recording without the certificate, the one first presented for recording shall have priority.

Form and contents of instrument.

SEC. 4. An instrument shall be in writing; shall show the name and address of the holder, the trade name and engine number of the motor vehicle or the trade name and serial number, if any, of the trailer; shall be signed by the parties and acknowledged by the owner in the manner provided by law for deeds of real estate. A lien shall not be entered upon a certificate unless (1) the motor vehicle or trailer has been previously titled or registered in this or some other jurisdiction and the lien is shown upon such previous certificate, title, registry, or proof of ownership; or (2) such an instrument is presented for recording pursuant to the provisions of this Act; or (3) the lien is shown on the application for a certificate, and was created prior to the effective date of this Act or was created while the motor vehicle or trailer was titled or registered in some other jurisdiction.

Entering of liens.

Office space, etc., for recorder.

SEC. 5. The Commissioners of the District of Columbia shall assign to the recorder space in the office of the director, and the recorder shall furnish and maintain the necessary furniture, equipment, cards hereinafter mentioned, and other supplies and the required personnel for the purpose of carrying out the provisions of this Act.

Applications for certificates to contain lien information.

SEC. 6. Applications for certificates, in addition to all other matters which may be required by law, shall show under oath whether or not there are any liens against the motor vehicle or trailer or any equipment or accessories affixed thereto and if so, the lien information in the order of its priority, and shall be accompanied by instruments or any other papers necessary to entitle liens to be entered on the certificate. Upon receipt by the recorder from the director of an application for a certificate and accompanying documents, if any, or on the application for a duplicate, the recorder shall compare the statements in the application as to liens with his records and the documents and instruments accompanying the application and if such statements are incorrect or incomplete or if any of the liens shown by the application are not entitled to be entered on the certificate in the same order as they appear on the application the recorder shall return all of said papers to the director and advise him of the reasons therefor. If the statements as to liens are full, true, and complete and all liens shown by the application are entitled to be entered on the certificate in the same order as they appear on the application, the recorder shall stamp on the application the words, "Statements as to liens in accordance with records," a facsimile of his signature, and the date, shall accept all instruments accompanying the application for recording and shall stamp his record number opposite the statement of each

Verification of statements concerning liens.

Incorrect, etc., statements.

Correct, etc., statements.

Retention of instruments.

lien on the application for certificate. The recorder shall retain the instruments for his permanent file and collect the fees and charges thereon and return the application and all other papers to the director, who shall thereupon deliver same to a representative of the collector of taxes of the District of Columbia, stationed in the office of the director. Said representative shall then collect from the applicant or his representative all fees and charges in connection with the issuance of the certificate and shall return said application and papers to the director. The director shall thereupon issue the certificate and where liens are shown on such an application shall stamp upon each of two cards, the size of which shall be fixed by the director, the information stamped by the director on the face of such certificate and shall deliver such certificate, its application, cards, if any, and the identification-tag application to the recorder. If the application for title shows no liens, the recorder shall stamp on the certificate and on the reverse side of that portion of the application for identification tags known as "Collector's Coupon" the words "No Liens Shown By Records" and the date. If the application shows liens, the recorder shall stamp aforesaid "Collector's Coupon" with the words "Lien Recorded" and shall enter the lien information on certificate and on each of the said cards. The aforesaid stamping and entering shall be made on the face of the certificate in the space provided for the use of the recorder. The recorder shall then deliver both applications and the papers attached and the certificate to the director, who shall retain the application and the papers attached and shall deliver or mail the certificate to the record holder of the first lien shown thereon or his representative; or if there are no liens, then to the owner or his representative.

Collection of fees, etc.

Lien information cards.

Notations.

Delivery of certificate.

Entry of liens on issued certificates.

SEC. 7. When it is desired to have a lien entered on a certificate theretofore issued, the instrument and the certificate shall be presented to the recorder in the office of the director and upon the payment of the necessary fees to the representative of the recorder of deeds of the District of Columbia in the office of the director the recorder shall accept the instruments for recording and unless he has cards covering said motor vehicle or trailer the director shall stamp cards in the manner set forth in section 6. The recorder shall enter the lien information on the certificate in the space hereinbefore mentioned and on each of said cards and shall deliver or mail the certificate to the record holder of the first unsatisfied lien shown thereon or his representative.

Delivery.

Assignment of lien.

SEC. 8. The rights of the holder of an unsatisfied lien shown on a certificate may be assigned by an assignment in writing, which shall show the name and address of the assignee, the trade name and engine number of the motor vehicle, or the trade name and serial number, if any, of the trailer, and the recorder's record number of the instrument, or, if none, a brief description sufficient to identify the lien shall be signed by the holder of the lien and acknowledged by him in the manner provided by law for deeds of real estate. Upon presentation of an assignment and a certificate and the payment of the prescribed fee to the representative of the recorder of deeds of the District of Columbia in the office of the director, the recorder shall enter upon the face of the certificate and upon each of the cards hereinbefore described the recorder's record number of the lien which is being assigned, or, if no such instrument is on file, a brief description sufficient to identify the lien, the date of the assignment and the words, "Assigned to", and the name and address of the assignee, and the date. The assignment shall be attached to the instrument if the instrument has been filed with the recorder, and, if not, the assignment shall be given a recorder's record number and filed by the

Entry on certificate.

Numbering of assignment, etc.

recorder and such number shall be entered on the certificate and on each of the cards opposite the entry of the information relative to the assignment. The certificate shall be delivered to the record holder of the first unsatisfied lien shown thereon, or his representative.

Delivery.

SEC. 9. Whenever it is desired to enter a lien or an assignment upon a certificate and such certificate is not available, upon delivery to the recorder of the instrument or assignment the recorder shall demand that the person possessing the certificate surrender it for the purpose of entering thereon the lien or the assignment and upon surrender of the certificate the recorder shall perform the same acts as in cases where the certificate was presented with the instrument. This section shall not be deemed to affect the priority given under section 3 (c) to a lien where the instrument is presented together with the certificate.

Surrender of certificate for lien, etc., notations.

SEC. 10. The record holder of the first unsatisfied lien shown upon the certificate shall be entitled to the possession of the certificate and upon satisfaction of his lien he shall, within seventy-two hours, place upon the face of the certificate the recorder's record number of the lien, or, if no such instrument is on file, a brief description sufficient to identify the lien, and in either case the word "satisfied", or its equivalent, and his signature, swear to it before a notary public, and forward or deliver the certificate to the holder of the lien next in priority, or, if none, to the owner or to the person designated in writing by the owner. Upon the satisfaction of any lien other than the first unsatisfied lien shown on the certificate, the record holder of the lien so satisfied shall, within seventy-two hours, make similar entries upon the face of the certificate, and it shall be the duty of the person in possession of the certificate, upon demand, to permit such holder to make said entries. Any person in possession of a certificate shall, upon demand of the recorder, surrender it to the recorder within seventy-two hours for the purpose of entering the lien or assignment thereon.

Possession of certificate by first lienholder.

Satisfaction of lien.

Entries.

Surrender of certificate.

SEC. 11. The recorder, upon receipt of a certificate whereon a lien is marked "Satisfied" as set forth in section 10, shall enter on the face of the certificate and on each of the cards described in section 6, and on the instrument, if any, filed in the recorder's office as hereinafter provided, his said record number, or, if no such instrument is on file, a brief description sufficient to identify the lien, and in either case the word "released", a facsimile of his signature and the date. Where for any reason a lien holder upon satisfaction of his lien has failed to mark the certificate as herein provided and the lien holder cannot be located, or where the certificate after being so marked has been lost or destroyed and a duplicate certificate issued, the recorder upon receipt of evidence satisfactory to him that the lien has been satisfied shall release it upon the certificate or duplicate certificate, the aforesaid cards and instrument, if any, as above set forth.

Recorder's notation of satisfied lien.

SEC. 12. The fee for recording liens or assignments of liens upon a certificate shall not exceed the sum of 50 cents for each lien on each automobile contained in the instrument. There shall be no fee for releasing.

Fees.

SEC. 13. The recorder shall maintain, in the space assigned to him in the office of the director, files wherein he shall file one set of the cards hereinbefore described alphabetically under the name of owner and the other under the trade name and engine number if it covers a motor vehicle, or the trade name and serial number, if any, if it covers a trailer. The recorder shall file the instruments at his main office.

Maintenance of office files.

SEC. 14. Any person intentionally making a false statement with respect to liens in an application for a certificate, or willfully violat-

False statements, etc.

Punishment.

ing any of the provisions of this Act, shall upon conviction be punished by a fine of not more than $500 or be imprisoned for not more than one year, or both. Prosecutions for violations of this Act shall be by the corporation counsel of the District of Columbia or any of his assistants, in the name of the District of Columbia.

Prosecutions by corporation counsel.

Appropriation authorized.

SEC. 15. Appropriation is hereby authorized to be made to carry out the provisions of this Act, and the Commissioners of the District of Columbia are authorized to include in their annual estimates provision for all the expenses of the office of the director and recorder incident to such purposes, and for personnel subject to the limitations of the Classification Act of 1923, as amended.

42 Stat. 1488.
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

Effective date.

Existing liens not affected.

SEC. 16. The provisions of this Act shall become effective January 1, 1941. Nothing herein contained shall affect existing liens on motor vehicles and trailers, or any equipment or accessories affixed thereto recorded prior to the effective date of this Act.

Approved, July 2, 1940.

[CHAPTER 528]

AN ACT

July 2, 1940
[H. R. 9920]
[Public, No. 723]

Authorizing the county of Lawrence, Ohio, to acquire and operate as a unit certain privately owned toll bridges across the Ohio River adjoining such county.

Ohio River.
Acquisition of toll bridges by Lawrence County, Ohio.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the county of Lawrence, Ohio, or any duly organized bridge commission of such county, is authorized to acquire all right, title, and interest in any privately owned highway toll bridge across the Ohio River at any point within or adjoining such county, including the approaches thereto, and all interest in real property necessary therefor, by purchase, or by condemnation in accordance with the law of the State of Ohio governing the acquisition of privately owned bridges by public authority, and to maintain and operate said bridges in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in that Act.

34 Stat. 84.
33 U. S. C. §§ 491-498.

Jurisdiction of condemnation proceedings.

SEC. 2. Jurisdiction of all condemnation proceedings under this Act is hereby conferred upon the United States District Court for the Southern District of Ohio, and for such purpose the process of such court may be served outside of the State or district in which such court is located. Such proceedings shall follow, as near as may be, the law of the State of Ohio governing procedure in such condemnation cases. Copies of any final judgment or decree of such court in any such condemnation proceeding relating to land located outside the district in which such court is located shall be filed with the clerk of the court of the district in which such land is located.

Filing of copies of decrees, etc.

Operation as toll bridge, etc.

Application of tolls to operation, sinking fund, etc.

SEC. 3. Any bridge acquired pursuant to this Act shall be operated as a toll bridge and shall be grouped with any other bridge so acquired for financing purposes. The rate of toll of any such bridge shall be so adjusted as to provide, together with the tolls from all other bridges acquired pursuant to this Act, (a) a sinking fund sufficient to amortize as soon as possible under reasonable charges but within a period not exceeding twenty-five years from the date of the issuance of bridge revenue bonds to finance the acquisition of bridges under this Act, the principal, interest, financing cost, and redemption premium, if any, of all such bonds, and (b) a fund sufficient to pay the reasonable cost of maintaining, operating, and repairing such bridges under economical management during such period. After the fund provided in clause (a) shall have been so provided, such

Maintenance as free bridge after amortizing costs, etc.