

a population of 450,000 or more, it shall be unlawful for any person to frequent a public bathing beach or public waters upon which the same immediately borders for the purpose of swimming or bathing, or congregating with others, or to swim or bathe or congregate thereat, between the hours of 10.30 P. M. and 5:00 A. M. of the day following.

Sec. 3. Ordinances to regulate beaches.—The governing bodies or boards of all counties having a population of more than 450,000, and all cities, villages and towns situated within such counties, shall have authority by ordinance, resolution or by-law, to regulate the use of public bathing beaches and public waters immediately bordering thereon for the purpose of bathing or swimming or congregating with the others thereat, within their respective territorial limits not inconsistent herewith.

Sec. 4. May close beaches.—If any such body or board shall reasonably determine that the safety, health, morals or general welfare of the public shall so require, it may by ordinance, resolution or by-law, provide that any such public bathing beach shall be closed to bathing, swimming and congregating after the hour of 9:00 P. M. or after any time between 9:00 P. M. and 10:30 P. M. of any day.

Sec. 5. Act not restrictive.—Nothing in this act shall limit or abrogate any of the existing powers of any body or governing board of any county, city, village or town.

Sec. 6. Provisions separable.—If any part or section of this act shall be held to be invalid, it shall not invalidate any of the other provisions hereof.

Sec. 7. Violation a misdemeanor.—Any person violating any of the provisions hereof shall be guilty of a misdemeanor.

Approved April 21, 1933.

CHAPTER 365—S. F. No. 956

An act to amend Laws 1929, Chapter 425, Sections 1, 2, 6, 8, 15, 16, relating to the inspection, analysis and standardization of gasoline, kerosene, furnace oils, CRUDE PETROLEUM and lubricating oils used, stored, held for sale, or sold within this State; regulating the sale and distribution thereof; PROHIBITING THE SALE OF GASOLINE NOT MEASURING UP TO TESTS

PREScribed IN THIS ACT; authorizing the collection of inspection fees and providing for the disposition thereof; providing for the enforcement of the act and prescribing penalties for the violation thereof; creating an oil inspection division and prescribing the powers and duties of the head of such division.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Definitions.**—Laws 1929, Chapter 425, Section 1, is amended so as to read as follows:

"Section 1. Unless the language or context clearly indicates that a different meaning is intended the following words and terms shall, for the purpose of this act, be given the meaning hereinafter subjoined to them.

(a) "Motor gasoline" *means and includes* all gasoline, benzine, naphtha, benzol and other volatile and inflammable liquids by whatever name called, used for generating power in combustion engines, but does not include the products herein defined as kerosene, furnace oil or gasoline for other industrial, heating or cooking purposes.

(b) "Kerosene" *means and includes* all illuminating oils, signal oil, mineral seal and other petroleum liquids, by whatever name called, used for illuminating, cooking or power purposes, but does not include the products herein defined as gasoline or furnace oil.

(c) "Furnace oil" *means and includes* all kerosene distillate, gas oil, fuel oil, and other petroleum liquids by whatever name called used or to be used only for domestic heating purposes, but does not include the products herein defined as gasoline or kerosene.

(d) "Lubricating Oils" *means and includes* all grades of petroleum oil used for the general lubrication of internal combustion engines.

(e) "Distributor" *means and includes* every person, co-partnership, company, joint stock company, corporation, or association of persons however organized, who brings or causes to be brought into this state gasoline, kerosene, furnace oil, or any other petroleum product by or through pipe lines, trucks, barrels, tank cars, or in carload lots, for storage, sale, distribution, or use therein, and every person, partnership, company, joint stock company, corporation, or association of persons, however organized, who produces, refines, manufactures, or compounds gasoline or any other petroleum product for storage, sale, distribution or use therein.

(f) "Crude petroleum" *means and includes* any basic petroleum in its raw, undeveloped, unblended, or partially blended state, capable of being blended, merged or compounded with other petroleum

products or foreign chemicals for the purpose of creating a marketable petroleum product such as lubricating oil, furnace oil, kerosene, motor gasoline or distillate."

Sec. 2. Duties of inspectors.—Laws 1929, Chapter 425, Section 2, is amended so as to read as follows:

"Section 2. It shall be the duty of the deputy oil inspectors to secure samples of gasoline, kerosene and furnace oils from all tank cars shipped into their respective districts within twenty-four hours after receiving notice of their arrival; to immediately inspect such samples and notify the distributors of the result of the inspection; to make out certificates in triplicate and mail the originals to the distributors and the copies to the chief oil inspector; to inspect petroleum products at all places where such products are held or offered for sale; *to secure samples of gasoline, kerosene, furnace oils and other petroleum products brought into the state by means of pipe lines, trucks or in carload lots at such times and under such conditions as may be deemed expedient by the Chief Oil Inspector;* to keep records of all inspections made and issue reports thereof to the chief oil inspector on the last day of each month; to inspect general surroundings and conditions at all places where petroleum products are stored, held or offered for sale; to inspect all storage tanks and other containers in order to ascertain that they are kept clean and free from water and all impurities; to check all inshipments in tank cars or barrels with the railroad agents at all freight terminals in their respective districts at the end of each month; and to strictly adhere to all rules and instructions given by the chief oil inspector.

Inspection certificates shall be conclusive evidence of the facts stated therein.

For the purpose of assuring efficiency and economy in the service, the chief oil inspector is authorized, whenever he finds it advantageous and practicable, to detail deputy oil inspectors to inspect petroleum products loaded in tank cars outside of the state at places from which such products are transferred to dealers or consumers within the state; *to detail deputy oil inspectors to inspect the mode, procedure and method used in the transportation of petroleum products by means of pipe lines, trucks, barrels, tank cars, or carload lots in other states at places from which such products are transferred, or at any point or points wherein pipe lines are in operation or trucks or carload lots are in progress."*

Sec. 3. Specification-certificate.—Laws 1929, Chapter 425, Section 6, is amended so as to read as follows:

"Section 6. Gasoline shall conform to the following specifications:

No motor gasoline shall be sold in the State of Minnesota unless it shall be at least of the grade and specifications hereinafter set out, refined and free from water, suspended matter, and all impurities.

Inspection—The sample taken for inspection shall immediately after drawing be retained in a clean, absolutely tight, closed vessel and a sample for tests taken from the mixture in this vessel directly into the test vessel.

Test—*The official test in and for this state, the results of which shall establish and determine the minimum requirements of motor gasoline as to quality and grade, shall be as follows:*

A. The test shall be made upon a quantity of one hundred cubic centimeters which, when tested in the manner approved by the Chief Oil Inspector, shall be capable of meeting the following requirements:

(a) When the first drop falls from the end of the condenser tube, the thermometer shall not read more than 131 degrees F.

(b) When 20 per cent has been recovered in the receiver, the thermometer shall not read more than 221 degrees F.

(c) When 50 per cent has been recovered in the receiver, the thermometer shall not read more than 284 degrees F.

(d) When 90 per cent has been recovered in the receiver, the thermometer shall not read more than 392 degrees F.

(e) The end point shall not be higher than 437 degrees F.

B. Gasoline brought in the state principally for blending purposes may be approved when it shows a recovery of not less than 86 per cent after complete distillation.

All gasoline shall be tested as to "end point," and every barrel which contains gasoline shall be branded "Unsafe for illuminating purposes," and shall be labeled or branded with the word "Gasoline" in letters at least two inches in height, and there shall be branded or stencilled on each such barrel, can, cask, tank or other vessel covering delivery of such gasoline the following:

"This is to certify that the gasoline covered by this sale has an

"end point" of not over 437. degrees F. and has been inspected and approved by the chief oil inspector.

.....
(Name of distributor selling or furnishing same shall be signed, printed or stenciled on the above line.)

"Per.....Agent."

Provided, however, that any distributor or dealer selling or delivering gasoline in bulk by tanks shall in lieu of the stamp or brand therein provided for, furnish and deliver to the purchaser a sales ticket with certificate containing provisions as above set forth.

All testing instruments and the distillation method shall strictly conform to the rules adopted by the Petroleum Division of the Bureau of Mines, United States Government, and the American Society for Testing Material (A. S. T. M.).

All visible containers and all devices used for drawing gasoline from underground containers, at filling stations, garages or other places where gasoline is sold or offered for sale shall be stamped or labeled in a visible place with one inch letters and figures:

"STATE INSPECTED GASOLINE—PRICE PER GALLON.....CENTS," with the price inserted."

Sec. 4. **Specification for furnace oil—certificate.**—Laws 1929, Chapter 425, Section 8, is amended so as to read as follows:

"Section 8. *Distillates, or other petroleum products under whatever name called which are adapted for use for domestic heating purposes are subject to such inspection and control as the Chief Oil Inspector may direct, and shall conform to the following specifications;*

(a) *All petroleum products of the above classification shall be free from foreign matter.*

(b) *Further, all petroleum products of the above classification shall not flash below 120° F., nor higher than 350 degrees F., and it shall not fire below 130 degrees F., nor higher than 380 degrees F.*

(c) *The gravity shall be from 24° Baume scale and higher.*

The instruments to be used in making tests of said petroleum products shall be the Cleveland open cup and the gravity of said petroleum products shall be determined by the Tagliabue standard registered hydrometer Baume scale at a temperature of 60° F.

There shall be printed or stenciled on each can, cask, barrel or tank covering delivery of *said petroleum products*, the following:

"This is to certify that the *petroleum products* covered by this sale has a flash test of not below 120° F., and has been inspected and approved by the Chief Oil Inspector.

....."
(Name of distributor selling or furnishing the same shall be signed, printed or stenciled on the above line.)

"Per..... Agent."

Provided, however, that any distributor or dealer selling or delivering *said petroleum products* in bulk by means of portable tanks shall in lieu of the stamp or brand herein provided for furnish and deliver to the purchaser a sales ticket with certificate containing provisions as above set forth."

Sec. 5. **Inspector to mail certificate.**—Laws 1929, Chapter 425, Section 15, is amended so as to read as follows:

"Section 15. On or before the fifteenth day of each month, the chief oil inspector shall cause to be mailed to each distributor a certified statement of the total amount due from such distributor for inspection fees for the preceding calendar month. Such statement may be combined with the statement of the excise tax on gasoline due from such distributor. There shall be noted upon the records of the chief oil inspector the date of the mailing of such statement which shall be conclusive evidence that the statement was mailed as required by this section. All payments of inspection fees shall be made to the chief oil inspector not later than the fifteenth day of the month following the month in which the statement was mailed. All collections of inspection fees made by the chief oil inspector shall be paid to the state treasurer in the same manner as other department receipts are paid. All moneys collected hereunder shall be credited to the revenue fund.

If inspection fees are not paid within the prescribed period, a penalty of ten per cent of the amount thereof shall immediately accrue, and thereafter such amount and penalty shall bear interest at the rate of one per cent per month from the date of delinquency until paid.

On or before the twenty-fifth day of each month, the chief oil inspector shall deliver to the attorney general a certified statement of the amount due from each distributor for delinquent inspection fees and such other information as the attorney general may re-

quire. Upon receipt of such statement the attorney general shall bring an action in the district court of Ramsey county or of the county in which the distributor resides to recover the amount due, together with penalty, interest, costs and disbursements. No inspections shall be made for any distributor whose inspection fees have been certified to the attorney general.

On or before the tenth day of each month, the chief oil inspector shall certify to the state auditor the amount due to each of his deputies as compensation for the preceding month; also the items and amounts of all expenses necessarily incurred by him in the performance of his duties, including the cost of blanks, stationery, postage, travel and instruments furnished for testing and branding oils and such salaries, and expenses being duly audited shall be paid by the state.

The chief oil inspector shall make an annual report to the Governor concerning the operations of his department."

Sec. 6. **Violations—penalties.**—Laws 1929, Chapter 425, Section 16, is amended so as to read as follows:

"Section 16. Any distributor or any agent or representative of same who fails to notify a deputy inspector in his district of the arrival of tank cars or other containers as provided for in this act, or uses the products herein made subject to inspection without having the same inspected, shall be guilty of a *gross misdemeanor and subject to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or six months imprisonment or both.*

Any person who shall personally or by clerk or agent wilfully adulterate oil used for motor, illuminating, cooking or heating purposes by adding thereto any material, fluid, or substance that is dangerous either in itself or when mixed or blended with said products or which impairs the usefulness of said products, shall be guilty of a gross misdemeanor.

Any person who shall personally or by clerk or agent falsely stamp, seal, brand or mark any cask, barrel, or other package or receptacle for gasoline, kerosene, or furnace oil, or who shall cause the changing, altering or defacing in any manner of any stamp, seal, brand or device affixed to any cask, barrel or other package or receptacle for gasoline, kerosene or furnace oil by any inspector, or who shall refill or use any such cask, barrel, or other package or receptacle having the inspector's seal, mark, stamp or brand thereon, without cancelling or defacing said seal, mark, stamp or brand, and without having the gasoline, kerosene or furnace oil

in such cask, barrel, or other package or receptacle properly examined and tested and stamped or marked under the provisions of this act, or who shall offer for sale or sell gasoline, kerosene or furnace oil representing the same to be different in quality or kind than said products actually are as shown by the inspector's certificate of inspection, shall be guilty of a misdemeanor, and any distributor or vendor who shall sell or in any way dispose of any empty cask, barrel or other package or receptacle bearing the inspector's seal, brand or stamp without first thoroughly cancelling, defacing or removing such seal, brand, stamp, mark or other combination thereof, shall be guilty of a misdemeanor.

Charging a higher price for gasoline drawn from one pump than from another at the same place, shall be prima facie evidence that the higher priced product is sold as a better quality gasoline for the purpose for which it is to be used.

(a) Any gasoline that shows, or for which is claimed high test and/or anti-knock characteristics equal to Octane Number 65 or better of the knock rating system adopted by the United States Bureau of Standards, shall be colored by the use of any harmless dye. Any gasoline not showing high test and/or anti-knock standard as specified herein must be sold without the addition of any foreign coloring matter, and no claims of high test and/or anti-knock characteristics may be made for such.

(b) The method used to determine whether a gasoline meets this requirement shall be the one adopted by the U. S. Bureau of Standards or recognized by said Bureau as being the most satisfactory."

Approved April 21, 1933.

CHAPTER 366—S. F. No. 976

An act requiring in all cases the giving of a notice of expiration of the time within which redemption from delinquent tax sales can be made.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Redemptions from tax sales.**—Right of redemption from any sale for delinquent taxes shall continue for a period of twelve months after proof of service, in the manner required by law, of a notice of expiration of the time within which redemption