

Section 1. **Deposit of county funds.**—In all counties in this state, now or hereafter having an area of more than five thousand (5,000) square miles and an assessed valuation of more than Two Hundred Million Dollars (\$200,000,000.), exclusive of moneys and credits, it shall be the duty of the County Treasurer to place all moneys of the county belonging to the various funds on deposit in banks situated within the respective individual Commissioner's districts to which the said moneys and funds are either allocated or for whose specific needs and benefit such moneys and funds are used. The county and its proper disbursing officers shall draw warrants and vouchers upon said funds in the banks located in each said Commissioner's districts.

Section 2. This Act shall take effect and be in force from and after its passage.

Approved April 26, 1937.

CHAPTER 431—S. F. No. 512

An act making it a misdemeanor for any person, co-partnership, association or corporation to operate or to permit the operation of certain commercial motor vehicles upon the highways of this state within a certain distance from municipalities within certain hours on all Sundays and holidays between certain days of each year during the tourist season, subjecting the use of the public highways to the jurisdiction and control of the Railroad and Warehouse Commission and conferring certain powers upon the Railroad and Warehouse Commission in connection therewith, providing certain exemptions and exceptions, prescribing penalties for violation thereof and repealing all other inconsistent acts and parts of acts.

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

Section 1. **Duties of railroad and warehouse commission in operation of commercial motor vehicles.**—It is hereby declared to be the purpose and policy of the legislature to confer upon the Railroad and Warehouse Commission, the power and authority to make it its duty to supervise and regulate the transportation of property by commercial motor vehicles upon or over the public highways of this state in all matters whether specifically mentioned herein or not, so as to:

1. Relieve the existing and all undue burdens on the highways arising by reason of the use thereof by commercial motor vehicles.

2. Protect the safety and welfare of the traveling and shipping public in their use of the highways; and

3. Carefully preserve, foster and regulate transportation and permit the co-ordination and re-routing of transportation facilities.

Section 2. To apply to inter-state vehicles.—Interstate commercial motor vehicles used in the transportation of property shall be subject to all of the provisions of this act to the extent that the same is an exercise of the police powers of the state so as to prevent congestion on the highways which shall affect the safety of persons or property upon the public highways. None of the provisions of this act shall be deemed to deprive the State Highway Commissioner or any city or village of any jurisdiction they now have or which may hereafter be conferred upon them over the public highways of this state, nor prevent said Highway Commissioner or any city or village from suspending at any time the right to operate commercial motor vehicles over any public highway when necessary for the proper preservation or policing of the same.

Section 3. Definitions.—The term "person" as used in this act means and includes any individual, firm, co-partnership, company, association or joint stock association and their lessees, trustees and receivers. The word "Commission" means the Railroad and Warehouse Commission of the state of Minnesota. The term "commercial motor vehicle" for the purpose of this act shall mean any commercial truck, tractor, truck tractor, semi-trailer or trailer operated upon the public highway. The term "public highway" means and includes all highways, roads, streets and alleys in the state of Minnesota.

Section 4. Certain vehicles not to operate near cities.—It shall be unlawful without specific permission as hereinafter provided for, for any person to operate a commercial truck, tractor, truck-tractor, trailer or semi-trailer on the highways of this state within 35 miles, measured by the most direct highway route, from any city of the first class between the hours of 9 a. m. and 12 midnight on Sundays and legal holidays, from Decoration Day, May 30, to the second Sunday in September, both inclusive, of each year; provided, however, that there shall be excepted and exempted from the provisions of this act the following:

1. Class T motor vehicles as defined by Chapter 344, Session Laws of 1933.

2. Commercial motor vehicles of a manufacturer's rated capacity of 1 ton or less.

3. Motor vehicles when used for the transportation of livestock on Sundays and holidays, whether operating with or without loads.

4. Motor vehicles when used for the transportation of newspapers, non-intoxicating beverages, ice cream and ice cream flavors and cones and all dairy products, poultry and poultry products and which shall include containers therefor, ice and fresh bakery goods, and other perishable products, whether operating with or without loads; emergency vehicles of public utilities used incidental to making repairs to its plan or equipment; vehicles used exclusively in highway construction; and vehicles used exclusively as service or repair cars going to or from place rendering aid and assistance to the disabled motor vehicles.

5. Motor vehicles operating wholly within the corporate limits of cities and villages or between incorporated cities or villages whose boundaries are coincidental.

Section 5. **Safety measure.**—These restrictions herein provided are necessary to prevent traffic congestion, affecting the safety of the public and the interest of the public in the highway during the tourist season.

Section 6. **Application for permission to operate in certain months.**—That any person operating a commercial motor vehicle may apply to the Commission in writing, setting forth good and sufficient reason why his operations over any of the highways of the state during the period specified above or any part thereof should be permitted and the Commission, upon filing of a petition, shall fix a time and place for hearing thereon, which shall not be less than fifteen (15) days after such filing. The Commission shall cause notice of such hearing to be mailed at least ten (10) days before the hearing to the governing bodies of such cities or villages which such applicant desires to pass through, the Minnesota Public Safety Committee and to such other parties as the Commission may deem advisable, and any party in interest may introduce evidence at such hearing. The Commission shall have power as public safety may require, to issue or refuse to issue permission to operate a commercial motor vehicle over the public highways or any part thereof during the period specified above, and that this act shall be subject to any exception or exemption which the Commission may make for good cause in such cases.

Section 7. **Must submit to inspection.**—Any inspector of the Commission or any police officer is authorized to require the driver of a commercial motor vehicle to stop at any time to submit to an inspection. Any driver of a commercial motor vehicle who fails or refuses to stop and submit to such an inspection when directed to do so by an inspector of the Commission or a police officer shall be guilty of a misdemeanor.

Section 8. **Violations—penalties.**—Any person, firm co-partnership, association or corporation violating the provisions of

this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not to exceed \$100.00 or imprisonment not to exceed thirty (30) days. Every distinct violation shall be a separate offense. It shall be the duty of any County Attorney within his jurisdiction to prosecute any person alleged to have committed such an offense. The inspectors of the Commission for the purpose of enforcing this act shall have all the powers conferred by law upon police officers, to serve warrants and other processes in this state, and it shall be the duty of the State Commissioner of Highways upon written request of the Commission to require the State Highway Patrol to assist in the enforcement of this act.

Section 9. Provisions severable.—If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid, such section shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, subsection, clause, sentence and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 10. Inconsistent acts repealed.—All acts and parts of acts inconsistent hereto are hereby repealed.

Section 11. This act shall take effect and be in force from and after its passage.

Approved April 26, 1937.

CHAPTER 432—S. F. No. 714

An act to legalize foreclosure sales heretofore made and the records of mortgage foreclosure proceedings and limiting the time within which actions may be brought or defenses interposed questioning the validity of foreclosure proceedings.

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

Section 1. Mortgage foreclosure sales legalized.—Every mortgage foreclosure sale by advertisement heretofore made in this state, under power of sale in the usual form contained in any mortgage duly executed and recorded in the office of the register of deeds or registered with the registrar of titles of the proper county of this state, together with the record of such foreclosure sale, is hereby legalized and made valid and effective to all intents and purposes, as against any or all of the following objections, viz: