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CHAPTER 13

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struction and maintenance, or the safety of public travel, additional right of way and easements for the erection of snow fences may be procured by purchase or condemnation, and the necessity for the taking of such additional right of way and such easements shall be determined by the town board in the case of town roads and by the county board in the case of county roads. (21, c. 323, § 8; amended '23, c. 439, § 1; '27, c. 227, § 1)

2545. Width of bridges and culverts—All bridges and culverts, and approaches thereto, on any road hereafter established or improved, except cartways, shall be at least sixteen (16) feet wide; and when such bridge in its construction or repair shall be raised three feet or more above the level of the bank on either side of any river, stream, gully or ravine, then such bridge and approaches shall be at least eighteen (18) feet wide and provided with substantial railings. (21 c. 323 § 4)

2546. Railroad bridge over highway—Whenever any railroad company shall hereafter construct a bridge over a public highway, the same shall be constructed so as to leave a clear opening for the highway at least twenty-eight (28) feet wide and at least fourteen (14) feet clear space from the surface of the highway to the bottom of the bridge; provided, that two openings, each at least fourteen (14) feet wide, shall be sufficient if approved in writing by the commissioner of highways. (21 c. 323 § 5)

2547. Highway bridge over railroad—Any bridge hereafter constructed on any public highway over the tracks of any railroad, shall be at least eighteen (18) feet wide and the approaches thereto shall be at least twenty-four (24) feet wide and the grade of such approach shall not exceed five (5) feet rise in a hundred (100) feet. Such bridge shall leave a clear space above the railroad rails of at least 21 feet measured vertically; provided, however, that when local conditions preclude compliance with the foregoing requirements, such requirements may be modified by the commissioner of highways upon plans approved by him. (21 c. 323 § 5)

2548. Owner—Persons lawfully occupying United States or state lands shall be considered the owners thereof for the purposes of this act. (21 c. 323 § 7)

2549. Trunk highways—All trunk highways shall be located, constructed, improved and maintained by the state. The state is hereby vested with all rights, title, easements and appurtenances thereto appurtenant, being held by, or vested in any of the counties or any legal subdivisions thereof, or dedicated to the public use, prior to the time such road is designated a state aid road. (21 c. 323 § 9)

2551. County roads—All county roads shall be established, constructed and improved by the several county boards. The town through which any county road may pass shall maintain and keep it in repair; provided, however, that in counties having a population of one hundred fifty thousand (150,000) inhabitants or over, the several towns thereof shall have no jurisdiction over county roads. (21 c. 323 § 10)

2552. Town roads—All town roads shall be located, constructed, repaired and maintained by town boards, provided that the county boards may aid in the construction, repair and maintenance of such roads. (21 c. 323 § 11)

2553. Commissioner of highways...

Sub. 1. The office of the commissioner of highways, the incumbent whereof shall have the powers, duties and privileges herein declared, is hereby created; the term of such office shall be two (2) years, and the governor of the state shall appoint a suitable person therefor. The commissioner of highways may be removed from office by the governor at his pleasure. Until the appointment and qualification of the first commissioner of highways under this act, the commissioner of highways previous to the passage of this act shall act as commissioner of highways hereunder.

Sub. 2. The commissioner of highways shall devote his entire time to the performance of his official duties and shall receive as compensation therefor a yearly salary of six thousand dollars, payable monthly.

Sub. 3. Such commissioner of highways shall, before entering upon the performance of his official duties, give bond to the state, to be approved by the governor, in the penal sum of $25,000, conditioned for the faithful performance of his duties. If a surety company bond is given, the premium thereon may be paid from the funds available for the payment of the expenses of the highway department, provided, however, that the amount of such premium so paid shall be approved as to amount by the state treasurer. The state, the several governmental subdivisions thereof, or any person damaged by any wrongful act or omission of said commissioner of highways in the performance of his official duties may maintain an action on such bond for the recovery of damages so sustained. The commissioners of highways shall have an official seal with which he shall authenticate his official acts. There shall be engraved on the margin thereof the words, "COMMISSIONER OF HIGHWAYS—STATE OF MINNESOTA," and in the center thereof the same device as is engraved on the great seal of the state.

Sub. 4. The commissioner of highways shall appoint a first assistant commissioner of highways and a second assistant commissioner of highways, one of whom shall be an experienced highway engineer. Each may be removed from office by the commissioner of highways and at his pleasure, with or without cause. The salary of the first assistant commissioner of highways shall be fixed by the commissioner of highways, but in an amount not to exceed the sum of six thousand dollars per year, and the salary of the second assistant commissioner of highways shall be fixed by the commissioner of highways but in an amount not to exceed the sum of five thousand dollars per year, both payable monthly.

Such assistants shall devote all their time to the duties of their offices, and in case of the inability for any
cause of the commissioner of highways to act, the first assistant commissioner of highways shall act as such commissioner of highways with all his powers and duties, and in case of the inability for any cause of such first assistant commissioner to so act, the second assistant commissioner of highways shall act as such commissioner of highways with all his powers and duties.

Except when so acting as commissioner of highways, each of said first assistant and second assistant shall be subject to the direction and orders of the commissioner of highways.

Each such assistant shall, before entering upon the performance of his official duties, give bond to the state to be approved by the governor in the penal sum of ten thousand dollars, conditioned for the faithful performance of his duties. If a surety company bond is given the premium thereon may be paid from the funds available for the payment of the expenses of the highway department; provided, however, that the amount of such premium so paid shall be approved as to amount by the state treasurer. The state, the several governmental subdivisions thereof, or any person damaged by any wrongful act or omission of either of said assistants in the performance of his official duties may maintain an action on such bond for the recovery of damages so sustained.

The commissioner of highways is hereby authorized to employ such skilled and unskilled help and employees as may be necessary for the performance of his duties under this act, the same to be on such terms and for such compensation as he may deem just and proper. Provided no greater sum shall be paid to employees belonging to the following classes than as hereinafter specified:

- For Bookkeepers, not to exceed $3000.00
- For Stenographers, not to exceed $1500.00
- For Draftsmen, not to exceed $2000.00

Provided that the total annual expense for the Highway Department, exclusive of all outside employees and assistants and engineering and inspection work, shall not exceed the sum of One Hundred and Fifty thousand ($150,000) Dollars per annum. None of such help or employees shall be required to possess any other qualifications than may be prescribed by the commissioner of highways.

Said commissioner of highways, first assistant, second assistant and such help and employees as may be so from time to time appointed or employed shall constitute and be known as the highway department.

Each of such help and employees as may be determined and designated by the commissioner of highways shall, before entering upon the duties of his office or employment, give bond to the state in such penal sum as may be determined upon by the commissioner of highways, to be approved by the governor and conditioned for the faithful performance of his duties. If a surety company bond is given the premium thereon may be paid from the trunk highway fund. The state, the several governmental subdivisions thereof, or any person damaged by any wrongful act or omission of such help or employees in the performance of his official duties may maintain an action on his bond for the recovery of the damages so sustained.

Sub. 5. The commissioner of highways shall maintain his office at the city of St. Paul. All salaries and expenses connected with the highway department shall be paid from the Trunk Highway Fund. (21 c. 323 § 12)

See § 33-36, herein.
4. Such sum as may be necessary to equal the total sum of the federal aid received from the United States Government for road purposes in Minnesota.

Any sum remaining in the trunk highway fund after setting aside the sums hereinbefore mentioned together with the sum set aside to meet the government aid, and the Federal aid received as government aid, to acquire such portion of government aid as may be required to make connections on the Federal Aid System with adjoining states, shall constitute the portion of the trunk highway fund available for construction purposes for that year. The highway commissioner is hereby authorized to use during the ensuing year for hard surface construction of the trunk highway network to exceed 20% of such construction fund, provided that the commissioner of highways may, in his discretion, if the provisions of federal aid should so require as a condition precedent to receiving such aid, use an additional amount from such fund not to exceed, in any event, an additional thirteen and one-third per cent from such construction fund in any one year. The remainder of such fund shall be used by the commissioner of highways for the trunk highway system for the acquisition of right of way and for construction purposes in grading, draining, gravelling, and bridge and drainage construction on the unfinished portions of the trunk highway system, provided the same shall be expended among the various sections of the state in equitable proportions as far as practicable in the construction of said unfinished portions of the trunk highway. Provided, further, that the commissioner of highways shall have authority to use for construction purposes in grading, draining, gravelling, and bridge and drainage construction on the unfinished portions of the trunk highway system any portion of the funds set aside as herein provided that shall not be needed as a part of the fund so set aside, and is further authorized to use any portion of the trunk highway fund, set aside for maintenance in any one county, for construction purposes in such county when not needed for maintenance therein.

Sub. 3. Until such time as he may definitely locate and permanently construct the several routes of the trunk highway system, he shall select practicable roads along the general location of all other of the several routes enumerated in Article 16 of the state constitution, which he shall maintain for the benefit of the traveling public, which routes shall be known as temporary trunk highways.

No portion of the trunk highway system lying within the corporate limits of any borough, village or city shall be constructed, reconstructed or improved unless the plans and specifications therefor be approved by the governing body of such borough, village or city before such work is commenced, nor shall the grade of such portion of the trunk highway system lying within such corporate limits be changed without the consent of the governing body of such borough, village or city.

Sub. 4(a) The commissioner of highways shall by order or orders designate such temporary trunk highway or highways, and when the final and definite location of any trunk highway or portion thereof has been by him determined he shall designate the same by order. Provided that when the County Board of any county interested asks for a public hearing with reference to the final location of any Trunk Highway, a hearing shall be held by the Commissioner within the section interested before making any such final location. A copy of such order shall be certified to the county auditor or auditors of the county or counties wherein such highways are located and such counties or subdivisions thereof shall thereupon be relieved from responsibilities and duties thereon, provided that in case the final location of any portion of the trunk highway system, the portion of the temporary trunk highway, the portion of such temporary location which is not included in the final location shall upon notice from the commissioner of highways revert to the county or subdivision thereof originally charged with the care thereof.

(b) When the commissioner shall have designated the permanent location of any trunk highway which takes the place of and serves the same purpose as any portion of an existing road however established, he may make an order vacating such portion of an existing road and in such case shall serve a copy of the order upon the occupants of the lands through which the portion so vacated runs, or, if there be no occupant, post such notice, and shall file a copy thereof with proof of service with the county auditor of the county within which such lands lie. Any person claiming to be damaged by such vacation may at any time within 30 days after the service of such order appeal to the circuit court of such county for determination of his damages, by serving notice of such appeal on the commissioner of highways and filing the same with proof of such service in the office of the clerk of the district court. Said appeal shall be tried in the same manner as an appeal from an award in proceedings in eminent domain.

Sub. 5. The commissioner of highways shall adopt a suitable marking design which he shall work or blaze the routes so selected, and as the definite final location of each route is opened to traffic the markings shall be changed to such location.

Sub. 6. The commissioner of highways may conduct the work or any part thereof, incidental to the construction and maintenance of the trunk highways by labor employed therefor or by contract. In cases of construction work, the Commissioner of Highways shall first advertise for bids for contracts and if no satisfactory bids are received, he shall have the right to reject all bids and advertise or do the work by labor employed therefor. When work is to be let under contract he shall publish a notice to that effect, for three successive weeks prior to the date such bids are to be received, in such local newspaper or other periodicals as may be deemed advisable, provided that in case of emergency requiring immediate action, contract may be awarded without published notice.

Sub. 7. Whenever, during the construction work on any trunk highway, it may be necessary to prevent traffic from passing over any portion of such highway, in order to avoid damage to the work under way, the commissioner of highways is empowered to close such portion of the highway to any or all traffic, by causing to be posted in a conspicuous manner, at the ends of the portion of the highway so closed, suitable signs warning the public that such road is closed under authority of law, and by the erection of suitable barricades, fences, dykes or other obstructions. The driver or owner, or both, of any vehicle, self propelled or otherwise passing through, over or around any such barricades, fence or other obstructions so placed, or any person or persons, opening, removing or defacing any such barricades, fence or other obstruction, or any such warning sign, within 30 days after the commission of the offense shall be punished by a fine not exceeding $500. Any person, firm or corporation guilty of such an offense shall be punished by a fine not exceeding $500.
to the work under construction, shall be guilty of a misdemeanor.

Sub. 8. The commissioner of highways shall once each year publish a map showing the location and status of improvement of the trunk highway system.

Sub. 9. The commissioner of highways shall be the custodian of and preserve the records of the state highway commission as herefore constituted, and of the official acts and determinations which shall be denominated orders, made by himself or predecessors in office. All of the files and records of the highway department shall, under reasonable regulations, be open to public inspection, and copies thereof certified by the commissioner of highways, as being true copies, shall be received in evidence in any court in this state with the same force and effect as the originals. The attorney general shall be ex-officio attorney for the commissioner and shall give him such legal counsel, advice and assistance as he may from time to time require.

Sub. 10. The commissioner of highways shall keep accurate and complete books of account of such character as may be prescribed by the public examiner, the same to show in detail itemized receipts and disbursements of the trunk highway sinking fund and the trunk highway fund. The books of account shall show (and it shall be the duty of the public examiner to so prescribe) the following, among other facts:

a. The expenses of maintaining the highway department, including the salaries and expenses of the individual members thereof.

b. The amounts of money expended in each county of the state for the construction or maintenance of trunk highways, where, when and upon what job or portion of road expended, so that the cost per mile of such construction or maintenance can be easily ascertained.

c. The amount of road equipment and materials purchased, and when, where and from whom purchased. Such books shall also show the price paid for each item; the original invoice shall form a part of the permanent files and records in said department, and shall be open to public inspection.

d. Any other moneys expended by the state in connection with any other roads than trunk highways, and when, where and upon what portion of road so expended. It shall be the duty of the public examiner to examine the books, accounts, records and files of the highway department at least twice every year, and oftener if he thinks proper; a copy containing a summarized report of such audit shall be filed with the comptroller of the state for the construction or maintenance of any road other than a trunk highway.

Sub. 11. The commissioner of highways shall from time to time make and adopt such rules and regulations for the location, construction, improvement and maintenance of state aid roads, as he shall deem suitable, and which shall be printed and copies forwarded to the county auditor of each county.

Sub. 12. The engineers and technical assistants shall give advice, assistance and supervision with regard to road or highway construction and improvement throughout the state, as may be required and as the rules and regulations of the commissioner of highways may prescribe, and render such other engineering or surveying service as may be required by the governor for any of the State departments.

Sub. 13. When practicable said commissioner of highways shall investigate and determine the location of road material in the state, ascertain the most approved methods of construction and improvement of roads, and investigate the most approved laws in relation to roads in other states, and hold public meetings throughout the state when deemed advisable. He shall on or before February 1st of each year make a printed report to the governor stating, the condition, management and financial transaction of his department including a statement of the expense incurred in maintaining such department: the number of miles of roads built or improved during the preceding year and their cost; the general character and needs of the roads of the state; and recommend such legislation as he deems advisable. Such report shall be transmitted by the governor to the legislature.

Sub. 14. The commissioner of highways shall each year, so far as time and conditions permit, cause an inspection to be made of all bridges exceeding thirty (30) feet in length. The commissioner of highways shall cause a copy of the report of such examination and recommendations to be transmitted to the county auditor of the county in which the bridge is situated, in case such bridge is not on a trunk highway.

Sub. 15. It shall be unlawful for any member or employee of the highway department to directly or indirectly interested in any contract for the construction or improvement of any road or bridge constructed or improved under the provisions of this act or in any contract for the repair, purchase or sale of any road machinery, equipment, materials or supplies under the provisions of this act. Any such person violating any of the foregoing provisions shall be deemed guilty of a gross misdemeanor.

Sub. 16. In all cases of payments to be made as herein authorized by the Commissioner out of the Highway Fund, the same shall be made in the following manner: The commissioner shall furnish verified abstracts of the same, prepared in triplicate, one of which shall be delivered to the State Auditor; one to the State Treasurer and one retained by the Commissioner. Such abstract shall contain the name, residence and the amount due each claimant and shall designate the contract or purpose for which the payment is made. The copy of the abstracts delivered to the State Auditor shall be accompanied by the original voucher or vouchers, together with the proof of claim for each item included in such abstract. If there be sufficient money in the proper fund, the State Auditor shall issue his warrant upon the State Treasurer for the gross amount shown by such abstract; and the State Treasurer shall deliver checks to the several persons entitled thereto, as shown by such abstracts, and he shall preserve in his office a record of each check and remittance, showing the date of each issue, the name of the payee and any other facts tending to evidence its payment.

Sub. 17. Provided: That controversies arising out of any contract for construction or repair of highways, entered into by the commissioner of highways, or by his authority, shall be submitted to arbitration if the parties cannot otherwise agree. Three (3) persons shall compose the arbitration board unless a lesser number is agreed upon. If a lesser number is not agreed upon, each party shall name one arbitrator and these two shall name a third.

The party desiring arbitration shall make a written demand therefor and shall in such demand name the arbitrator by him selected. He shall also in such de-
mand set forth all the controversies and claims which he desires to submit to arbitration. Such demand shall be immediately served upon the opposite party, who shall within five (5) days name an arbitrator on his part and shall set forth in writing any additional claims or controversies which he desires to submit to arbitration on his part.

The two persons so named shall immediately meet and designate a third arbitrator. If they cannot agree, within five (5) days either party to the controversy may apply to the district court for the appointment of such third arbitrator.

When such board of arbitration shall have been appointed, an agreement shall be executed as provided by Section 8017, General Statutes 1913. The arbitrators shall thereupon proceed to hear and determine claims and controversies between parties and make award thereon. The proceedings on the hearing and award shall be governed by the Provisions of Sections 8017, 8018, 8019, 8020, 8021 and 8022, General Statutes of Minnesota 1913.

Provided, further, that if either party refuses to sign the agreement to arbitrate, or neglects or refuses to enter into such arbitration or to proceed therewith, such party shall be deemed to have waived all rights, claims and demands and the arbitration shall proceed and an award shall be filed according to the justice of the case.

Provided, further, that no right to demand arbitration shall accrue until the work provided for in the contract shall have been in all things completed. Nor shall any person have the right to discontinue the performance of his contract by reason of anything in this section contained, but such person shall in all things comply with and carry out the determinations and instructions made or given by the commissioner of highways or his representatives; but the question whether or not such contract has been completed may be submitted to arbitration, together with any other controversies as hereinabove specified.

Provided, further, that no more than one arbitration shall be had on questions, claims or controversies growing out of the same contract. Nor shall any such arbitration be demanded after a period of more than sixty (60) days from the date of the completion of the work provided for under such contract. (21 c. 323 § 13; amended as to sub. 1, 2, 13 by Laws 1923, c. 439, §§ 2, 3, 14; as to sub. 1 by Laws 1925, c. 841; as to sub. 4 by Laws 1927, c. 227, § 3)

Explanatory note—Sub. 1 and 4 only are amended by Laws 1923, c. 439, § 147.

For Gen. Laws 1913, §§ 8017 to 8022, see §§ 9514 to 9515, herein.

Cities and villages may regulate traffic upon trunk highways by ordinances not in conflict with the state law, but that power cannot be extended so as to encroach upon the authority given the commissioner of highways 166-416, 208+132.

General Highway Act gives the commissioner of highways the supervision of the state trunk highway system within the limits of the cities and villages through which it extends.

2555. Government war materials—

Sub. 1. The commissioner of highways is hereby authorized to accept from the Federal government, allotments to the state of excess war material suitable for road construction and maintenance purposes and to provide for the use of same in the improvement and maintenance of state highways in the state.

Sub. 2. The commissioner of highways is hereby authorized to pay the necessary expense incurred in receiving, placing in use, or delivering such excess war materials from the Federal government and to pay for the expense so incurred from the trunk highway fund; provided, that any expense so incurred in receiving and delivering material which may be loaned to counties, shall be charged to the counties receiving such material and payment by the county shall be credited to the trunk highway fund.

2556. Trunk highways sinking fund—The proceeds of the tax imposed and collected on motor vehicles shall constitute the trunk highway sinking fund.

On or before the first Tuesday in April of each year, the commissioner of highways, the state auditor and the state treasurer, shall determine the sum of money required during the year beginning on said first Tuesday in April, for the payment of principal and interest of any bonds which may have been issued and sold under the provisions of section 4, article 16, of the constitution of the state of Minnesota.

After such sum shall have been so determined, which shall be evidenced by an order of the commissioner of highways, the state auditor and the state treasurer (a majority of whom may act), the moneys in or accruing to said trunk highway sinking fund, in excess of such requirements, shall be transferred to the trunk highway fund. Not less than 40% of the funds so transferred shall be set aside by the commissioner of highways to be expended in providing for the adequate maintenance of the trunk highway system in the several counties of the state and not more than 4% of the sum set aside for maintenance shall be used in any one county in any one year.

The proceeds of the sale of bonds as authorized by article 16 of the state constitution, moneys received from the federal government and moneys otherwise receipted to the state highway department in excess of such requirements, shall be transferred to the trunk highway fund. Not less than 40% of the funds so transferred shall be set aside by the commissioner of highways, the state auditor and the state treasurer, by the state board of investment in the class of securities specified and in the manner prescribed by chapter 516, Laws 1921, and acts amendatory thereof and supplemental thereto. All interest and profit from such investments, and all interest earned on moneys in the trunk highway sinking fund and in the trunk highway fund in the state treasury, shall be credited to the fund on which such interest or profit is earned. The state treasurer shall be the custodian of all securities purchased under the provisions of this section. (21 c. 323 § 15; amended '28 c. 439 § 34)
2557. Construction and maintenance of trunk highways in cities and villages—

Sub. 1. The county board of any county, the council or other governing body of any city, village or town board of any town, as the case may be, may enter into an agreement with the commissioner of highways for the construction of a roadway or structure, of greater width or capacity than would be necessary to accommodate the normal trunk highway traffic, upon any trunk highway within its boundaries, and may appropriate, from any funds available, and pay into the trunk highway fund such sum or sums of money as may be agreed upon. Provided, that nothing herein contained shall prevent any such city or village from constructing the portions of the street not included in the Trunk Highway System independent of any contract with the commissioner of highways, provided, such construction conform to such reasonable regulations as the commissioner of highways may prescribe as to grade and drainage.

Sub. 2. Where a trunk highway is located over or along a street in any city, village or borough, which street is or may be improved to a width greater than the normal width of such trunk highway, the council or governing body of such city, village or borough, as the case may be, may enter into an agreement with the commissioner of highways for the maintenance of such additional width, by the commissioner of highways, and shall from time to time in accordance with such agreement appropriate and pay into the trunk highway fund such sums of money as may be agreed upon. Provided, nothing herein contained shall be construed to prevent any such city or village maintaining such additional width at their own expense independent of any contract with the commissioner of highways. ('21 c. 523 § 16)

2558. Public utilities and works on trunk highways—

Sub. 1. The county board of any county, the council or other governing body of any city, village or borough, in respect of any of its other public highways, are hereby authorized and empowered to grant to the owner of any logging railroad permission to locate, construct, and maintain, for such period as such officer or board may determine, a logging railroad across any public highway in this state. ('27, c. 288, § 1)

2558-2. Same—Permits—Construction—Removal—Such permit shall specify the place at which such railroad shall cross the public highway, the time for which it may be maintained thereon, which shall in no case exceed five years, the manner of its construction and maintenance, and the measures that shall be taken for the protection of the highways and of the public using such highway.

The construction and maintenance of such railroad crossing shall be under the supervision and control of the officer or body granting such permit.

The person to whom such permit is granted shall, at the expiration of the time therein limited or at such earlier time as such crossing is not longer necessary, remove such railroad therefrom and restore the highway to such condition as the authority granting such permit shall require. ('27, c. 288, § 2)

2558-3. Same—Bonds of persons constructing—Every person to whom such permit is granted shall execute and deliver to the commissioner of highways or to the county board, as the case may be, a good and sufficient surety bond in such sum as shall be fixed by the authority granting such permit, conditioned for the compliance with and performance of all of the terms and conditions of such permit and of this act. ('27, c. 288, § 3)

2558-4. Same—Highways in cities, villages, or boroughs excepted—The provisions of this act shall not apply to any public highway within the corporate limits of any city, village, or borough. ('27, c. 288, § 4)

2559. State road and bridge fund—

Sub. 1. For the purpose of state aid in the construction and improvement of public highways, there shall hereby be levied annually on all taxable property of the state a tax of one mill on each dollar of valuation, to be collected in the same manner as other state taxes, and the money so raised, together with all moneys accruing from the income derived from investments in the internal improvement fund, or that may hereafter accrue to said fund, and all funds accruing to the state road and bridge fund, however provided, shall constitute the general state road and bridge fund.

Sub. 2. On or before the first Tuesday in February of each year, the commissioner of highways, the state treasurer and the state auditor shall estimate the probable sum of money that will accrue to the state road and bridge fund during the current year, and after setting aside therefrom an amount not exceeding $50,000 for a reserve maintenance fund, to be expended as hereinafter provided, shall apportion the balance of the state road and bridge fund among the different counties of the state as herein provided and the commissioner of highways shall immediately send a statement or such apportionment to the state auditor and to the county auditor of each county, showing the amount apportioned to each county for expenditure during such year.

Sub. 3. Not less than one per cent nor more than three per cent of the total state road and bridge fund available in any year and remaining after setting aside the funds hereinbefore provided for, shall be apportioned to any county.

Sub. 4. Any fund in excess of one-half of one per cent of the total state road and bridge fund available for allotment in any one year, which, for a period of two years after such allotment shall remain unused and unexpended by such county, or for work done in such county, shall revert to the unapportioned funds.
in the state road and bridge fund and be thereafter and during the next succeeding year apportioned the same as in other funds added to such state road and bridge fund by taxation or otherwise.

Sub. 5. Not less than twenty per cent of the allotment so made to any county shall be used for maintenance of state aid roads and bridges thereon, and a greater proportion of the allotment so made may be so used when a greater percentage shall have been declared by resolution of the county board to be necessary for such purpose and such resolution shall have been approved by the commissioner of highways. Payment shall be made by the state to a county only for such proportion of the cost of maintenance of any road as is hereinafter specified with reference to the payment of state aid to such county for the construction or improvement of a state aid road therein. Any payment made by the state to a county for maintenance of trunk highways or state aid roads shall be credited to the county fund out of which the cost of maintaining such road was paid by such county.

Sub. 6. The state's proportion of the cost of such maintenance shall be paid from the proportion of the allotment made to the county set aside for maintenance purposes, to an amount not exceeding the proportion so set aside for maintenance purposes. Such payments shall be made upon reports to the commissioner of highways by the county auditor, after approval by the commissioner of highways, in substantially the same manner as is herein provided for the payment of the state's share of the cost of construction and improvement of state aid roads.

Sub. 7. The amount which shall be paid by the state out of the allotment of the state road and bridge fund, to any county as state aid, in the construction or improvement of any road or bridge in any county in any year, shall be as follows:

In counties where the assessed value of the property for taxation purposes is less than five million ($5,000,000) dollars, 80 per cent; in counties with a taxable valuation of five million ($5,000,000) dollars and less than ten million ($10,000,000) dollars, 70 per cent; in counties with a taxable valuation of ten million ($10,000,000) dollars and not exceeding fifteen million ($15,000,000) dollars, 60 per cent; in all other counties, 50 per cent. In determining the taxable valuation hereinbefore provided for, the assessed valuation of moneys and credits provided for in Chapter 285, General Laws 1911, shall be excluded. The proportion of the cost of constructing any road or bridge above specified shall be paid by the state only in case the funds apportioned to any given county, over and above the amount set aside for maintenance, as herein provided, shall be sufficient therefor. ('21 c. 323 § 18)

Explanatory note—For section 1 see § 2559-1, herein.

2559-1. Temporary loans to trunk highway fund by state treasurer—For the purpose of supplying deficiencies in the trunk highway fund, the treasurer may temporarily loan from other public funds a sum not exceeding in the aggregate the amount of federal aid allotted to the construction of roads under project appropriation by the federal government; provided, that no fund shall be so impaired thereby that all proper demands thereon cannot be met; provided further, that if the said federal aid is not paid, the treasurer shall transfer to such other public funds from the state highway fund such amount as may be necessary to pay any loan or loans made hereunder. (255, c. 329 § 1)

2559-2. Same—Duties of Commissioner of Highways—Before the treasurer shall be authorized to grant a loan as provided in section 1, the Commissioner of Highways, shall file with the auditor and treasurer a certificate showing the amount of disbursements from the trunk highway fund which are to be repaid to the state by the federal government. (23, c. 339 § 2)

Explanatory note—For section 1 see § 2559-1, herein.

2560. Designation state aid roads—Revocation—Sub. 1. The county board of any county may, with the consent of the commissioner of highways, designate any established road, or specified portion thereof, in its county, not within the corporate limits of any borough, village or city, as a state aid road, and construct or improve the same in accordance with the regulations of the commissioner of highways relative to state aid roads.

Sub. 2. Any such board may also, with the consent of the commissioner of highways, designate as a state aid road, any street or road within the corporate limits of any village, borough or city of the fourth class.

Sub. 3. When any county board has designated any road as a state aid road as herein provided, the county auditor shall transmit a copy of the resolution to the commissioner of highways, together with a description of the road so designated. It shall be the duty of the commissioner of highways to thereupon determine whether sufficient funds will be available from the state road and bridge fund for the improvement of said road as a state aid road and also determine the desirability of such designation with reference to the relation of such road to other state aid roads, or its relation to other roads and traffic conditions in such county and if he determines such questions in the affirmative, then, and in such cases, the commissioner of highways may, by his order in writing, to be filed with the county auditor, consent to the designation of such road as a state aid road.

Sub. 4. Any street or road within the corporate limits of any borough, village or city of the fourth class designated as a state aid road, as hereinafter provided, may be improved by the county as other state aid roads are improved, and state aid paid therefor in the same manner and to the same extent as other state aid roads lying within the county wherein such borough, village or city is situated; provided, however, that the grade of any such street shall not be changed without the consent of the governing body of any such borough, city or village; and provided further, that the plans and specifications for any improvement thereof shall be approved by such governing body before such work is commenced.

Sub. 5. Whenever it shall be made to appear to the commissioner of highways that the board of county commissioners of any county has refused to grant an application to it made by at least ten freeholders, residents of such county, to designate any established road or part thereof as a state aid road, the commissioner of highways may consider such application de novo, and in his opinion, sufficient funds will be available for the improvement of such road, and its designation and improvement as a state aid road in desirable because of the relation of such road to other roads or traffic conditions in such county, the commissioner of highways may by his written order designate such road or part thereof as a state aid road without a prior designation thereof by the county board or its concurrence in such designation. A copy of such order shall be filed with the county auditor.
Sub. 6. Any roads which may have been at any time designated as state aid roads, may, by joint action of the county board and the commissioner of highways, be abandoned or changed as such; provided, that in no case may the board of any county fail to make the report of that portion of the road for the period of ten days after being notified by the commissioner of highways, to properly maintain any state aid road which it is required to maintain, then the commissioner of highways shall have power to revoke the designation of such highway as a state aid road. (21 c. 323 § 19)

2561. Designation of road on county line as state road—Whenever the county boards of adjoining counties make application to the commissioner of highways for the designation of an established road running on or near the boundary line between two counties, as a state aid road, said commissioner of highways shall investigate the desirability of such designation, and, if he shall decide that it is desirable so to do, shall so designate such road and determine and fix the part of the cost of the improvement and maintenance thereof to be paid by each county. (21 c. 323 § 20)

2562. Maintenance of state aid roads—Sub. 1. It shall be the duty of the county board of each county in which state aid roads have heretofore or may hereafter be designated, to provide for the proper maintenance of the same in accordance with the rules and regulations of the commissioner of highways.

Sub. 2. In the expenditure of the funds for maintenance, preference shall be given to state aid roads improved as such, and especially such state aid roads, to the cost of construction or improvement of which the United States has contributed.

Sub. 3. In case the county board of any county fails or neglects to maintain any state aid road, as to which it is hereinafore directed preference shall be given in the expenditure of the funds set aside for maintenance purposes, in accordance with rules and regulations promulgated by the commissioner of highways, he may cause the same to be maintained and to pay the expense thereof from the “Reserve Maintenance Fund.” He shall have power to enter into contracts for the performance of work or he may purchase the necessary tools and materials and employ the necessary labor and cause the same to be done by day labor; provided, however, that the amount so expended in any one county in any one year shall not, together with the funds allotted to such county during such year, exceed an amount equal to three per cent of the total state road and bridge fund available for allotment and expenditure during such year; and, provided further, that an amount equal to any sum so expended by the commissioner of highways in any county during any one year shall at the time of the next allotment of the state road and bridge fund be deducted from the allotment which would otherwise be made to such county and the amount so deducted shall be credited to the reserve maintenance fund; provided, further, however, that no county shall by reason of any such deduction receive in any one year less than one-half of one per cent of the total state road and bridge fund provided and expended during such year. (21 c. 323 § 21)

2563. Procedure for constructing or improving state aid roads—Whenever the county board of any county shall determine to build or improve any state aid road for which aid is to be claimed, they shall proceed as follows:

If the estimated cost of such work does not exceed five hundred dollars ($500), the said board shall cause surveys, when necessary, to be made therefore, and shall thereupon receive bids for all or part of said work, and let the contract to the lowest responsible bidder, or may cause the same to be done by labor employed therefor. In case the estimated cost exceeds five hundred ($500) dollars the said county shall cause surveys, plans and specifications thereof to be made and submit the same to the commissioner of highways for approval, and when such plans and specifications are approved, the said county may cause the same to be done by do said work by contract or labor employed therefor, as the county board and the commissioner of highways may direct. The work shall be done under the supervision of the county highway engineer, who shall in all matters pertaining to such work act under the rules and regulations of the commissioner of highways.

In case it shall be determined to do the work by contract, the county board may agree in such contract to pay the contractor, on account of the contract price, an amount not exceeding eighty-five per cent of the value of the work from time to time actually completed, as shown by monthly estimates thereof, based on the contract price, made by the engineer in charge of the work, and in such case it shall be lawful for the county auditor to issue a warrant on the county treasurer to the contractor for an amount equal to the specified percentage of the value of the work so completed and specified in the engineer's monthly estimate, without allowance of a claim therefor by the county board. (21 c. 323 § 22)

2564. State aid, how paid—After any county board shall have completed any work on a state aid road for which state aid is claimed, the auditor of such county shall make a statement to the commissioner of highways showing the location, nature and cost of such work, and shall also submit a detailed report from the county highway engineer in charge showing all such details concerning the same as may be required by the commissioner of highways. On receipt thereof the said commissioner of highways shall proceed to examine such reports, and if he finds the same satisfactory and that the work has been done in substantial compliance with the plans and specifications therefor, and the contract therefor, if any, he shall certify the same to the state auditor who shall issue a warrant for the state's share thereof as shown by said report, payable to the treasurer of such county, but in no case shall said warrant, with all other warrants, exceed the amounts allotted to such county. (21 c. 323 § 20)

2564. Interstate bridges connecting state trunk highway system with systems of adjoining states—Purpose of law—The purpose of this act is to provide for connecting the highway system of the State of Minnesota, including the trunk highway system, with the highway systems of adjoining states by means of inter-state bridges. (25 c. 403 § 1)

Explanatory note—Law 1925, c. 493 contains the following preamble: "WHEREAS, The United States Government, for many years past, has appropriated millions of dollars to the State of Minnesota in aid of the construction of the highways of this State, and the State of Minnesota expects in the future to obtain similar large sums from the United States Government in furtherance of the construction of the highways of Minnesota, including the trunk highway system of this State; and

WHEREAS, Article 19 of the Constitution of the State of Minnesota, providing for the State trunk highway system was proposed and adopted, among other reasons, to enable the legislature of any one of the States to provide for raising the necessary money for highway purposes in order to meet the requirements of the United
States Government to make federal aid available to this State for such purposes; and

WHEREAS, The United States Government has no authority to appropriate money in aid of highway construction in this State except for the purpose of improving post roads and promoting interstate commerce and any such appropriation can only be carried out through ample and adequate connection between the highways of this State and the highway system of the states adjoining Minnesota; and

WHEREAS, Many of the important trunk and other highways of the State of Minnesota lead to water boundaries between this State and adjoining states, and in order that such highways may adequately serve the public demands for travel and accommodation to carry out the obligation of this State incurred in accepting federal aid thereon, such highways should be connected with the highways of the adjoining states by inter-state bridges:

Now, Therefore,

The Act entitled the Legislature of the State of Minnesota:

2564-2. Same—Inter-state bridge defined—The term "inter-state bridge" shall mean and include all bridges now existing or which shall be hereafter constructed across boundary waters between the State of Minnesota and any adjoining State, thereby connecting any trunk highway of this State, or any State aid highway of this State, with the highway system of any adjoining state. (25, c. 403, § 2)

2564-3. Same—State aid highway defined—The term "State aid highway" as herein used shall be taken to mean and include any highway of this State, however the same may have been laid out or located, if the same shall have been or shall hereafter be laid out, constructed or improved by aid from the State Road and Bridge Fund, provided for by Section 9 of the Constitution of the State of Minnesota. (25, c. 403, § 3)

2564-4. Same—Bridges part of highway system, trunk highway system, state aid highways, or state aid highway system, on certificate by commissioner of highways—Wherever any trunk highway or State aid highway of this State leads to and connects with any such inter-state bridge so that such bridge is essential in order to provide a continuous passage from any such highway of this State to the highway system of any adjoining state, every such inter-state bridge or so much thereof as lies within the boundaries of this State, is hereby declared to be and the same for all purposes shall be deemed to be an essential and necessary part of the highway system of this State for all purposes, and if so connected with a trunk highway, shall be deemed to be a part thereof, and if so connected with a State aid highway shall be deemed to be a part of such State aid highway, and if so connected with any other road, except a trunk highway, shall be deemed to be a part of the State aid highway system of this State for all purposes whenever the Commissioner of Highways shall certify that in his judgment such road is of such importance for the purposes of traffic and inter-state travel that it should be connected with the highways of the adjoining states by an inter-state bridge. (25, c. 403, § 4)

2564-5. Same—Construction, etc., of bridges by commissioner of highways—The Commissioner of Highways of the State of Minnesota is hereby authorized and directed to construct, reconstruct, maintain and repair every such inter-state bridge so forming a part of the trunk highway system of this State, or such part thereof as may be necessary in order to connect such highways of this State with the highway system of any adjoining State, and is also authorized and directed to co-operate with the duly authorized authorities of any such adjoining State in the construction, re-construction, maintenance, repair and operation of any such bridge, and shall have full power and authority to make all agreements with reference thereto with the authorized authorities of adjoining states in reference to all matters included in this section. (25, c. 403, § 5)

2564-6. Same—Location of bridges—In case of the construction or re-construction of any inter-state bridge the Commissioner of Highways of this State shall have power after hearing to determine the location where and the manner in which such bridge shall be constructed or re-constructed. (25, c. 403, § 6)

2564-7. Same—Conveyance of bridges by cities or villages—In case any existing inter-state bridge is owned by any city or village in this State, the Commissioner of Highways is authorized to accept a conveyance thereof or of any part thereof from any such city or village, upon such terms and conditions as the Commissioner of Highways shall determine to be just and equitable, and for such purpose shall have full power to co-operate and agree with the duly authorized authorities of any adjoining State, and every such city or village is authorized to convey any such bridge to this State, or to this State and any adjoining State, upon such terms and conditions as may be agreed upon by and between such city or village, the Highway Commissioner of this State and the authorities of such adjoining State. (25, c. 403, § 7)

2564-8. Same—Acquisition of bridges owned by villages or cities in adjoining states—In case any such inter-state bridge shall be owned and operated by any city or village of any adjoining State, the Commissioner of Highways of this State is hereby authorized to acquire such bridge, or any part thereof, necessary to connect the highways of this State with the highways of such adjoining State, or may acquire the same in co-operation with the duly authorized authorities of any adjoining State, upon such terms and conditions as the Commissioner of Highways of this State may determine to be just and equitable. (25, c. 403, § 8)

2564-9. Same—Trunk highways to be run on bridges—In case any route of the trunk highway system described in Article 16 of the Constitution runs through any city, or into any city of the second, third or fourth class, or village situate on the bank of any river or stream forming a boundary between the State of Minnesota and any adjoining State, and an inter-state bridge owned and operated by any such city or village connects such city or village with the highway system of such adjoining State, then and in every such case it is hereby made the duty of the Commissioner of Highways of this State to so specifically designate and locate such trunk highway route so that the same shall run to the State boundary upon such bridge so as to include the same as a part of such trunk highway. (25, c. 403, § 9)

2564-10. Same—Construction, etc., of bridges by commissioner in certain cases—In case an inter-state bridge of this State runs through or into any city of the second, third or fourth class, or any village of this State situate on any stream or river forming a boundary between Minnesota and an adjoining State where no inter-state bridge exists, and if the Commissioner of Highways of this State shall find after a public hearing that by reason of increased travel a public demand exists for communication between the highway system of Minnesota and such adjoining State at any such city or village, and that a public necessity exists for the construction of an inter-
state bridge at such city or village and that the construction of such inter-state bridge will improve post roads and promote interstate travel, and that the construction of such bridge would materially increase the public usefulness of such trunk highway and of the highway system of this State and that the public interests of the State require the construction of such inter-state bridge, then upon filing such findings in the office of such Commissioner of Highways the Commissioner of Highways is authorized to designate such interstate bridge as a part of the route of such trunk highway to construct, maintain and repair an interstate bridge at such point in co-operation with the duly authorized authorities of such adjoining county. (25, c. 403, § 10)

2564-11. Same — Acquisition by Commissioner of privately owned bridges and toll bridges — In case any inter-state bridge is owned by any private person or corporation or is operated as a toll bridge, the Commissioner of Highways shall not be required to designate the same as a part of the trunk highway or State aid highway systems of this State nor to expend any money for any purpose in the construction of such bridge, and the Commissioner of Highways may acquire any part of any such bridge necessary to connect the highways of this State with the highways of any adjoining State by gift, purchase or condemnation, if such commissioner shall determine, after a hearing, that the public interests require such acquisition by gift, purchase or condemnation, and if and when so acquired the same shall be subject to all of the provisions of this act, and may so acquire, operate, maintain and reconstruct the same in co-operation with the authorized authorities of any adjoining State. (25, c. 403, § 11)

2564-12. Same — Use of state road and bridge fund — The Commissioner of Highways is authorized to apportion any part of the State Road and Bridge Fund, hereinafter referred to, for the purpose of aiding in the construction, re-construction, maintenance or repair of any inter-state bridge forming a part of any State aid highway as hereinbefore specified, and any county in this State is hereby authorized to appropriate any money in its Road and Bridge Fund for the purpose of aiding in the construction, re-construction, maintenance or repair of any such inter-state bridge, whether situated within the limits of such county or in any other county in this State. (25, c. 403, § 12)

2564-13. Same — Separability of law — If any part of this act or section of this act, or any part of any section thereof shall be questioned in any action and shall be held to be unconstitutional, such decision shall not affect any other part thereof. (25, c. 403, § 13)

2565. Powers of county board — Sub. 1. County boards shall have general supervision of county roads, including those within their respective counties established by judicial authority, with power to appropriate and expend such sums of money from the county road and bridge fund as they may deem advisable for opening, vacating, resurveying or improving the same in towns and villages of such county or for the building or repairing of bridges upon any part of any such county road or bridge within the limits of any village, borough or city of the fourth class in such county, such expenditures upon such road or bridge shall be first authorized by the council of such village, borough or city of the fourth class.

Sub. 2. The county board of any county may appropriate from its road and bridge fund to any town in its county, such sums of money as are available and which it deems advisable to aid such towns in the construction and maintenance of roads therein, and such appropriation may be directly expended by the county board, upon which roads as shall be designated by the town board; provided, that in counties having a population of two hundred twenty-five thousand (225,000) inhabitants or over, such county aid may be expended in accordance with provisions of this act.

Sub. 3. The board may appropriate and expend money for the construction and maintenance of roads in another county having a road or roads immediately tributary, and running into the county appropriating such money, when it deems it for the best interest of the public.

Sub. 4. The county board shall provide and set apart a fund for the construction and maintenance of roads and bridges in such county, to be known as the "County Road and Bridge Fund," upon which shall be drawn all warrants for the construction and maintenance of state aid and county roads and bridges in such county, as determined by such boards or as required by the provisions of this act.

Sub. 5. The county board at its July meeting may include in its annual tax levy an amount not exceeding ten mills on the dollar of the taxable valuation for the county road and bridge fund. Such taxes may be additional to the amount permitted by law to be levied for other county purposes. (21 c. 323 § 24; amended as to subd. 2 by 25 c. 403 § 4) (§ 25 repealed 25 c. 489 § 5)

156-361, 194; 156-362, 197; 156-365, 197. The county board of Hennepin county may employ in a proper case, engineering service for the construction of approaches to a bridge. 166-261, 267-264.

If regularly such services should be employed through the office of the surveyor, the employment, directly by the board is but an irregularity, of which advantage cannot be taken after the services are performed. 166-261, 267-264.

Omitted laws amended and repealed — Laws 1923, c. 103, authorizing counties in counties with not less than 16 nor more than 18 congressional townships, and not less than 900 nor more than 1,000 inhabitants, and not less than $15,000,000 nor more than $16,000,000 valuation, to fix and determine the total tax levy for county roads and bridges, and therefor to be levied shall be repealed by Laws 1925, c. 42, § 1. Section 2 of said Laws 1925, c. 42 reads as follows: "The provisions of this act is to make ineffective the provisions in Chapter 300, General Laws 1923, made applicable to counties of the area, population, and assessed valuation therein described, and to restore, reinstate, and make applicable all former statutes covering the subject matter of said Chapter 300 to the same extent as though said chapter had not been enacted."

Laws 1919, c. 158, authorizing county boards in counties with not less than 55 nor more than 57 congressional townships and assessed valuation of not less than $5,000,000 nor more than $10,000,000, to construct roads on section lines dividing separate organized townships, and to levy a tax therefor, is repealed by Laws 1927, c. 32, § 1. Section 1 of said Laws 1927, c. 32 reads as follows: "In case any tax heretofore levied under said Chapter 32 shall have been paid into the county treasury and remains unexpendable in whole or in part, so much thereof as remains unexpended shall forthwith be paid to such township or village by warrant drawn by the county auditor."

Section 2 of said Laws 1927, c. 32 reads as follows: "In case any tax hereofore levied under said Chapter 32 shall have been paid into the county treasury and remains unexpendable in whole or in part, so much thereof as remains unexpended shall forthwith be paid to such township or village by warrant drawn by the county auditor."

Laws 1919, c. 60, § 1 is amended by Laws 1927, c. 261. 1001 - 261. The reading of the above provisions in the counties in this state may appropriate such reasonable sums of money as deemed proper to assist in the con-
2565-1. Appropriations from county road and bridge fund for building and improving bridges and
approaches in villages, boroughs, or cities of fourth class—Construction, etc., of bridges—Whenever the council of
any village, borough or city of the fourth class may determine that it is necessary to build or improve any
bridge or bridges including approaches thereto and any dam or retaining works connected therewith, upon or
forming a part of streets, or highways either wholly or in part within its limits, the county board of such
county shall determine the plans and specifications, and to repay any money advanced by the village or city board
appropriating such money as may be necessary therefor from the county road and bridge fund, not exceeding
during any year the amount of taxes paid into the county road and bridge fund during the preceding year,
property within the corporate limits of said village or city. Such appropriation shall be made upon the
petition of the council, which petition shall be filed by the council with the county board prior to the fixing
of the county road and bridge fund for the following year, on property within the corporate limits of each such
county as determined on the basis of the tax for road and bridge purposes levied by such county upon property
within such city in the next preceding year.

The county board shall thereupon direct the county auditor to make such payment to the city not later than
July 1 next following, and the moneys so paid shall be used by the county for the sole purpose of recon-
structing and maintaining such bridge or bridges. (27, c. 356, § 2)

2566. County bonds for paving—When authorized by the voters as hereinafter provided, the county board of
any county is authorized to issue bonds for the purpose of macadamizing any established road or roads
therein, or surfacing the same with any hard material in any other way making a permanent improvement
thereon, when the expense of so doing exceeds the amount of any appropriation the county board is au-
thorized to make therefor.

Sub. 1. Whenever fifty or more voters of the county
who are also freeholders, petition for such improve-
ment, and file such petition with the county auditor,
he shall lay the same before the county board at its
next regular, special or adjourned meeting.

Sub. 2. It shall be the duty of the county commis-
sioners to consider such petition and if they find it
contains the requisite number of signatures, they shall
order an estimate of the cost of such improvement
to be made by the county highway engineer.

Sub. 3. If such estimate is furnished within six
months prior to the time of holding the next general
election, the county board may, if it deems it desirable,
order the holding of a special election in the county for
the purpose of voting on the question of making such
improvement and issuing bonds therefor. No special
election shall be ordered when a general election will
be held within six months after the estimate of the en-
gineer is filed with the county auditor. If a special
election is ordered, the county auditor shall cause bal-
lets to be prepared setting forth a statement of the
proposed improvement and description of the road or
roads to be improved, with the words "yes" and "no"
thereafter, with appropriate spaces for voting.

Persons voting in favor of the proposition shall put
across (X) after the word "yes," and those opposed
after the word "no." If not submitted at a special election the auditor shall cause the same to be submit-
ted at the next general election. In either event the
votes on such question shall be returned and canvassed
as is provided by law with reference to other questions
submitted to the voters. If a special election shall be
ordered the same shall be held substantially in the
manner provided by law for the holding of general
elections, and the auditor shall cause published notice
thereof to be given in the official paper of the county
for three successive weeks prior thereto, giving a de-
scription of the road or roads to be improved and a
statement of the improvement proposed and the esti-
nated cost thereof. If a majority of the voters voting at the election vote in favor of the improvement, then the county board shall issue the bonds of the county as hereinafter provided and cause the improvement to be made.

Sub. 4. The bonds so issued shall bear interest, evidenced by coupons, at a rate not exceeding six per cent per annum, payable annually; such bonds may be made payable in equal installments, the first of which shall become due and payable not less than five years after the date thereof and the last of which installments shall become due and payable not more than twenty years after the date thereof. Said bonds shall not be sold for less than par and accrued interest, and any proceeds thereof shall be used by the county only for making the improvement specified in the proposition as submitted to the voters, such bonds shall not be valid until registered by the county auditor and his certificate of registration endorsed thereon. The county auditor shall thereforer levy a sufficient tax to pay the interest and principal of said bonds as the same shall accrue, which tax shall be collected as other taxes are collected; provided, however, that no such bonds shall be issued by any county when the issuance of the same would make the entire indebtedness of the county exceed fifteen per cent of the assessed valuation of the taxable real property of the county; provided, that in computing the indebtedness of any county, any indebtedness created by the issue of the bonds of such county for the construction of drainage ditches, the cost of which is assessed against the benefitted property, shall not be included. (21 c. 323 § 26)

2567. Issuance of bridge bonds—Whenever the county board of any county in this state deem it advisable to construct, repair or renew any bridge or bridges over water within the county or bordering thereon and such county has no outstanding road and bridge bonds issued as such, and such board has been previously petitioned by twenty-five or more voters of the county who are also freeholders, to take such action, such county board may cause the bridge bonds of said county to be issued and sold in an amount not exceeding ½ of 1 per cent of the assessed valuation of the taxable property within said county, without submitting the matter to a vote of the electors of said county to be issued and sold in an amount not exceeding $10,000.00 without submitting the matter to the vote of the electors of the county. Such bonds shall be signed by the chairman of such board and countersigned by the county auditor, and shall be payable not more than twenty years from their date and shall bear interest, evidenced by coupons, which shall not exceed six per cent per annum, and shall not be sold for less than par and accrued interest. Bonds issued to defray the expense of state rural highways shall not be considered as road and bridge bonds within the meaning of this act. Provided, however, that only one such bridge may be constructed by any county under the provisions of this act. (21 c. 323 § 28)

2568. Bonds for bridges over streams marking state boundary—Whenever the county board of any county in this state bordering on a navigable river forming part of the boundary of the state, shall deem it advisable to join with the adjoining state or any county or municipality thereof in constructing and maintaining a bridge over such navigable river and connecting a public street of an incorporated village within in such county, and such county has no outstanding road or bridge bonds and such board has previously been petitioned by one hundred (100) or more voters of such county who are also freeholders, to take such action, such county board may cause the bonds of the county to be issued by the bridge, but not to exceed in the aggregate $60,000.00 without submitting the matter to the vote of the electors of the county. Such bonds shall be signed by the chairman of such board and countersigned by the county auditor, and shall be payable not more than twenty years from their date and shall bear interest, evidenced by coupons, which shall not exceed six per cent per annum, and shall not be sold for less than par and accrued interest. Bonds issued to defray the expense of state rural highways shall not be considered as road and bridge bonds within the meaning of this act. Provided, however, that only one such bridge may be constructed by any county under the provisions of this act. (25, c. 250, § 1)

2568-1. County bond reimbursement fund—A fund to be known as the county bond reimbursement fund hereby is created. (25, c. 250, § 2)

2568-2. Same—Amounts placed in from trunk highway fund—The officers named in Subdivision 2 of Section 2564, General Statutes 1923, are authorized and required annually to set aside from the trunk highway fund created by article 16 of the constitution and to place in the county bond reimbursement fund such amounts as may be required to pay the interest on bonds issued by such county, but not to exceed in the aggregate $60,000.00 without submitting the matter to the vote of the electors of the county. Such bond reimbursement bonds issued for permanently improving trunk highways, and to pay such interest and principal out of said county bond reimbursement fund, all to the extent hereafter defined known as the county bond reimbursement fund, are authorized and required annually to be paid out of the Trunk Highway Fund. (25, c. 250, § 2)

2569. County highway engineer. Sub. 1. The county board of each county shall appoint and employ as hereinbefore provided and may remove, a county highway engineer, who shall have charge of the highway work of the county and the forces employed thereon, and who shall make and prepare all surveys, estimates, plans and specifications which are required of him. His salary shall be fixed by the county board and payable the same as other county officers are paid.

Sub. 2. Such county highway engineer may be selected from a list of eligible, competent highway engineers or road builders which list shall be submitted by the commissioner of highways upon request of the county board or when a vacancy exists. Said engineer shall not be required to possess any other qualifications than may be prescribed by the commissioner of highways.
Sub. 3. The county highway engineer shall devote his entire time to his official duties, and shall be prepared to enter upon the duties of his office, give bond to the state in the penal sum of $3,000, to be approved and filed in the same manner as are the bonds of the other county officers. The state, the several governmental subdivisions thereof, or any person damaged by any wrongful act or omission of said county highway engineer in the performance of his official duties, may maintain an action on his bond for the recovery of the damages so sustained.

Sub. 4. The county highway engineer shall prepare and submit to the county board at its regular meetings in July, a report of all expenditures and work done since the last report, and an estimate of probable expenditures for the balance of the year. He shall also prepare and submit, prior to the time the levy for county road and bridge purposes is made, a recommendation with estimates of cost, of work which he considers necessary or advisable for the following year.

Sub. 5. Within thirty days after the completion of a construction job, and once each month on other work, he shall submit a report thereof to the county board and to the commissioner of highways, and shall submit such other reports as the rules and regulations of the commissioner of highways shall require.

Sub. 6. On or before January 1st, of each year the county highway engineer shall prepare a complete report covering the highway work of the county, and submit one copy to the county board and one copy to the commissioner of highways.

Sub. 7. In all cases where any other engineer or surveyor is now charged by law with duties in connection with, and supervision of road or highway work for the county he is hereby relieved at the expiration of his present term, and the county highway engineer at that time is expressly charged with, and he shall then assume such duties, provided that the duties of the County Highway Engineer as specified in this section shall be performed by the county surveyor in all counties in the state having a population of over 225,000.

2569-1. County highway engineer in counties with 400,000 inhabitants or over—Appointment, removal, salary, and general powers—The county board of each county of this state now or hereafter having a population of four hundred thousand (400,000) inhabitants or over may appoint and employ a highway engineer who shall have charge of the highway work of the county and the forces employed thereon, and who shall make and prepare all surveys, estimates, plans and specifications which are required upon highway work. His salary shall be not to exceed the sum of Four Thousand Five Hundred ($4,500) per annum. ('25, c. 369, § 1)

2569-2. Same—Qualifications—Such county highway engineer shall be a competent, registered highway engineer or road builder. His appointment shall be first approved by the Commissioner of Highways. ('25, c. 369, § 2)

2569-3. Same—Bond—The county highway engineer shall devote his entire time to his official duties, and shall be prepared to enter upon the duties of his office, give bond to the state in the penal sum of $3,000, to be approved and filed in the same manner as are the bonds of the other county officers. The state, the several governmental subdivisions thereof, or any person damaged by any wrongful act or omission of said county highway engineer in the performance of his official duties, may maintain an action on his bond for the recovery of the damages so sustained. ('25, c. 369, § 3)

2569-4. Same—Reports and recommendations to county board—The county highway engineer shall prepare and submit to the county board at its regular meetings in July a report of all expenditures and work done since the last report, and an estimate of probable expenditures for the balance of the year. He shall also prepare and submit prior to the time the levy for county road and bridge purposes is made a recommendation with estimates of cost of work which he considers necessary or advisable for the following year. ('25, c. 369, § 4)

2569-5. Same—Reports to county board and commissioner of highways—Within thirty days after the completion of a construction job, and once each month on other work, he shall submit a report thereof to the county board and to the commissioner of highways, and shall submit such other reports as the rules and regulations of the commissioner of highways shall require. ('25, c. 369, § 5)

2569-6. Same—Annual report to county board and commissioner of highways—On or before January 1st of each year the county highway engineer shall prepare a complete report covering the highway work of the county and submit one copy to the county board and one copy to the commissioner of highways. ('25, c. 369, § 6)

2569-7. Same—Road and highway duties of other county engineers or surveyors transferred to—In all cases where any other engineer or surveyor is now charged by law with duties in connection with and supervision of road or highway work for the county, he is hereby relieved and the county highway engineer is expressly charged with and shall assume such duties, and such other engineer or surveyor shall forthwith on order from the county board turn over to the highway engineer all equipment under his control, together with all plans, plats and records in his office or under his control pertaining to the highway work of the county. ('25, c. 369, § 7)

2570. Payment of labor—Where any county is engaged in constructing, improving, maintaining or repairing any public road by labor employed therefor, it shall be lawful for the county auditor and county treasurer to pay the claims of the laborers who have performed manual labor on said roads, for such labor, and the claims of persons who have furnished tractors, trucks, teams and wagons or plows or scrapers in the performance of work on such roads for the use of such teams and such equipment, without such claims having first been audited and allowed by the county board, provided such claims shall be evidenced and authenticated as herein provided, and be in the form as hereafter provided.

Sub. 1. The county board may authorize the overseer, superintendent or foreman, designated by it to have charge of the construction, improvement or main-
The tenance of any road, to issue time checks with reference to such road work, which time checks shall be issued and be in the form hereinafter prescribed, provided, however, that the aggregate amount of the time checks so issued by any overseer, superintendent or foreman, as to any one road, shall not exceed such amount as shall have been previously specified by resolution of the county board. Said county board may also authorize the overseer, superintendent or foreman to deduct from the sum that may be due any workman, any amount due from said workman for board to any person, and to issue to such person a time check for the total amount due as board from any one or more workmen, according to the form of check approved by the public examiner.

Sub. 2. Any overseer, superintendent or foreman so authorized, shall, on the 15th and last days of each calendar month, issue to all persons who have performed manual labor in the carrying on of such work, or who have furnished tractors, trucks, teams, wagons, plows or scrapers, a time check, so-called, for all labor performed by the person to whom the same is issued for the performance of any labor or for the furnishing of tractors, trucks, teams and wagons, plows or scrapers upon the road work specified therein, prior to the date of the issuance of same, and as to which no time check has been previously issued.

Sub. 3. Such time check shall be substantially in the form which shall be prescribed by the public examiner.

Sub. 4. The overseer, superintendent or foreman issuing any such time check shall fill in all the blank spaces therein, indicating therein the hours of labor performed on each date. He shall sign the same before delivering it to the person in whose favor it is issued. Such time checks shall be made out in duplicate; one copy thereof shall be delivered to the claimant and the other shall be forthwith delivered to the county auditor. The auditor shall not issue a warrant to the claimant until he shall have compared the copy delivered to him with the copy delivered to the claimant, nor in any event unless the two copies are alike, nor shall he issue such warrant unless the copy presented by the claimant shall have been verified by oath or affirmation of the claimant, nor until such claimant shall surrender to the auditor the copy of such time check delivered to him. Every such overseer, superintendent, foreman, or county highway engineer, is hereby authorized to administer such oath or affirmation to any such claimant. Upon the surrender to him of such time check the auditor may issue a warrant therefor which warrant shall be payable by the county treasurer. The auditor shall endorse upon the time check so surrendered, the date of payment thereof and the number of the warrant issued therefor.

Sub. 5. If any person who would otherwise be entitled to the issuance to him of a time check on the 15th or last day of any month quits the employment of the county, or is discharged therefrom before such dates, the overseer, superintendent or foreman, as the case may be, shall thereafter and within twenty-four hours after the termination of such employment, issue to such person a time check as herein provided.

Sub. 6. It shall be unlawful for any person to issue any such time check in the assumed capacity of overseer, superintendent or foreman, without first having been authorized so to do by the county board. It shall be unlawful for the overseer, superintendent or foreman to knowingly issue and deliver to any person any false or fraudulent time check. It shall be unlawful for any person to alter or change any time check issued by an overseer, superintendent or foreman. Any person violating any of the provisions of this section shall be guilty of a felony and punished by imprisonment in the state prison for not more than five years.

Sub. 6A. In lieu of the time check system hereinafter provided, any county board may adopt a payroll system for the payment of the claims hereinbefore in this section referred to. Such payroll shall be in such form as shall be prescribed by the public examiner. Nor shall the law be applicable to the payment of such claims by the payroll system provided for in this subsection.

Upon the allowance of any such payroll the items upon which thereon shall be paid by auditor's warrants forthwith, which warrants shall be made payable to the respective claimants whose names shall be signed to said pay roll and to no others.

Sub. 6B. The County Board in any county of the state now or hereafter having at any time an area of over 5,000 square miles and an assessed valuation of over $300,000,000, or any county having the auditor and the county treasurer by time checks to pay the claims of laborers, truck drivers, shop mechanics and other workmen, whether skilled or unskilled for labor performed for such county on county roads and bridges, county tool or warehouses, repairing county road tools, road machinery, or motor equipment or doing any other work under a road superintendent or foreman who has to do with construction or maintenance. The County Board may authorize the road superintendent or foreman designated by it to have charge of any of the work hereinbefore specified to issue time checks therefore for labor, whether skilled or unskilled, employed by such county in any capacity in connection with the construction or maintenance of roads therein, and the claims of persons who have furnished tractors, trucks, teams, wagons, plows or scrapers for the performance of such work, may be paid in the following manner:

The foreman in charge of each crew shall transmit daily to the county auditor a report showing the name of each person working under his supervision, the number of hours and character or kind of work performed by each, together with the rate of pay of each. From these cards the county auditor shall make up a semi-
month payroll for each crew in such form as may be approved by the public examiner, which payroll shall be verified by the foreman from whose daily reports the same shall have been compiled. These payrolls shall then be presented to the county board for allowance or disallowance. On the allowance of a payroll by the county board, the county auditor shall forthwith issue to the several claimants whose names appear therein, his warrants in payment of their respective claims. (23, c. 367, § 1)

Explanatory note—Section 2 of Laws 1925, c. 367 repeals all inconsistent acts and parts of acts.

2571. Power of town board.

Sub. 1. The town board of each town shall have general care and supervision of all town roads therein, and such care and supervision of county roads therein as is prescribed by the provisions of this act, and shall procure machinery, implements, tools, stone, gravel and other material required for the construction and repair thereof; provided, that in counties having a population of one hundred and fifty thousand (150,000) or over the town board shall not have jurisdiction over county roads.

Sub. 2. The town board may appropriate money from the town road and bridge fund to aid in the construction or improvement within the town of any county road or any road which has been designated as a state aid road. Any money so appropriated shall be paid into the county road and bridge fund and shall be used only for the purpose designated by the town board at the time it makes such appropriation. The town board may with the consent of the county board appropriate to the county the whole or any part of the town road and bridge fund and the town dragging fund for the purpose of constructing, improving or maintaining such highways, for the construction, improvement or maintenance of which the town is liable, as the town board shall designate. Any money so appropriated shall be paid into the county road and bridge fund and shall be used only for the purpose designated by the town board at the time it makes such appropriation.

Sub. 3. The town board shall render to the annual town meeting a report in writing, containing:

1. The amount of road taxes levied and the amount collected during the preceding year, and also all money paid into the road and bridge fund from all other sources.

2. A statement of the improvements needed on roads, cartways and bridges for the ensuing year, with an estimate of their probable expense.

3. A statement of all expenses and damages occasioned by establishing, altering or vacating roads and of all sums expended for machinery, implements, tools, stone, gravel and other material, during the year, with an estimate of the amount required for the ensuing year.

4. A statement of the improvements made on roads, cartways and bridges during the preceding year, with a statement of expenditures therefor. A copy of such statement shall be filed with the county auditor. (21 c. 323, § 31, amended as to subd. 2 by '23, c. 439, § 6; '27, c. 151)

Explanatory note—Sub. 2 only of this section is amended by Laws 1927, c. 161. 2571-1. Expenditure of funds by towns through county boards for construction, etc., of roads in towns

That any town in this state may at its annual meeting determine to authorize the town board to expend, through the county board of the county in which such town is situated, funds of the town for the construction, improvement and maintenance of roads within such town, with the construction, improvement and maintenance of which said town is charged by law. (23, c. 57, § 1)

2571-2. Same—Appropriation of money—That upon such determination by the annual meeting of any such town, the town board shall have authority to appropriate and pay to such county moneys from the town road and bridge fund for the construction, improvement or maintenance of any road, with the construction, improvement or maintenance of which said town is charged by law, and that said moneys so appropriated shall be credited to the road and bridge fund of said county and shall be expended in the construction, improvement and maintenance of such road or roads as shall be designated by such town boards; provided, however, that no such appropriation shall be made except with the consent of the county board of such county. (23, c. 57, § 2)

Explanatory note—Expenditures for roads by towns through county boards in counties with not less than 50 nor more than 70 congressional townships and valuation of not to exceed $5,000,000, see Laws 1925, c. 367.

Expenditures for roads by towns through county boards in counties with not less than 70 nor more than 80 congressional townships and assessed valuation of not less than $3,000,000 nor more than $5,000,000, see Laws 1926, c. 165.

2572. Town bonds for paving.

Sub. 1. Whenever it shall seem advisable and for the general public good, to improve any established highway in any town by macadamizing the same, or by using any hard material, or in any other way making a permanent improvement thereon, at an expense greater than any amount the town or county is authorized to make appropriation for, the question of making such improvement may be submitted to a vote under the following conditions: Whenever fifteen or more voters of such town, who own real estate therein, or occupy the same under the homestead or pre-emption laws of the United States or under contract from the state, shall file with the town clerk a petition asking for such improvement, and for a submission of the same to a vote of the people, said clerk shall immediately call a meeting of the town board, who shall make and file an estimate in writing of the probable expense of the improvement. Said clerk shall submit the proposition to the voters of the town at their next annual meeting, or if so requested, in said petition, he shall call a special town meeting to vote upon it, giving notice thereof as provided by law. At such special town meeting the polls shall be open from nine o'clock A. M. until five o'clock P. M. The ballot shall contain a statement of the question and the estimated cost, and the vote shall be "yes" or "no." If sixty per cent of the vote cast favors the proposition, the town board shall at once contract for the improvement.

Sub. 2. To provide funds for such improvement, the town board shall issue the bonds of the town to an amount not exceeding the estimated cost of the proposed improvement, and in no case exceeding, together with the outstanding indebtedness of the town, five per cent of the assessed valuation thereof. The bonds so issued shall bear interest, evidenced by coupons, at
rate not exceeding six per cent per annum, payable annually, and shall become due in ten equal installments, the first of which shall become due and payable not more than eighteen months after date, and annually thereafter. Said bonds may be sold by the town board at not less than par, and the proceeds shall be disbursed, by the town board, in the same manner that other funds are disbursed, for labor and material for said improvement. Said bonds shall not be valid until registered with the county auditor, who on receiving satisfactory evidence that the provisions of the law relating to their issue have been complied with, shall register the same in his office and endorse his certificate of registration on said bonds; and shall thereafter, in due manner and season, levy a sufficient tax to pay interest and principal of said bonds as the same shall accrue, to be collected as other taxes are collected. (21 c. 323 § 32)

2573. Taxation for road purposes by towns.

(a) All real and personal property in each town liable to taxation, other than "moneys and credits" so taxed or assessed for road purposes, and all road taxes hereafter levied shall be paid in cash.

(b) The electors of each town shall have power at their annual town meeting to determine the amount of money which shall be raised by taxation for road and bridge purposes, not exceeding, however, fifteen (15) mills per dollar on the taxable property of the town. The tax so voted shall be extended, collected and payment thereof enforced in the same manner and at the same time as is provided by law for the extension, collection and enforcement of other town taxes.

(c) After the annual town meeting, in case of emergency, the town board may levy a tax on the property in its town for road and bridge purposes in addition to the tax, if any, voted at the annual town meeting for road and bridge purposes, in an amount not to exceed five (5) mills on the dollar of the assessed value of the property in the town, and any tax so levied by the town board shall forthwith be certified to the county auditor for extension and collection.

(d) The town board may thereafter pledge the credit of the town by issuing town orders not exceeding, however, the amount of the additional tax so levied by the town board for road and bridge purposes, in payment for work done or material used on the roads within the town. (22 c. 323 § 33)

2574. Town dragging fund and tax—The county auditor of each county shall annually extend upon the tax lists of his county, in the same manner as is provided by law for extending the county school tax, a tax of one mill on the dollar of the taxable property in each town, outside the corporate limits of any borough, village or city in any such town; provided, that in towns having an assessed valuation of one million (1,000,000) dollars or more, the amount of such tax shall not exceed one thousand (1,000) dollars. The tax so levied shall be collected and the payment thereof enforced in the same manner as is provided by law for the collection and enforcement of other town taxes extended by the county auditor. The county treasurer shall settle with and pay over to the town treasurer such taxes when collected at the time and in the manner now provided by law with reference to other town taxes.

The proceeds of such tax levy shall be kept in a separate fund to be known as the "Dragging Fund" and shall be expended by the town board only for the expense of procuring a suitable number of drags and dragging the roads of the town; in putting straw on sandy roads and removing snow from town and county roads; provided, however, that if on the first day of April in any year there shall be an unexpended balance in said fund, which unexpended balance exceeds in amount the sum of one hundred ($100) dollars, the town board may transfer all or part of the amount in such dragging fund in excess of one hundred ($100) dollars, to the town, road and bridge fund; provided, however, such transfer shall not be made until it shall first affirmatively appear that the town board has theretofore procured a suitable number of drags and that the roads of the town have been properly dragged.

The town board in each town, on recommendation of the town or district road overseer, may enter into contracts for the dragging of the roads of the town or district, giving preference to the main traveled roads and roads constituting mail routes within their respective towns; provided, however, that the compensation which may be agreed to be paid for each time a road is dragged shall not exceed one dollar per mile for each mile of road dragged.

The contract price shall be paid from the "dragging fund" in the same manner as other claims against the town, after approval by the road overseer. (23 c. 323 § 34)

In the absence of a statute authorizing one member of the town board to drag the roads of the town, the town board shall be bound only when the board acts at a meeting of its members. But, if it was within the power of the board to bind the town and a single member assumed authority to do so, his acts may be ratified, and the ratification will bind the town to the same extent as if there had been previous authorization by the board. 2054-258, 2542-258.

2575. Town road overseer.—Each town shall constitute one road district, except when otherwise provided. When directed so to do by the voters of the town at the annual town meeting, the town board shall divide each town into as many road districts, not exceeding four, as shall be directed by the voters at the annual town meeting. Provided, that, if a town constitutes but one road district the road overseer may appoint one or more competent assistants, subject to the approval of the town board. It shall be the duty of the town board to appoint a road overseer for each district, who shall have charge, under the supervision of the town board of the construction of all town roads in his district and the maintenance of all town and county roads therein. No member of the town board shall be eligible for appointment as town road overseer. The compensation of the road overseer shall be fixed by the town board for the time actually employed in the performance of his duties. Before entering upon his duties he shall give a bond to the town, sureties to be approved by the town board, in the sum of two hundred and fifty ($250.00) dollars, conditioned for the faithful discharge of his duties and to return to the town all the property of the town which may come into his custody. The overseer shall hold office at the pleasure of the town board.

Provided, that such road overseer shall have no jurisdiction over county roads in any county which now has or hereafter may have a population of one hundred fifty thousand (150,000) inhabitants.

Whenever any public road in a town becomes obstructed or unsafe from any cause, the overseer shall immediately repair such road, and render his account therefor to the town board, in case of a town or county road, and to the county board in case of a state aid road. (24 c. 323 § 35)

Under the last paragraph of section 2575, a town road overseer has authority to employ aid in removing an obstruction or an unsafe condition in a public high-

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way within the town, where the same may be done speedily and with but small expense. 264a 518.

2576. Lighting of highways—The town board of any town is hereby authorized to light any public highway within its territorial jurisdiction where such lighting is necessary for the safety of travel upon such highway at night. The cost of the installation and maintenance of such lights shall be paid from the town road and bridge fund. (21 c. 323 § 36)

2577. Expense of township line roads.

Sub. 1. In all cases where a road other than a state aid road or trunk highway is on the line between two towns, whether such towns are in the same county or not, it shall be the duty of such towns to bear jointly and in equal share and the expenses and bridge Tax for maintaining any bridge on such road, the construction of which is made necessary by the construction of a drainage ditch or by reason of the changing, widening, or alteration of any drainage ditch, or by reason of the altering or changing of any water course.

Sub. 2. In any proceeding for the establishment and construction of any drainage ditch or the changing, widening, or alteration of any such ditch, or the altering of any water course, as specified in Sub. 1 of this act, each of the towns charged by the provisions of this act with the obligation of constructing and maintaining any bridge because of any such improvements, shall be awarded and paid one-half of the total damages awarded on account of the obligation to construct and maintain any such bridge. (21 c. 323 § 37)

2578. Improvement of ferries by municipalities—The council of any village, borough or of any city of the fourth class or the town board of any town, may appropriate and expend such reasonable sums as it may deem proper to assist in the improvement and maintenance of roads lying beyond its boundaries and leading into it, and of ferries and bridges leading to and from any town, other than moneys and credits taxed under the provisions of Chapter 285, Laws 1911, a tax not to exceed in amount ten mills on the dollar of the assessed value of such property, which tax so levied shall be known as the “Town Road Drainage Tax.” Such tax shall be additional to all other taxes which the town

is or may hereafter be authorized to levy and the amount of such tax so levied and collected shall be deemed to have been levied and collected for road and bridge purposes within the meaning of any law limiting the amount of taxes which may be levied or voted at any annual town meeting. (b) Such tax shall be certified to the county auditor, extended and collected and paid over to the town treasurer in the same manner as other town taxes and payment thereof shall be enforced in the same manner and with like penalties and interest as other town taxes. The proceeds of such tax shall constitute the town road drainage fund which shall be expended by the town board in paying the cost and expenses of draining the public roads within the town.

(c) When a petition signed by ten or more freeholders and voters of a town shall be presented to the town clerk at least twenty days before the time of holding the annual town meeting, praying that the question of the authorizing the town board to levy and assess a town road drainage tax be submitted to the voters of such town, the town clerk shall include in his notice of such annual town meeting a notice that such question will be voted on at such meeting. Such question shall be voted on by ballot and it shall be the duty of the clerk to provide, at the expense of the town, a suitable number of ballots which may be printed or written or printed and written in substantially the following form, to-wit: Shall the town board be authorized to levy (Yes. . . .) and assess a "Town Road Drainage Tax?" (No. . . .)

(d) If a majority of the votes cast on the proposition be in the affirmative, the town board shall have authority to levy annually a tax as hereinbefore provided until such time as such authority to levy and assess a town road drainage tax be submitted to the voters of such town, the town clerk shall include in his notice of such annual town meeting a notice to withdraw from the town board authority to levy such Town Road Drainage Tax. The votes on such question shall be canvassed and the result declared and recorded in the manner provided by law with reference to the election of town officers. (21 c. 323 § 40)

2579. Delegation by city of authority to improve highway—Any city of the fourth class in this state may delegate to an adjoining municipality the authority to improve any public highway within such city connecting it with such an adjoining municipality or it may make a joint contract with such adjoining municipality for the improvement of such highway, under the joint supervision of both municipalities.

If the authority to improve such highways is delegated to an adjoining municipality by such city it may cause to be paid over from time to time for such improvement during the progress thereof or upon the completion thereof, to such municipality or such contractor as may make such improvement, any money that such city may have in its treasury available for the payment of such improvement. (21 c. 323 § 39)

2580. Town road drainage tax.

(a) In any town wherein the voters shall at the annual meeting, vote as hereinafter provided to authorize the town board so to do, the town board may levy and assess on the real and personal property in the town, other than the money and credits taxed under the provisions of Chapter 285, Laws 1911, a tax not to exceed in amount ten mills on the dollar of the assessed value of such property, which tax so levied shall be known as the "Town Road Drainage Tax," such tax shall be additional to all other taxes which the town
ever, that in cases where said road, if a new road, or, if an old road, the part thereof to be altered or vacated runs through or into two or more counties situated in two or more judicial districts, the judge to whom the petition was presented shall appoint commissioners from each of the counties affected by said road, not exceeding five in all, and direct them to lay out, alter or vacate said road accordingly; and it shall be the duty of said commissioners to meet at such times and places as may be necessary and to proceed to lay out, alter or vacate said road in like manner as provided herein in other cases. At the time of filing of such petition, one or more of said commissioners shall give bond with good and sufficient surety, payable to the State of Minnesota to be approved as to amount and sureties by the judge to whom such petition is presented, such bond to be conditioned to pay all expenses and costs in case the court or judge thereof shall fail to establish such proposed road.

Sub. 2. Three weeks' published and posted notice of the presentation of such petition shall be given in each of the counties affected, at least thirty days in advance thereof. Such notice shall contain a copy of the petition, the name of the judge to whom it will be presented, and the time and place of presentation; and proof of such notice shall be filed with the clerk before the hearing. Such notice shall also be served, in the same manner as the service of the summons in a civil action, upon each county and organized town in which, or along the boundary of which, such proposed road is sought to be established, and proof of the service of such notice upon such counties and towns shall be filed with the clerk of said court before the hearing.

Sub. 3. The commissioners shall appoint a surveyor, an axman, and two chainmen, to survey such road, if so directed by the court. The surveyor shall make plats of the location of such road, in which the county lines and all stakes, trees, monuments and distances shall appear, and file one of such plats for record with the register of deeds of each county in or through which said road is located. The surveyor shall receive two dollars for each plat so filed.

Sub. 4. Said commissioners shall appraise and fix the damages to be paid to each landowner by reason of the establishment, alteration or vacation of such road over and across his lands, unless such right of way be voluntarily released to the county in which such land is situated; and in their report they shall set forth each appraisal made by them, and all releases of the right of way. Such damages, when finally determined, and all expenses incurred in the establishment, alteration or vacation, including compensation for right of way, shall be paid by the counties through, into or between which such road passes, each county paying its just proportion, as determined by the court. The county shall provide for and pay such damages as in the case of a county road. Said commissioners shall receive for their services three dollars each per day and eight cents for each mile of necessary travel.

Sub. 5. Said commissioners shall report their proceedings at the term of the district court, held in the county where such proceedings were begun, next after the conclusion of their duties, and any person aggrieved by its action may then appear and be heard upon such report; and the court upon such hearing, may consider the propriety of establishing, altering or vacating such road, and may confirm or reject such report. The confirmation shall be final and the order of confirmation, if a road be thereby established or altered, shall direct the time and manner of opening the same for public use. The clerk of court shall within thirty days after filing of the same, transmit a certified copy of the order to the auditor of each county through or into which such road passes; upon receipt of such order the county board shall proceed in accordance with the terms to open any portion of the road as lies within its county for public use.

Sub. 6. Any person aggrieved by such appraisal may demand a jury trial to determine the amount of damages to which he is entitled for the right of way for such road over his land. Such demand shall be in writing, signed by the person making it, his agent or attorney, and filed with the clerk of the court in whose district with whom the report is filed, within thirty days after the entry of the order of confirmation. A failure to file such demand shall be deemed a consent to the appraisal made. A trial so demanded shall be had at the next term held in the county in which the land is situated, unless continued for cause. If the land is situated in a county other than that in which the report is filed, the clerk with whom such report and demand are filed shall certify a copy of said demand, and of so much of the report as applies thereto, to the clerk of the trial county who shall file the same. The county board or county attorney of the county in which said land is taken is situated may in like manner and with like effect demand a jury trial to determine the damages to be paid by the counties, or any of them, within such county, and the like proceedings shall thereupon be had. (21 c. 323 § 41)

There was no need to estimate costs and damages or make formal surveys of that part of the road which ran on a township line over an existing road already constructed. 156-327, 194-775.

Service of a summons on a county as provided in section 1732, Gen. St 1913, is sufficient to confer jurisdiction, although such service was not made during or within ten days before a session of the county board. 156-327, 194-775.

The petition for a judicial road which states that it begins at a given point and extends due south on said road, although there may be correction lines and all stakes, trees, monuments and distances as in the case of a county road. Said commissioners shall receive three dollars and eight cents for each mile of necessary travel.

The question of the necessity and propriety of the establishment of a public highway is a purely legislative question. When a highway has been established in the manner authorized by the Legislature, the necessity for it is presumed, and this presumption can be overcome only by showing conclusively that it will serve no public purpose. 156-327, 194-775.

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The petition does not contemplate that one county shall contribute to the expense of constructing the portion of a district road within another county. Each county is to construct the portion within its limits. The order of the county court providing was right. 156-440, 195-284.

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they pass. All proceedings in establishing, altering or vacating roads shall be recorded in a public record book, designated as the "Book of County Roads."

Sub. 2. The county commissioners of any county are hereby authorized and empowered to constitute and declare any public highway or road in such county outside of the corporate limits of any incorporated city or village therein, a county road; and they are hereby given general supervision over such roads, with full power to appropriate such sums of money from the county treasury of such county as they may deem advisable for improving the same; provided, that nothing contained in this section shall be so construed as to relieve the supervisors or town overseer of highways of any town in such county from any of the duties imposed upon them by existing laws relating to roads, cartways and bridges.

Sub. 3. In any county of this state having two hundred thousand (200,000) inhabitants or over, which may hereafter have two hundred thousand (200,000) inhabitants or over, the county commissioners thereof are hereby authorized and empowered to extend any street or avenue beyond the city or village limits of a city or village, or within any county to connect any road or highway in any adjoining county, which extension, however, shall not exceed one mile in length; and said county commissioners are given full power to change, alter, improve or repair such extension of road within such county, and to appropriate such sum or sums of money from the county treasury of such county as they may deem advisable therefor; provided, that in no case shall the location of such road wherewith such extension shall be connected, be changed at the point where the same now crosses the county line between such county and such adjacent county or counties.

Sub. 4. Whenever twenty-four freeholders of any county petition the county board for the establishment, alteration or vacation of any road or of any roads which connect with each other running into more than one town, or partly in one or more towns and partly on the line between one or more towns, or on the line between two or more towns, in such county, or along the shore of any lake wholly or partly in such county, or which constitutes a connecting link between an established highway and any public park, ground or monument, or into a town or towns and the unplatted part of any village or villages therein, such road or roads not being within a city, or any road wholly within a town, which constitutes a direct connecting link with two or more roads, whether the same be previously connected or not, in the towns adjoining the town in which such road is or is to be located, setting forth the beginning, course and termination or the beginnings, courses and terminations of the road or roads, and the names of the owners of the land, if known, through which the same may pass, and file the same with the auditor, he shall forthwith lay the same before the board, if in session, and if not, at their first session thereafter. If the petition relate to a road or roads partly in a town or towns, and partly in the unplatted portion of a village or villages, before it shall be acted upon by the county board it shall have attached thereto, or certified copies of the resolution of the village council or of each village council, as the case may be, approving the same.

Sub. 5. If such petition appears reasonable on its face the board shall order a hearing thereon, designating in such order the time and place for such hearing and shall also appoint from its members a committee to examine the route or routes of such road or roads and fix the time and place upon such route or upon any one of such routes, at which said committee shall meet for the purpose. At least twenty days before the time fixed for such committee meeting, and not less than thirty days (30) before the time of said hearing the board shall cause posted notice of the time and place of such meeting and hearing to be given to the town affected, setting forth a copy of the petition. Proof of such notice shall be made by affidavit of the person posting the same. Such affidavit shall be filed with the county auditor and be by him kept with the other papers relating to such proceedings.

Sub. 6. At the time and place designated, said committee shall meet and examine the road or roads proposed to be establish, the road or roads established, altered or vacated in accordance with the petition. Otherwise, it shall declare the petition dismissed.

Sub. 7. At the time and place designated, said board shall hear all parties interested as to the necessity for, and as to the amount of damages to land owners by reason of such establishment, alteration or vacation, and may adjourn such hearings from time to time, if necessary. It shall determine the damages which will be sustained by each owner through whose land such road or roads may pass, and with whom it cannot agree as hereinafter provided, or who is unknown, specifying the amount of damages, if any, awarded to each land owner and describing each parcel of land separately. If the board determines that the establishment of the road is desirable and of sufficient advantage to warrant the payment of damages assessed, it shall declare the road or roads established, altered or vacated in accordance with the petition.

Sub. 8. The damages sustained by reason of establishing, altering or vacating any road may be ascertained by the agreement of the owners and the county board; and, unless such agreement is made, or the award of the release in writing of the owner, the board shall report to the district court of such county within thirty days (30) after said hearing on the vacation, alteration or establishing of such road, and the same shall be assessed and awarded before such road is opened, worked, used, altered or vacated. Every such agreement and release shall be filed with the county auditor and shall be final as to the matters therein contained. In ascertaining the damages which will be sustained by any owner, the board shall determine the money value of the benefits which the establishment, alteration or vacation, as the case may be, will confer, and deduct such value, if any, from the damages, if any, and award the difference, if any, as damages.

Sub. 9. If the petition be granted, the board shall provide for the laying out and construction of such road, in the case of the establishment of a new road or the alteration of an existing road or roads, and carrying into effect the vacation of an existing road or roads, when such action is petitioned for.

Sub. 10. All damages resulting from the establishment, alteration or vacation of any county road shall be paid by the county.

Sub. 11. Any taxpayer of the county or any person aggrieved by any determination on the county board, either establishing, altering or vacating or refusing to establish, alter or vacate any road, or by any award of damages made by such county board may appeal therefrom to the district court of such county within

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the time and in the manner and with effect as is hereinafter provided. (21 c. 323 § 42; amended as to subd. 5 by '23 c. 439 § 7; as to subd. 4, by '27 c. 227 § 2)

Explanatory note—Subd. 4 only of this section is amended by Laws 1927, c. 127.


When proceedings are initiated to acquire land for a county road, the road is established and damages awarded to a landowner, and no appeal is taken, the right of the county to appropriate the land and the right of the landowner to receive the compensation awarded are fixed, and payment of the award may be compelled of the landowner to receive the compensation awarded or of the county to pay the same.

2583. Establishment, alteration or vacation by town boards—

Sub. 1. Any town board may alter or vacate a town road or establish a new road in its town upon a petition of not less than eight voters of the town, who own real estate, or occupy real estate under the homestead or pre-emption laws or under contract with the state, within three miles of the road proposed to be established, altered or vacated. Provided, however, that in any town not having eight (8) voters, who own real estate or occupy real estate under the homestead or pre-emption laws or under contract with the state, within three (3) miles of any proposed road, the town board of such town may alter, or vacate a town road, or establish a new road in the town upon a petition signed by a less number of voters, of such town, who own real estate or occupy real estate under the homestead or pre-emption laws or under contract with the state in such town. Such petition shall contain a description of the road, and what part thereof is to be altered or vacated, and, if a new road, the names of the owners of the land, if known, over which such road is to pass, its point of beginning, general course and termination.

Sub. 2. The petition shall be filed with the town clerk, who shall forthwith present it to the town board. Said board, within thirty days thereafter, shall make an order describing as nearly as practicable the road proposed to be established, altered or vacated, and the several tracts of land through which it passes and fixing a time and place when and where it will meet and act upon said petition. The petitioners shall thereupon be notified of the time and place of the meeting and also cause ten days' posted notice thereof to be given.

Sub. 3. At the time and place designated, the board shall meet, and on proof, by affidavit, of the giving of such notice, it shall examine the road proposed to be established, altered or vacated, and the several tracts of land through which it passes and fix the point of intersection and the distance of such point of intersection from the most convenient section, quarter-section, or meander corner, as established by government survey; and the notes of such intersections, and a description of the road so established, altered or vacated, shall be incorporated in an order to be signed by the board.

Sub. 4. If the petition be granted, the board, if it deem it necessary, shall cause a survey to be made. When the center of such road does not follow a section line, or some subdivisional line of a section, the surveyor shall note the distance to the point on any course at which such course will intersect a section line, and the distance of such point of intersection from the most convenient section, quarter-section, or meander corner, as established by government survey; and the notes of such intersections, and a description of the road so established, altered or vacated, shall be entered upon in an order to be signed by the board.

Sub. 5. The damages sustained by reason of establishing, altering or vacating any road may be ascertained by the agreement of the owners and the town board; and, unless such agreement is made, or the owners release, in writing, all claims to damages, the same shall be assessed and awarded before such road is opened, worked or used. Every agreement and release shall be filed with the town clerk, and shall be final as to the matters therein contained. The board shall assess the damages of each claimant with whom it cannot agree, or who is unknown, specifying the amount awarded to each and briefly describing each parcel of land. In ascertaining the damages which will be sustained by any owner the town board shall determine the money value of the benefits which the establishment, alteration or vacation, as the case may be, will confer, and deduct the benefits, if any, from the damages, if any, and award the difference, if any, as damages.

Sub. 6. Within five days after the date of the order establishing, altering or vacating any road, the board shall make its award of damages, and file such order and award, together with all petitions, affidavits and orders relating thereto, with the town clerk; but said clerk shall not record or notarize the same until a period of thirty days has expired from the date of the order, or in case of an appeal, until a final decision is had thereon, and not then unless such order is confirmed. In case said board does not file such order within twenty days, it shall be deemed to have rejected the application. After the order is confirmed, the same and the award shall be by said town clerk recorded and sent to the county auditor, who shall file and preserve the same, and shall file his receipt therefor to the clerk, who shall file the same and make an entry thereof in the record relating to such road.

Sub. 7. The order establishing, altering or vacating any road, or a certified copy of the record thereof, shall be received in all courts as competent evidence of the facts therein contained, and shall be prima facie evidence of the regularity of the proceedings prior to the making thereof, except upon the hearing of an appeal.

Sub. 8. The determination of a town board refusing to establish, alter or vacate any road shall be final, unless appealed from, for one year from the filing of the petition, and no appeal taken therefrom in any court, until the road shall be acted upon within the time aforesaid. In case its determination granting a petition is appealed from and reversed, it shall not be within one year from date of such determination entertain a petition having the same or a similar object.

Sub. 9. Orders of a town board establishing, altering, vacating or refusing to establish, alter or vacate any road or cartway, or awarding damages, may be appealed from by the person or persons and in the manner and with the effect hereinafter provided. (21 c. 323 § 43)

The change by way of shortening an old road in 1889 did not amount to a vacation of the abandoned portion under section 2565, Gen. St. 1913, which provides that, after the change of a road, the discarded portion shall be open to public use for two years, and after which it shall be considered as vacated. That statute did not become a part of our law until 1913, when it appeared as chapter 66 of the General Laws of that year. By its terms it did not apply to any road changed before its enactment. 155-145, 158-442.

A road established under a special act of the Legislature cannot be vacated by a town board. 164-20, 139-444.

Under the evidence, the act of a town board in vacating a highway was within its legislative discretion. 154, 208-437.

2584. Dedication of land for road—

Sub. 1. One or more owners may dedicate land for a road or cartway by making application therefor, in writing, to the town board, describing the land and the purpose of its dedication, and filing such applica-

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tion with the clerk. The clerk shall present the same to the town board which, within ten days after such filing, may make an order declaring the land described to be a public road or cartway. When so declared, such land shall be deemed duly dedicated for the purpose declared in the application, and no damages shall be assessed therefor.

Sub. 2. Any person owning land to exceed forty acres constituting part of an island within any meandered lake may, at his own expense, erect a wagon bridge across such portion of the lake as may separate his land from the nearest town road on shore, provided such structure shall not interfere with the use of that part of the lake for the passage of such water craft as would otherwise pass that point, but before proceeding with the construction of such bridge, proper plans and specifications thereof shall be prepared and submitted to and approved by the town board of the township in which such bridge is to be constructed. Upon the completion of any bridge constructed in accordance with the provisions of the preceding paragraph, the town board shall examine and approve the same and shall indorse such approval upon the plans and specifications thereof, and thereupon the same shall be filed in the office of the town clerk of the township in which such bridge is located and such bridge shall thereupon be a part of such town road and open to the use of the public as such. (21 c. 323 § 44)

The evidence justifies the finding of a public road by common-law dedication. 161-105, 294-549.

2585. Cartways—

Sub. 1. Any town board may establish a cartway two rods wide and not more than three rods wide on petition of any landowners thereto assessed, freeholders, connected with the land, or any persons having an interest therein, and no damage shall be assessed therefor.

All their proceedings shall be the same as provided in this act of establishing town roads. The cost and expense thereof and the damage awarded for lands taken therefor, shall be paid by the town, as in the case of town roads, and a record of such cartway shall be filed with the town clerk; provided, that, when a road or cartway is established which will not be a continuous road from one highway to another, one-half of the damages to the land through which it passes shall be paid by the persons benefited thereby.

Sub. 2. Town boards shall, on petition of the owner of a tract of land of not less than five acres in area, who has no access thereto except over the lands of others, establish a cartway not more than two rods wide connecting his land with a public road, and if the petition contains a prayer therefor the order establishing such cartway may authorize the petitioner and his successors in interest in the lands so connected with a public road to construct and maintain fences along or within the outer limiting lines of the cartway so established. The amount of damages, if any, to be paid by the petitioner to the town before such cartway is opened.

Sub. 3. Any town board may expend road or bridge funds upon a legally established cartway the same as on town roads if in the judgment of such board the public interests require it. (21 c. 323 § 45; amended as to subd. 1 by '23, c. 439, § 8; as to subd. 2 by '27, c. 104; '27, c. 401)

The verdict of the jury determining the damages to which a landowner was entitled in proceeding to lay out a cartway over his farm is supported by sufficient evidence, and the trial court was warranted in denying the landowner's motion for a new trial. 166-425, 195-145.
tion of a road on the line between such town and the city or village, such board and council, or a majority of, acting together as a board, shall determine said petition in the same manner in all respects as provided in the preceding section and the provisions of the preceding section shall apply to the town board and city or village council. ('21 c. 323 § 47)

2588. Appeal—
Sub. 1. Any person aggrieved by any determination of a county or town board or of a town board and city or village council, either establishing, altering or discontinuing, or refusing to establish, alter or discontinue, any public road, or, by any award of damages made by such town or county board, may appeal therefrom, within thirty days after the filing of such determination or award, to the district court of the county, by filing with the clerk of such court a bond in the sum of not less than two hundred and fifty ($250.00) dollars, approved by the judge or by the court commissioner or auditor of such county, conditioned to pay all costs arising from such appeal in case the determination or award is sustained, and by service of a notice of appeal as provided in the next section.

Sub. 2. In case the town or county board determines to establish, alter or discontinue a road, or refuses so to do, any taxpayer of the town, as to a portion thereof, or of the town board, to the width of two (2) rods on each side of the center line thereof and be and remain forever debarred from any further redress. ('21 c. 323 § 49)

2589. Established roads—Every road established by the public authorities, where no appeal has been taken within the time limited therefor, is hereby declared a public road to all intents and purposes, and the proceedings thereon shall be the same as if they had originally so determined to establish, alter or vacate such road, in conformity with the decision of such appeal; and the proceedings thereon shall be the same as if they had originally so determined to establish, alter or vacate such road, provided, however, that where an appeal is or has been taken involving only the amount of damages awarded by a county board, the county board may, in its discretion, notwithstanding such appeal, proceed forthwith to establish, alter or vacate such road and open, construct, alter or change the same as though no such appeal had been taken, but in such case the county shall forthwith upon the final determination of such appeal pay to the person entitled thereto such damages and costs, as shall be awarded on such appeal. The amount of damages finally determined and awarded, whether by the town or county board, or by the court or jury, together with the charges of officers and other persons necessarily employed in establishing, altering or vacating any road, shall be audited by the board making the original assessment. Such board shall, in its report of such audit, specify the amount of damages, and the costs due each individual, and such amounts shall be certified to by the board so auditing the same, in case of town roads, deposited with the town clerk, and paid by the town, and in the case of county roads, with the county auditor, and paid by the county. Before any town road is opened or used an amount of town orders equal to the damages assessed for each individual shall be duly issued and deposited with the town clerk for the use and benefit of said individual, and delivered to him on demand. The issuing and depositing of said orders shall be deemed to be sufficient security for the payment of said damages. ('21 c. 323 § 48) 165-263, 204-447; 167-187, 208-157.

2590. Dedication by user—Whenever any road or portion thereof shall have been used and kept in repair and worked for at least six years continuously as a public highway, the same shall be deemed dedicated to the public, to the width of two (2) rods on each side of the center line thereof and be and remain until lawfully vacated, a public road, whether the same has ever been established as a public highway or not. ('21 c. 323 § 60)

To constitute a common-law "dedication" of a roadway there must be an appropriation or surrender by the owner to public use and an acceptance by the public. It may be express, or implied as a fact from attendant circumstances. 138-68, 1522-69.

The keeping in repair and working of a road for six years must be done so that it constitutes a highway, and at the expense of government, functioning through an appropriate agency. Town of Wells v. Sullivan, 125 Minn. 352. W. 244, is controlling to that effect. 133-446, 1984-429.

2591. Use of railroad right of way—The continued use of any road by the public upon and parallel to the right of way of any railway company shall not constitute such road a legal highway, or a charge upon the town in which the same is situated, and no right shall accrue to the public or any individual by statute. ('21 c. 233 § 69.)

2592. Alteration of road—Whenever a road shall be changed by order of a county or town board, the
road as it existed before the change shall remain open to public travel for two years from the date of the order; but the board may vacate such road within said two years when it deems the need for such road for public travel at all times of the year. (21 c. 323 § 52)

2593. Field notes, plat, etc.—
Sub. 1. Upon the written request of any town board, the auditor of the county in which such town is situated shall furnish a copy of the description, field notes, and plat, if any, of any territorial, state or county road running into or through such town, on file of record in his office. On receipt of such copy the board shall file it with the clerk, who shall record the same in the road record book of the town. Such record shall be prima facie evidence of the existence of such road as described therein.

Sub. 2. Upon the written request of the commissioner of highways, the clerk of any court, the auditor of any county, the town clerk of any town, or the recorder or clerk of any village, borough or city, shall furnish a copy of the proceedings, documents and plats, if any, relating to the establishment of any road or the procuring of the right of way of any such road, which has or may be taken over by the State of Minnesota as a trunk highway. Such copy shall be filed in the records of the commissioner of highways and shall be prima facie evidence of the existence of such road as described therein. The legal fee for such copy or copies may be paid from the trunk highway fund. (21 c. 323 § 53)

2594. Removal of fences—Whenever a town or a county board has established a road through inclosed, cultivated or improved lands, under any of the provisions of this act, and its decision has not been appealed from, or, if appealed from, its order has been sustained, it shall give each owner or occupant of land through which such road is established twenty days' notice, in writing, to remove his fences, and, if he does not remove them within such time, it shall cause them to be removed, and the road to be opened and worked. (21 c. 323 § 54)

2595. Contracts for bridges and roads—
Sub. 1. Bridges—No contract for the construction or erection of a bridge shall be entered into by any county, town, city of third class, or city of the fourth class where the contract price of such bridge exceeds the sum of five hundred ($500.00) dollars; unless plans and specifications for the proposed bridge shall be filed with the county auditor, in case of county contracts, or with the town, village or city clerk respectively, in case a contract is to be entered into by a town, village or city of the fourth class, at least three weeks prior to the time when such bids are to be considered and the contract entered into, nor shall any contract be let without first advertising for bids or proposals therefor in a legal newspaper, published in the county. Such advertisement shall be published once a week for three successive weeks, the last publication to be made at least ten (10) days and not more than thirty (30) days before (preceding) the time fixed for receiving bids and letting the contract, and shall state the time and place of receiving bids and awarding the contract, and shall refer to the fact that plans and specifications are on file in the office hereinbefore specified.

At least three weeks before the time fixed for receiving bids, the county auditor, in case of a county contract, and the clerk of the town, village or city in case of a town, city or village contract, as the case may be, shall mail a copy of such printed notice, by registered mail to the commissioner of highways. The commissioner of highways shall file all such notices so received and the board shall submit to inspection by all persons interested therein. The commissioner of highways shall, from time to time, cause printed lists of such notices to be made and shall, without charge therefor, furnish copies thereof to interested persons on application.

Sub. 2. Roads—No county or town shall contract for the construction or improvement of any road unless the contract price exceeds five hundred ($500.00) dollars, unless plans and specifications shall have been made and prepared and filed as provided in Subdivision 1 of this section, nor until advertisements for bids have been published as therein provided for. (21 c. 323 § 55)

2596. Final payment on contracts—Final payment shall not be made on any contract for road work by any county or town board until the county board or town board, as the case may be, has examined the work and certified that the same has been properly done and performed according to contract and a certificate to that effect, signed by a majority of the members of the board making the inspection, shall have been filed in the office of the county auditor of the county, or town clerk of the town, as the case may be. Any county auditor or any town clerk who issues a warrant or an order in final payment upon a road contract where the amount involved in such contract exceeds the sum of two hundred ($200.00) dollars, until such certificate shall have been filed, shall be deemed guilty of a misdemeanor, and shall not be justified in finding that, where the ground was so infested with boulders that it was impracticable to plow it, the whole mass so filled with boulders should be classified as "loose rock." (21 c. 323 § 56)

2597. Warning signs by contractors—
Sub. 1. Whenever a town board, county board or the commissioner of highways shall enter into a contract for the construction and improvement of any road, or any culvert, or bridge thereon they shall as a condition of such contract, provide therein that the contractor shall place suitable warning signs, at the highways intersecting such road so to be constructed or improved, warning the public, if such is the case, that such road so under construction or improvement is impassable at a designated place or distance from such warning sign. Such signs shall be placed at such places as will obviate the necessity of unnecessary travel by persons not otherwise aware of the impassable condition of such roads. Provided, however, that nothing in the provisions of this act shall make any town, county or the state liable in damages for the failure of a town or county board or the commissioner of highways to provide the requisite warning signs for the erection of a warning sign, such as is herein pro-
providing for; or the failure of any contractor to erect same in accordance with the provisions of this act.

Sub. 2. The contractor, foreman or person in charge of work or repairs on any public road shall, whenever the doing of such work or repairs necessitates the closing of a part of such road to traffic, post signs stating that such road is under repair, and describing the direction and distance of the detour necessary to avoid the part of the road being repaired. Such signs shall be posted at the intersection of the road under repair with the road to be traveled while detouring, and also at the approximate intervals along such road. Violations hereof shall be a misdemeanor, and punishable accordingly. (21 c. 323 § 57; amended '23 c. 439, § 12)

2598. Side roads—The county board of each county, and the town board of each town, may establish side roads and ford crossings, adjacent to or near any bridge over a stream in its county or town, when such bridge was built at an expense of not less than one thousand ($1,000.00) dollars and forms a part of a public road. Such side road shall intersect such main road at the nearest practicable point. It shall not be less than two nor more than four rods wide. In all other respects the same proceedings shall be had as are required by law for establishing county or town roads as the case may be. (21 c. 323 § 59)

2599. Detours—The commissioner of highways in the case of construction work on trunk highways, the county board in the case of construction work on state aid and county roads, and the town board in the case of construction work on town roads, may by suitable order or resolution, establish a temporary road around such construction work and may procure the necessary right of way by purchase or condemnation, in the manner provided by statute. (21 c. 323 § 59)

2600. Drainage of roads—

Sub. 1. Whenever a road, which has been or is to be constructed or improved, into, through or over a swamp, bog, or other low land, and it is necessary or expedient that a ditch or ditches should be constructed or opened across private lands a petition for such ditch or ditches may be made as hereinafter provided; which petition shall contain an affidavit setting forth the above named facts and the probable length, width and depth of such ditch or ditches, the termini and general course of the same and a description of the land or lands over which said ditch or ditches will pass, the names of the owners thereof, if known, and that such road cannot, without extraordinary expense, be made passable or maintained unless such ditch or ditches are constructed or opened.

(a) In the case of a town or county road, such petition may be made by the town road overseer of the town in which such road is located, or by two resident freeholders of such town and filed with the town clerk of such town, who shall notify the town board accordingly.

(b) In the case of a county or state aid road, such petition may be made by the county highway engineer of the county in which such road is located, and filed with the county auditor of such county, who shall present the same to the county board at the next regular or special meeting.

(c) In case of a trunk highway such petition may be made by the commissioner of highways and filed with the clerk of the district court in the county in which such road is located, and filed with the county auditor of such county, who shall present the same in accordance with the provisions of this act.
Sub. 1. Any corporation organized for the purpose, or any counties, towns, cities or villages interested, may jointly or separately lease or erect and operate or repair a bridge or bridges over any navigable stream constituting a boundary thereof and construct suitable approaches thereto, and such approaches may include the improvement of main highways for a distance not exceeding ten miles from the bridge. A county, town, city or village shall be deemed interested in bridges located outside of and within three miles of its corporate boundaries as well as those within or along its boundaries. Before any such bridge is erected over the Minnesota river below location and plan thereof shall be approved by the governor. Bridges over the Minnesota river below
the city of Le Sueur shall be built with a suitable
draw of not less than eighty foot opening, or in lieu
of such opening shall be built at such clear height
above the ordinary highwater stage as shall be suffi-
cient to accommodate the ordinary navigation of the
river. All bridges over navigable waters of the United
States shall receive the approval of the secretary of
war before construction. All draws shall be opened
on reasonable signal or notice to allow the passage of
vessels.

Sub. 2. The county board of any county interested
shall have power to levy, at or after the time of mak-
ing a contract for the construction or repair of any
such bridge, a tax on all the taxable property of the
county, sufficient to pay such county's agreed share
of the cost of the construction or repair of such bridge
and approaches and interest thereon. Such tax shall
be collected in annual installments corresponding to
the two-annual and principal of certificates or bonds
as herein provided falling due from year to year.
The county board may issue and sell from
time to time special bridge certificates of indebted-
ness or bonds of the county sufficient in amount to
pay the county's agreed share of the cost of the con-
struction or repair of such bridge and approaches and
engineering and other expenditures incidental thereto,
principal of which certificates of indebtedness of
bonds shall mature and be payable in not more than
fifteen annual instalments as nearly equal as practi-
cable, and the first annual instalment of principal
shall mature not more than five years after the con-
tact is ordered. Such certificates or bonds shall be
sold in the manner provided by section 1556, General
Counts 1913, to the purchaser who will pay the par
value thereof, at the lowest interest rate, and the cer-
tificates or bonds shall be drawn accordingly, but the
rate of interest shall in no case exceed six per cent
per annum, payable annually or semi-annually. The
county auditor shall extend the tax so levied by the
county board in sufficient amounts from year to year
on the taxable property of the county so long as as the
principal of the debt as they mature. The credit of the county shall be pledged to the pay-
ment of the principal and interest of such certificates
or bonds. Certificates or bonds under this section may be issued by a four-fifths vote of the Board of County
Commissioners without submission to the voters of the
county; provided, that the aggregate amount of cer-
tificates and bonds issued under this section shall not exceed one-fourth of one per cent of the assessed
valuation of the taxable property of the county ex-
dclusive of moneys and credits.

Sub. 3. Any corporation maintaining a bridge un-
der this section may charge and receive the following
rates of toll from all persons using the same: For
each foot passenger or bicycle rider, five cents; for
each hog, sheep or calf, two cents; for each head of
cattle, five cents; for each vehicle or sleigh drawn by
one animal, twenty cents; for each additional animal
used, five cents; for each automobile, twenty cents;
for any other vehicle or animal, a reasonable rate of
toll. Such rates of toll may be changed by law
whenever the board of such bridge or the governing
body of such bridge, or when the same has been or
shall exceed a reasonable percentage of the cost there-
of. (12 c. 323 § 62)

Explanatory note—For Gen. Laws 1913, § 1556, see §
1943, herein.

2603. Free use of toll bridge—Any counties, towns,
cities or villages interested may secure the free pub-
ic use of any toll bridge now or hereafter built across
any streams in this state, and may jointly or severally,
together or separately enter into any contract with
the owner of such bridge, or with each other, or with
each other and the owner of such bridge, as they shall
deem proper, to secure such free public use of such
bridge, whether by purchase, lease or otherwise. (12 c.
323 § 63)

2604. Bridges over ditches—That in all cases in
this state where a public drainage ditch has been con-
structed or hereafter be constructed wholly or partly
along a boundary line between towns or counties and the
excavated material or a portion thereof has been or
shall hereafter be deposited on the said boundary line
or within two rods on either side thereof, the cost of
construction and maintenance of all bridges here-to-
fore or hereafter constructed across any such ditch
along said boundary line shall be paid for and borne
equally by the town or county wherein such bridges
are or shall be constructed and situated, and the town
or county adjoining said boundary line. (12 c. 323 §
64)

2605. Bridges over state drainage ditches—When-
ever the State Drainage Commission shall have here-
tofore constructed, or partly constructed, an outlet for
a state ditch under the provisions of chapter 138 of the
General Laws of Minnesota for 1911, and which state
ditch was constructed under the provisions of chapter
221 of the General Laws of Minnesota for 1893, which
outlet has been constructed across a town road at a
point other than where the channel of a stream or
river which has been widened and straightened and
used for such outlet, crosses such town road, the
county board of any county in which such outlet has
been so constructed, is hereby authorized, empowered
and directed to construct a substantial bridge suit-
able for public travel across such outlet ditch on such
town road, at the place where such outlet bridge is con-
structed across such town road, and such bridge shall
be paid for out of the road and bridge fund of such
county. (12 c. 323 § 66)

2606. Reconstruction, repair, and maintenance of
bridges on county and town roads—Certificates of in-
debtedness—Notices—Tax levies—Sub. 1. It shall be
the duty of the county to reconstruct, repair and main-
tain bridges on county roads and town roads,
whenever the cost or the expense of reconstructing, re-
maintaining and maintaining such bridge or bridges is
more than ten feet in length is totally wrecked or destroyed
and the county charged with the duty of reconstructing,
repairing and maintaining such bridge has not suffi-
cient money in its road and bridge fund to defray the
cost and expense of reconstructing, repairing and main-
taining such bridge the county board may borrow
money therefor by the issuance of certificates of in-
debtedness, which certificates shall be payable in not
more than five years from the date thereof and shall
bear interest at not to exceed six per cent per annum.
Such certificates shall be sold to the highest bidder.
The same shall not be sold for less than par and ac-
rued interest, if any, and the principal and interest
thereof shall be paid from the road and bridge fund.

Sub. 2. Whenever it shall become necessary to re-
construct or repair a bridge on any town road, or a
bridge not more than ten feet in length on any county
road, in any town or towns or on any town line in
this state and such bridge is unsafe for travel, or has
been condemned by the proper authorities and the town
or towns charged with the duty of maintaining such
bridge fails, neglects or omits to construct, reconstruct
or repair the same, or provide for the expense or cost
of so constructing, reconstructing or repairing the same, the county board of any such county in which said town is located shall have the power and authority to reconstruct and repair any such bridge upon giving notice to the town board of said town or towns of their intention to do so and fixing the time and place for a hearing as to the necessity and advisability of such reconstruction or repair.

Sub. 3. When any county board shall have reconstructed or repaired any such bridge as hereinbefore provided, such county board shall cause to be prepared an itemized statement, in duplicate, of the cost of such reconstruction or repair. One of such statements shall be filed with the county auditor and the other filed in the office of and with the town clerk of said town. And such town clerk shall forthwith notify the several members of the town board that such a statement has been filed and that a meeting of said board to act thereon will be held at his office at a time within ten days thereafter specified by such clerk in such notice. Such board shall meet at said time and levy a special tax upon all the taxable property of the town sufficient to pay one-half the amount expended by the county in such reconstruction or repair of such bridge. Said town boards shall certify said tax on or before October 15, next succeeding to the county auditor; and the county auditor shall extend the same with other town taxes upon the tax list of said town. Mandamus may be brought by such county against such town for failure of its board to do any of the things prescribed within the time fixed for the doing of the same. When two or more towns are interested in said bridge, the statement hereinbefore provided for shall be made in as many copies as there are towns interested and one more, and the county board shall apportion to each interested town the amount which each town should properly pay toward the work done by the county, and such amount shall be levied by the town boards of each town after the filing of the cost of the bridge and the amount belonging to each town with the town clerk thereof. The proportion which each town shall pay shall be determined at the hearing upon the necessity and advisability of reconstructing or repairing said bridge. ('21, c. 323, § 66; amended '25, c. 139)

Sub. 3. When any county board shall have performed any work or made any improvement on any such road it shall cause to be prepared in duplicate an itemized statement of the cost of such work or improvement. One of such statements shall be filed with the county auditor, and the other shall be by the county auditor mailed to the town clerk of said town. The town clerk shall forthwith notify the several members of the town board that such a statement has been filed and that a meeting of the town board to act thereon will be held at a time to be specified in such notice, not later than ten days after the receipt of such notice from the county auditor. The town board shall meet at the time and place specified in the notice so given by the clerk and levy a special tax upon all the taxable property in the town in an amount sufficient to pay the amount expended by the county in performing such work or making the improvement. Such tax so levied shall be applied to the county road and bridge fund; provided, however, that the amount annually spent by any county board in any town under the provisions of this act shall not exceed one mill on the dollar of the taxable valuation of said town.

Sub. 3. Whenever a complaint in writing to the county board of the county reciting that a described road in or on the line of a town therein is neglected by the town charged by law with its maintenance and repair, and which said complaint is signed by five or more freeholders of said town or of an adjoining town in said county, and that by reason of such neglect such road is not reasonably passable, the county board shall by resolution fix a time and place when and where it will consider the complaint, and thereupon the county auditor shall mail a copy of the complaint, together with a notice of the time and place when and where the county board will meet to consider the complaint, to the town clerk of the town, and shall also notify the persons signing the complaint of the time and place of such meeting. At the designated time and place the county board shall consider such complaint and hear and consider such testimony as may be offered by the officers of the town, or the persons filing the complaint, relative to the truth of the matters therein set forth. The chairman of the board or the presiding officer thereof may administer oaths to witnesses and require them to testify under oath.

Sub. 2. If upon such hearing the county board shall be of the opinion that the complaint is well founded, it shall by resolution direct the town board to do such work or to make such improvements as it shall deem necessary to put such road in a passable condition. Such resolution shall specify generally the work which it is so deemed necessary to do. The county auditor shall cause a copy of such resolution to be mailed to the town clerk of the town complained of, and if such town for a period of thirty (30) days after the mailing of such notice shall fail or neglect to do the work or make the improvements set forth in such resolution, the county board may cause such work to be done or improvement made and pay therefor from the county road and bridge fund; provided, however, that the amount annually spent by any county board in any town under the provisions of this act shall not exceed one mill on the dollar of the taxable valuation of said town.
Sub. (1). The town boards of supervisors, as to town and county roads, outside the corporate limits of cities and villages, the county boards as to state aid roads, and the commissioner of highways as to trunk highways, are hereby given the right and power to determine upon the necessity and order the cutting down of hedges and trees within the road limits after having given ten days' written notice to the owner or owners of the abutting land and an opportunity to be heard. Provided, that these, other than willow trees, shall not be so cut down unless such trees or hedges, or either of them, interfere with keeping the surface of the road in good order, or cause the snow to drift onto or accumulate upon said road in quantities that materially obstruct travel. The said boards and commissioner, respectively, shall also have power to properly mark or light dangerous places on the public highways, and take such measures as may be necessary to protect travel thereon.

Sub. (2). When the respective board or the commissioner of highways shall determine that such cutting down of hedges or trees within the limits of such road is necessary or that such road aid may be made by in keeping such roads in repair or free from snow, it shall notify the owner or owners of the abutting lands by written notice, of such decision and order the trees or hedges cut down within thirty days after such notice. If the said owner or owners fail or refuse to comply with such notice and order within the time specified, the said board or commissioner of highways shall have the power to cause such trees or hedges to be cut down. The timber and wood of such trees shall belong to the said owner or owners of the abutting land; provided, they pay the expense of cutting down said trees or hedges and remove the same from the roadside within said thirty days. If such timber or wood is not removed within said time, the board or commissioner of highways, as the case may be, shall have the power to sell or dispose of the same or destroy it if it cannot be sold, and if sold, shall pay the proceeds thereof to the owner or owners of the abutting lands after deducting the cost of such cutting and sale.

Sub. (3). The town boards of supervisors and the county boards are hereby granted the further right and power to appropriate and pay out of their respective road or bridge fund, or from any other fund available, the cost of cutting down such trees and hedges and the removal or destruction of the same, if done at public expense, and the cost of marking or lighting dangerous places on said highways. ('21 c. 323 § 69)

Sub. (4). The town boards of supervisors, as to town roads, and the county boards, as to county and state aid roads, are hereby required to install one substantial culvert for driveways from abutting lands. ('21 c. 323 § 71)

2611. Roads on mineral lands—Whenever a public road crosses mineral lands other lands, within the limits of any city, village, or borough, which the owner or lessee desires to mine in such way as to remove the supports of the road or to improve said land by building any structure or building thereon, he may, at his own expense, change such road to other land, and make a new road thereon, suitable for public travel; provided, that no change of road on lands located upon mineral lands shall be made unless the same be first approved by the town board and the commissioner of highways, and the new road be first constructed and approved by said town board and said commissioner of highways, and, if he cannot obtain such land upon reasonable terms, the county or town board, or the city or village council, as the case may be, may make a petition, shall make such change under the provisions of law for establishing roads; provided, however, that before any such road is changed a sixty-day notice of the intention of the owner or lessee thereof to change the same shall be served upon the board of the municipality in which the road is situated, by filing with the clerk thereof a declaration of such intention in the form of said notice; provided, however, that the said owner or lessee shall be liable to the owner or occupant of any land abutting upon said road or any affected by such change to the extent of the damage sustained by reason of such change, and for the recovery of which an action may be brought after such change is made. In case such board, council, or the commissioner of highways, desire to establish a road over mineral lands, it or he may agree with the owner or lessee of the land that, in case he shall consent to its establishment, its location shall be changed upon his request; provided, however, that before such road will be changed by any such board, council or commissioner of highways, ninety days' notice thereof shall be served in the two continuous places along said road, which said notice shall state the time when said road shall be changed. ('21 c. 323 § 71)

2612. Town and county boards to construct culverts—The town boards as to town roads, and the county boards, as to county and state aid roads, are hereby required to install one substantial culvert for an abutting owner in cases where, by reason of grading a public highway, the same is rendered necessary for a suitable approach upon said highways over driveways from abutting lands. ('21 c. 323 § 72)

2613. Condemnation of gravel beds—Whenever the commissioner of highways, or any county or town board or common council of any village or city shall deem it
necessary for the purpose of building or repairing public roads or streets within his or its jurisdiction, he or it may procure by purchase or condemnation, in the manner provided by law, any plot of ground, not exceeding twenty acres, containing gravel or stone, or clay, or sand or one or more of such road materials, suitable for road purposes, together with the right of way to the same of sufficient width to allow teams to pass, and on the most practicable route to the nearest public road. (21 c. 323 § 73)

2614. Special railroad rates for road materials—The railroad and warehouse commission is hereby authorized to make schedules of intra-state rates for railroads for the transportation of sand, gravel, crushed rock and other materials, to be used in the construction or maintenance of public roads and streets by or under the direction of public authorities, which rates may be lower than those charged for transporting the same kind of freight for all other purposes. (21 c. 323 § 74)

2615. Obstruction of or damage to highways—Sub. 1. Any person who shall obstruct any of the public highways of this state in any manner or who shall dig any holes therein, or remove any earth, gravel or rock therefrom, or any part thereof, or who shall in any manner obstruct any ditch on the side of any such highways, and thereby damage the same, shall be guilty of a misdemeanor. It is hereby made the duty of the county attorney to prosecute all violations of the provisions of this section, occurring in his county.

Sub. 2. Any person or persons who wilfully, maliciously, or with intent to annoy, shall in any manner deface, damage or tamper with any structure, work, material, equipment, tools, signs, marker, signals, paving, guard rails, drains, or any other highway appurtenances, on or along any public highway or road or the right of way thereof, shall be guilty of a misdemeanor, provided that nothing herein shall restrict the actions of persons who shall or may have proper authority therefor.

Sub. 3. Any person who in any manner places, puts or maintains any advertisement within the limits of a public highway, or who in any manner paints, prints, places, puts or affixes, or causes to be painted, printed, placed or affixed any advertisement on or to any stone, tree, fence, stump, pole, mile-board, milestone, danger-sign, danger-signal, guide-sign, guard fence, telephone or electric power poles, wires, or other object within the limits of a public highway, shall be guilty of a misdemeanor; Provided, however, that none of the provisions of this act shall prohibit the placing of public notices on billboards erected for that purpose by authority of the governing body of a municipality. Any advertisement in or upon a public highway in violation of the provisions of this subdivision may be taken down, removed, or destroyed by direction or authority of the commissioner of highways in the case of state trunk highways, by the county board in the case of county and state aid roads and by the town board in the case of town roads. (21 c. 323 § 75; amended as to subd. 3, by '23 c. 439 § 11)

2616. Moving buildings over roads—Any person, firm or corporation moving or causing to be moved, any building or structure upon, across or along any public road, street, alley or highway, whether within or without any city, village or borough of the state, shall so move such building or structure as not to unnecessarily interfere with, damage or destroy any bridges, trees, hedges, fences, telephone or electric power poles, wires, or cables upon such road, street, alley or highway.

Whenever it shall be necessary to displace or temporarily remove any guard rails on any bridge, or any fence, telephone or electric power poles, wires, or cables to permit the moving of any building or structure upon, along or across any such public road, street, alley or highway, the person, firm or corporation owning or maintaining such fence, poles, wires or cables, shall not be required to displace or temporarily remove the same nor shall any guard rails on any bridge be displaced or removed until the reasonable costs of such displacement or temporary removal have been paid or tendered by the person, firm or corporation, requiring such displacement or temporary removal; provided, however, that nothing in this section shall apply to any work being done upon any such public road, street, alley or highway by or for any municipality, nor to the moving of any building or structure 18 feet in height or less within the limits of any incorporated city. (21 c. 323 § 76)

2616.1. Certain villages may oil state highways—That when a State highway or State Aid Highway runs through a village of not over one thousand inhabitants, the council of such village be and are hereby authorized to oil or in some other manner so treat such highway as to allay the dust on that portion of said highway along which the abutting property is occupied by residences or business houses to an average of one to each block, and the village council shall when petitioned for by a majority of residents of such abutting property, forthwith cause such service to be rendered and may assess the cost thereof upon the property benefited thereby. (21, c. 75, § 1)

2617. Removal of snow—It shall be the duty of the town board of each town, so far as funds are available for the expense thereof, to keep all town, county and judicial roads therein in a passable condition by the removal of snow therefrom; and for that purpose the road overseer is authorized to employ, by and with the consent of the town board, such men and teams and other equipment as may be necessary for the purpose. The town board may also provide for the erection of snow fences when deemed advisable. It shall be the duty of the county board, so far as funds are available for the expenses thereof, to keep all state aid roads and state rural highways therein in a passable condition by the removal of snow therefrom. The county board may also provide for the erection of snow fences when deemed advisable. (21, c. 323, § 77; amended '27, c. 227, § 4)

2618. Marking of trails by associations—Sub. 1. Any corporation or association organized to promote the improvement, marking or blazing of any continuous highway, may apply to the commissioner of highways for the permission to mark or blaze such highway within the state.

Sub. 2. The application shall be in the form prescribed by the commissioner of highways, and shall give the proposed name, route, color combination and design to be used in such marking or blazing. Said application shall be accompanied by a fee of $25.00 which shall be paid into the trunk highway fund.

Sub. 3. The commissioner of highways shall consider such application, and if he deems it advisable, shall
by order, give permission for such marking or blazing, with such changes in design or route, as he may specify. Such order shall specify the name, color combination and design, and the route which is to be used. Thereupon said corporation or association shall have the exclusive right to the use of such name, color combination and design in trail or highway designation and marking, provided that nothing herein shall limit the right of the commissioner of highways, to move, remove or change any such markings on the trunk highways.

Sub. 4. Any person or persons, other than the corporation or association to whom such permit has been issued, who shall use for similar or like purpose this name or color combination and design for the use of which permission has been so given, shall be guilty of a misdemeanor.

Sub. 5. When any such corporation or association shall cease to exist, or when the interest in any such designated highway or trail, name and markings has ceased, the commissioner of highways may, after investigation, by order cancel such permit and right. (‘21 c. 323 § 78)

2619. Repeal—All laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

The following laws and parts of laws are hereby expressly repealed, to-wit:

Sub. (1) Sections 2488 to 2551 inclusive, Sections 2557 to 2577 inclusive, Sections 2590 to 2593 inclusive, and Section 2600 of the General Statutes 1913.

Sub. (2) All of Chapter 235 General Laws 1913, except Sections 65, 66, 67, 68, and 69. Also all of Chapter 508 of the General Laws 1913.


Sub. (4) All of Chapters 43, 52, 181, 259, 318, 366, 429 and 456 of the General Laws 1917 and also all of Chapter 119 General Laws 1917 except Section 22 thereof.


Sub. (6) All of Chapters 15 and 18 of the Special Session Laws 1919.

Sub. (7) All laws and parts of laws not herein expressly repealed are hereby continued in full force and effect.

Sub. (8) In the event that any provision or paragraph or part of this act shall be questioned in any Court and shall be held to be invalid the remainder of the act shall not be invalidated but shall remain in full force and effect.

Provided, however, that the express or implied repeal by the provisions of this act, of any law now in force shall not affect any action or proceedings now pending in any court, or any cause of action which has already accrued under such law so repealed, or any proceeding which at the time of the passage of this law has been instituted for the establishment, vacation, alteration, laying out, construction or repair of any road or the assessment and payment of damages therefor or the collection and enforcement of any taxes levied or assessed for road purposes, including road labor assessed, and any such taxes uncollected at the time of the passage of this act shall be collected and the payment thereof enforced under the provisions of law existing at the time of such levy and assessment. (‘21 c. 323 § 79)

2620. This act may be referred to and cited as "The Public Highways Act of Minnesota." (‘21 c. 323 § 80)

2620-1. Expenditures for roads, highways or bridges on or adjacent to boundary line between cities of first class and other cities or villages by county boards in certain counties—That in any county of this state now or hereafter having a total assessed valuation of all its taxable property as fixed by the State Tax Commission of more than $200,000,000 and less than $550,000,000 exclusive of moneys and credits, the board of county commissioners shall have authority to appropriate and expend upon any road, highway or bridge located upon or immediately adjacent to the boundary line between any city of the first class and any other city or village within such county, such sum or sums of money from the county road and bridge fund as said board shall deem proper for building, repairing or otherwise improving any road or highway, including the construction and repairing of any bridge thereon. (25, c. 265, § 1)

2620-2. Same—Appropriations by county boards—In the event said board of county commissioners shall determine to grade, pave or otherwise improve any road or highway, or construct or repair any bridge upon or immediately adjacent to the boundary line between any city of the first class and any other city or village within such county, and it shall be deemed that such improvement of such road, highway or bridge can be more economically and better done by having the work of such improvement done by any such city of the first class such board of county commissioners is hereby authorized to appropriate and pay to any such city of the first class such amount of money as it shall deem necessary to be expended by the county for such purpose in such city or in the city or village adjoining; provided that if any such road, highway or bridge so improved is upon a boundary line between any city or village and a city of the first class operating under a home rule charter within such county, and such road, highway or bridge is partly within such city of the first class, the amount so appropriated by said county shall not exceed one-half the cost of any such improvement as estimated by the county highway engineer of any such county. (25, c. 265, § 2)

2620-3. Same—Appropriations kept in special fund—Said amount so appropriated and paid to any such city of the first class shall be set apart in a fund for the improvement of any such road, highway or bridge, or may be paid to any fund raised or to be raised under any proceeding authorized by the charter of any such city for improvement of any such road, highway or bridge, and shall be expended from such fund in the same manner as other funds therein. (25, c. 265, § 3)

2620-4. Same—Appropriations not invalid—Such appropriation shall not be declared invalid because the same shall be more or less than one-half the total cost of such improvement as finally determined. (25, c. 265, § 4)

2620-5. Funding and payment of outstanding indebtedness of certain counties represented by warrants against road and bridge funds—When any county in this state having an area of more than 2,500 square miles and an assessed valuation for purposes of tax levies or extensions of less than $200,000,000, exclusive of moneys and credits, now has outstanding indebtedness incurred prior to January 1, 1927, represented by war-
debtedness shall be retired by means of the issuance to require that the full amount of such outstanding in-
ceed in amount any annual installment of such prin-
January next following the date of such bonds shall
payable more than five years after the first day of
no annual installment of the principal of such bonds
approval of this Act, adopt a resolution determining to
county shall within ninety days after the passage and
issued hereunder unless the county board of such
county issuing the same. Provided, no bonds shall be
from the first day of January next following the date
Such bonds shall be payable in annual installments, the
principal and interest of
be controlling over those of any other act inconsistent
therewith. ('27, c. 147, § 1)

Explanatory note—For Laws 1925, c. 318, see §§ 869-1, 869-2, herein.

2620-6. Same—Warrants validated—Bond issue to refund—Any and all such outstanding warrants which shall be funded in the manner authorized by this act and which have been issued in payment of or to provide funds which have been used for the construction, repair, improvement, care, maintenance or upkeep of roads, roadways or bridges in such county, or to procure rights of way therefor, or to purchase or provide money for the purchase of equipment, materials or supplies for such purposes, or for labor or services, skilled or unskilled, or other expenses in connection therewith, are hereby declared to have been valid and enforceable obligations of such county; provided that the validation hereby effected shall not affect any war-
arrants the validity of which is questioned in any litiga-
tion now pending. The determination by the board of county commissioners of such county that any such outstanding warrants have been issued and that bonds shall be issued for the purpose of funding same in the manner herein provided for, shall be final and conclusively binding upon such county. The county board of any such county is hereby authorized and empowered to issue the bonds of such county in an amount not to exceed $500,000 without submitting the question of such issue to the electors of such county and without regard to the amount of any or all other outstanding debt, the principal of which shall be raised solely for the purpose of taking up, paying, cancelling and retiring a like amount of principal and interest of such warrants, and of indebtedness of such road and bridge fund to any other fund or funds of said county. Such bonds shall be payable in annual installments, the first of which installments shall be due in not more than one year and the last in not more than nine years from the first day of January next following the date of such bonds. Such bonds shall be sold in conformity with Section 1943 of the General Statutes for 1923, and shall be the direct and general obligations of the county issuing the same. Provided, no bonds shall be issued hereunder unless the county board of such county shall within ninety days after the passage and approval of this Act, adopt a resolution determining to issue such bonds for such purpose. Provided further, no annual installment of the principal of such bonds payable more than five years after the first day of January next following the date of such bonds shall exceed in amount any annual installment of such principal payable less than five years from such date. Pro-
vided, further, nothing in this Act shall be construed to require that the full amount of outstanding in-
debtedness shall be retired by means of the issuance and sale of such bonds; but, if such bonds be issued and sold, all valid outstanding indebtedness not retired thereby shall be paid from the proceeds of taxes levied and becoming due and payable in the year 1927 for road and bridge purposes. ('27, c. 147, § 2)

2620-7. Same—Tax levy to pay bonds—The county board of any county issuing bonds pursuant to the authority of this Act shall, before the issuance thereof, levy for each year, until the principal and interest are paid in full, a direct, annual tax in an amount not less than ten per cent in excess of the sum required to pay the principal and interest thereof when and as such principal and interest become due. Such tax shall be irrepealable until all such indebtedness is paid, and after the issuance of such bonds no further action of the county board shall be necessary to authorize the extension, assessment and collection of such tax. The county auditor shall keep a register in which shall be entered a record of the aggregate amount of such bonds authorized, the aggregate amount issued, the purpose for which issued, the number, denomination, date and maturity of each, the rate of interest and time of payment thereof, and place of payment of principal and interest, and the amount of tax levied for the payment thereof in each year, and shall extend and assess the tax so levied. Any surplus resulting from the excess levy herein provided for may be trans-
ferred to the road and bridge fund after the principal and interest for which the tax was levied and collected has been paid. Nothing herein contained shall be construed as limiting the power of the county to levy taxes to pay the bonds issued hereunder, but the county board shall have the power and it shall be its duty to levy any taxes necessary to provide revenue to pay the full principal and interest of such bonds. ('27, c. 147, § 3)

2620-8. Same—Amount of tax levy—The amount which may be included by any such county in its an-
ual tax levy in each year hereafter made for road and bridge purposes shall not exceed ten mills on the dollar of the taxable valuation of the county, less the amount hereinafter required to be levied for the same year to pay principal and interest and interest on bonds herein authorized. Provided nothing herein contained shall be construed to prohibit or limit the tax levy authorized by Chapter 44 of the Laws of 1915 or any acts amendatory thereof. ('27, c. 147, § 4)

2620-9. Same—Budget of expenditures—Allotment of funds—Such county board shall annually, at its meeting on the second Monday in July, 1927, and at its meeting on the first Monday in January in each suc-
ceding year, determine the amount of funds which will be available during the current year for road and bridge purposes, from the proceeds of the tax levy lawfully made therefor in the preceding year and from state aid and from other sources known to be due and payable into the county treasury for such purposes during such year, and shall thereupon, at such meet-
ing, make and spread on its minutes a definite budget of expenditures made and to be made for road and bridge purposes during such year, which expenditures and indebtedness shall in no case exceed the aggregate amount of revenues so determined to be available for such year. Such budget shall first allot, and there shall be first payable out of the receipts for such year, so much of the road and bridge floating indebtedness of the county, including amounts borrowed from any other fund or funds, as is not paid by the bond issue here-
before authorized, together with interest thereon.
There shall then be allotted not less than one-fifth of the anticipated current tax collections annually for maintenance and not less than one-twentieth of the anticipated current tax collections annually for an emergency fund, and what remains may be allotted to be expended on new construction for the year, which allotment shall include the payment of any amount remaining to be paid on outstanding construction contracts or fully completed. As nearly as may be, a specific program of new construction shall then be determined and the amount to be expended on each item determined and allotted; and no change in such program shall be made, nor additional expenditures made or indebtedness incurred, which shall cause to be diverted to other purposes any part of the amount herein required to be allotted for payment of outstanding indebtedness, and for maintenance and emergency funds, nor which shall cause the expenditures made or indebtedness incurred by the county for all the purposes aforesaid in any year to exceed the total revenues of the county determined, as aforesaid, to be available for such year. The emergency fund may be used to pay for extraordinary repairs or replacements occasioned by emergency which could not be anticipated when the budget was made. (27, c. 147, § 5)

2620-10. Same—Records kept—The county auditor shall keep a record showing accurately the amount allotted to each item of the budget for each year and the amounts incurred and expended from time to time on account of each of such items, which record shall be presented and examined at each meeting of the county board and show the true condition of affairs at the date of such meeting. No indebtedness shall be incurred by the county for road and bridge purposes except pursuant to action of the board while in meeting assembled, specifying the purposes and the amount thereof. (27, c. 147, § 6)

2620-11. Same—Claims against counties—All claims against any such county for repairs or services performed or material furnished in the construction, improvement or repair of county roads and bridges must be filed with the county auditor of such county within thirty days after the same were incurred; if not so filed the county shall not be liable therefor. It shall be the duty of the county auditor after any claim has been filed with him for road and bridge purposes to present such claim to the county board at its next meeting for its audit and allowance and it shall be the duty of the county board at such meeting to act upon such claims; provided, that all expenditures for constructing, improving, maintaining or repairing any public road or bridge by day labor may be paid for by the time check method as provided in Section 30 of Chapter 323, Session Laws for 1921, and laws amendatory thereof; but no such time check shall be honored by the county board present at a meeting of the board when any action is taken with reference to paying money or incurring indebtedness or entering into any contract for road and bridge purposes, shall be deemed to have participated in and authorized the same unless he shall cause his dissent therefrom to be entered on the minutes of the meeting. (27, c. 147, § 8)

2620-13. Same—Partial invalidity of law—If any section, part or provision hereof is found unconstitutional, such determination shall not affect the validity of the remaining provisions not clearly dependent thereon. (27, c. 147, § 9)

2620-14. Settlement by counties of claims incident to construction of rural highways—Where the county board of any county in this state, or the judge of any of the district courts therein, in pursuance of Chapter 254 of the Laws of 1911 and any acts amendatory thereof, has heretofore established, constructed or improved or attempted to establish, construct or improve any state rural highway within such county, or partly within such county, or any other county or counties and work has prior to January 1, 1917, been actually done thereupon within such county, or material, supplies, board or workmen, or necessary equipment have been furnished for or in the construction or improvement of any such rural highway within the county or necessary expenses incidental to such construction have been incurred during the years 1915 and 1916, and claims have therefor been preferred against such county therefor; that then and in each such case the county board of such county, in its discretion, is hereby authorized and empowered to audit, compromise, settle and pay such claims out of the appropriate fund or funds of such county. (27, c. 242, § 1)

Explanatory note—Laws 1911, c. 254, was repealed by Laws 1915, c. 52.

2620-15. Same—Not claims against state—All bills and claims validated and allowed by the provisions of this Act shall in no way be made a claim against the State of Minnesota pursuant to Chapter 259 [254]. Laws of 1911, or otherwise. (27, c. 242, § 2)

Explanatory note—See note to § 2620-14, herein.

2620-16. Same—Pending actions not affected—This Act shall not affect any actions or appeals now pending in which the validity of any such claim is in issue. (27, c. 242, § 3)

The following laws apply only to particular counties:

Paying out public moneys on roads and bridges in cities and villages. (16, c. 73)

Laying of streets for overhead structures. (15, c. 291)

Transfer of money from sanatorium to road and bridge fund legalized. (17, c. 47).

Maximum rate of interest fixed by board of tax levy for road and bridge purposes. (17, c. 339).

Roads constructed under federal aid to be supervised by state highway commission. (17, c. 432).
Appropriation of moneys for road, street and bridge work in certain cities (19 c. 60. Sec. 1 amended, '27 c. 561).

Compensation of highway engineers and employees (19 c. 66).

Construction of roads on county lines and taxation thereof (19 c. 158. Rep. '27, c. 23).

Issuance and sale of bonds for permanent improvement of certain state roads ('21 c. 159).

Maximum rate of taxation fixed by order of the county road and bridge fund included in tax levy (21 c. 233, amended '23 c. 211).

Road issues and tax levy for construction and maintenance of roads and bridges ('21 c. 356).

Employment of road clerks for county road and bridge work ('22 c. 22. '22 c. 96).

County expenditures on roads and bridges in towns ('22 c. 156).


Purchase of dredge or ditching machine for construction of county road ditches ('23 c. 217).

GENERAL PROVISIONS APPLICABLE TO ALL ROADS

2621. Meeting and passing vehicles—[Repealed.]
This section is repealed by Laws 1925, c. 416. § 2621.


2622. Intemperate drivers—No person owning or having control of a coach or vehicle traveling upon any road for the conveyance of passengers, shall employ any person to drive the same who is addicted to the excessive use of intoxicating liquors.

Every person who violates any provision of this section shall forfeit for each offense such sum as the court shall fix, not exceeding fifty dollars, and shall also be liable to any party injured for all damages sustained by reason of such offense; provided, that complaint for such violation shall be made within three months, and every action for damages shall begin within one year thereafter. ('13 c. 235 § 66) [2553]

2623. Leaving horses unfastened—No driver of any vehicle used for the conveyance of passengers for hire, shall leave the horses attached thereto, while any passenger remains in or upon the same, without securely fastening such horses or leaving some suitable person in charge thereof; and, if any driver shall violate the provisions of this section, he and his employer shall, in an action for damages instituted by any person injured by reason of the violation of this section, be deemed guilty of negligence. ('13 c. 235 § 67) [2554]

2624. Traction engine—Whistle, etc.—Every engineer, owner, or other person in charge of a traction engine propelled along a road, who shall blow or permit the whistle of such engine to be blown within five hundred feet of a team passing on such highway, if the team can be seen from the position of such engine, or who shall not stop the same at least one hundred feet before meeting a horse or team traveling on such road, unless on a side road where such stoppage might expose the flues of the engine and cause an explosion, and not start the same until such horse or team shall have passed the engine, shall be guilty of a misdemeanor. ('13 c. 235 § 68) [2555]

2625. Traction engines—Bridges—[Repealed.]
This section is repealed by Laws 1926, c. 416. § 36.

2626. Animals on highways—[Repealed.]
This section is repealed by Laws 1925, c. 416. § 36.

2627. Penalty for violation—[Repealed.]
This section is repealed by Laws 1925, c. 416. § 36.

2628. Commissioner of highways may condemn bridges—Upon the complaint of the commissioner of highways as to any road, highway, the county board of any county as to state aid and county roads, the town board of any town as to to town roads, filed with the railroad and warehouse commission, that any highway bridge over any railroad is unsafe for the accommodation of the travel thereon on account of the strength or width thereof, the width, manner of construction or grade of the approaches thereto, the clearance thereof above the rails or for any other cause, the commission shall forthwith proceed to investigate the matters contained in the complaint giving the complainant and railroad company an opportunity to be heard, at a time and place to be fixed by the commission, after such notice as the commission may deem reasonable. Upon such hearing, or any appeal from the order of the commission made thereon, a certified copy of any order of the commissioner of highways or resolution of the county board or town board, as the case may be, condemning such bridge on account of its noncompliance with the provisions of any existing law relating to the construction of bridges on highways, shall be deemed prima facie evidence of the facts therein recited, and that such bridge is unsafe for travel. ('21 c. 368 § 1)

2629. May order bridges reconstructed—Upon such hearing the commission shall decide the matters set forth in the complaint, and make a report in writing thereof, including the findings of fact. If it finds the facts set forth in the complaint to be true, it shall make its order directing the railroad company within a time set forth therein to reconstruct or repair such bridge in such manner as the commission may direct. ('21 c. 368 § 2)

2630. Appeal—Any railroad company, or the commissioner of highways, or the county or town making the complaint, may appeal from an order of the commission to the district court of the county in which such bridge is located, and in case of such appeal, the same proceedings shall be had as is now provided by law for an appeal from orders of the commission, except as herein otherwise provided. ('21 c. 368 § 3)

2631. Failure to comply—Penalty—Any railroad company failing to comply with any order of the commission shall be liable to a penalty of $50.00 for each and every day of such noncompliance, to be collected
§ 2632. Vehicles of certain width prohibited.—[Repealed.]
This section is repealed by Laws 1925, c. 416, § 36.

§ 2633. Weight of load limited.—[Repealed.]
This section is repealed by Laws 1925, c. 416, § 36.

§ 2634. Permit—Where secured.—[Repealed.]
This section is repealed by Laws 1925, c. 416, § 36.

§ 2635. Violation a misdemeanor.—[Repealed.]
This section is repealed by Laws 1925, c. 416, § 36.

§ 2636. Restricting use of roads.—[Repealed.]
This section is repealed by Laws 1925, c. 416, § 36.

§ 2637. Municipalities not to expend money outside of state.—That no municipality "of the second class" in the State of Minnesota shall hereafter appropriate or use any of its funds or make or incur any expenditure, indebtedness or obligation whatsoever for or in the construction, maintenance or repair of any road, roadway, driveway or highway of any kind whatsoever, located or situated outside the boundaries of said state or in aid of any thereof, or in connection therewith. (21 c. 106 § 1)

§ 2638. Not liable for failure.—That no municipality shall ever be liable in any way whatsoever for any failure to repair or maintain any such road, roadway, driveway or highway and no action shall be prosecuted or maintained against any such municipality or any of its officers for or on account of any such failure. (21 c. 106 § 2)

§ 2639. Not to apply to bridges.—The provisions of this act shall not apply to any bridge which shall span any water forming the boundary of this state. (21 c. 106 § 3)

§ 2640. State to reimburse counties for money expended on trunk highways.—That the State of Minnesota hereby agrees to reimburse to the extent hereinafter provided, all counties for moneys expended by them subsequent to February 1, 1919, and paid by said counties, and for all interest hereafter accruing on said bonds at the rate of five per cent per annum such reimbursement shall be computed on the basis of five per cent, instead of the actual rate. It shall be the duty of the counties to pay such interest in the first instance and in accordance with the terms of said bonds. The county auditor of any county claiming such reimbursement for interest shall cause to be said Commissioner to certify to him, complete data showing that the county is entitled to the reimbursement for interest as hereby provided. Said interest certificates shall be filed in the office of said Commissioner, to be numbered in the order of such filing, and be paid in the order of filing out of that portion of the Trunk Highway Fund set aside for payment of interest and the amount so paid or allowed or paid on said interest certificates. The moneys so paid to any county shall be credited to the fund out of which such interest was paid by such county.

(b) To the extent that moneys derived from taxes, State Highway aid, or temporarily transferred from any bond, interest, or sinking funds, shall hereinafter have been in such county so expended in road work, the State of Minnesota hereby agrees to reimburse such county out of the Trunk Highway Fund, and only out of that fund, for the moneys thus expended, together with interest thereon as included in the principal of bonds issued under this sub-division. Warrants both paid and unpaid which evidence such expenditure shall be included in blanks to be prepared and furnished by said Commissioner, complete data showing that the county is entitled to the reimbursement for interest as hereby provided. Said interest certificates shall be filed in the office of said Commissioner, to be numbered in the order of such filing, and be paid in the order of filing out of that portion of the Trunk Highway Fund set aside for payment of interest and the amount so paid or allowed or paid on said interest certificates. The moneys so paid to any county shall be credited to the fund out of which such interest was paid by such county.

§ 2641. Manner and time of reimbursement.—That said reimbursement shall be made only in the manner, at the time, and to the extent herein provided:
(a) To the extent that the proceeds derived from the issuance of bonds by any counties under Chapter 285, Laws of Minnesota for 1919, or any other general law of this state, shall have been heretofore so expended, the State of Minnesota hereby agrees to pay out of the Trunk Highway Fund, and only out of that fund, the principal of such bonds at maturity, and it shall be the duty of the county boards of the counties availing themselves of the provisions hereof to certify to the Commissioner of Highways on or before August 1, 1921, full data concerning such bonds on blanks prepared and furnished by said Commissioner, setting forth the date of issue and sale, the date of maturity, the amount, rate of interest, and such other facts as may be required by said Commissioner.

The State of Minnesota hereby agrees to reimburse said counties for all interest accruing on said bonds subsequent to February 1, 1919, and paid by said counties, and for all interest hereafter accruing on said bonds at the rate of five per cent per annum such reimbursement shall be computed on the basis of five per cent, instead of the actual rate. It shall be the duty of the counties to pay such interest in the first instance and in accordance with the terms of said bonds. The county auditor of any county claiming such reimbursement for interest shall cause to be said Commissioner to certify to him, complete data showing that the county is entitled to the reimbursement for interest as hereby provided. Said interest certificates shall be filed in the office of said Commissioner, to be numbered in the order of such filing, and be paid in the order of filing out of that portion of the Trunk Highway Fund set aside for payment of interest and the amount so paid or allowed or paid on said interest certificates. The moneys so paid to any county shall be credited to the fund out of which such interest was paid by such county.
viced. Said interest certificates shall be filed in the office of said Commissioner, be numbered in the order of such filing, and be paid in the order of such filing out of that portion of the Trunk Highway Fund set aside for the payment of interest and for refundment purposes. Interest shall not be allowed or paid on such interest certificates. The proceeds derived from the issuance and sale of such bonds shall be placed in the fund of said county out of which the original expenditure was made, but shall first be applied to the payment of any outstanding unpaid warrants referred to in this sub-division and sub-division (f) hereof and issued or to be issued for so permanently improving roads, in 1919, bonds shall be issued or sold by any county under the provisions of this section until the Commissioner of Highways shall have certified that said bonds are such as will be paid by the state at their maturity.

(c) To the extent that moneys derived from taxes shall have been by any county so expended, and thereafter funding or refunding bonds shall have been issued by such county to pay warrants covering such expenditure of the State of Minnesota, hereinafter referred to as the Trunk Highway Fund, and only out of that fund, the principal of such funding or refunding bonds, maturing within six months after the completion of any such work full data concerning such bonds on blanks to be prepared and furnished by said Commissioner, complete data showing that the county is entitled to the reimbursement herein provided. Said interest certificates shall be filed in the office of the Commissioner, be numbered in the order of such filing, and be paid in the order of such filing out of the portion of the Trunk Highway Fund set aside for the payment of interest and refundment purposes. Interest shall not be allowed or paid on such interest certificates. The moneys so paid to any county shall be credited to the fund out of which such principal or interest was paid by such county. Provided that the total amount of bonds for which the State of Minnesota shall be liable for reimbursement hereunder is such as will be paid by the state at their maturity.

(d) To the extent that the proceeds of any bonds hereafter issued and sold by any county under the provisions of any existing law shall be so expended for the purpose of completing only under the direction and supervision of the Commissioner of Highways, the permanent improvement of such portion of any Trunk Highway heretofore partially improved by such county for the expenditure on which as already made by such county it shall be entitled to reimbursement under the foregoing provisions of this act, the State of Minnesota hereby agrees to reimburse such counties for all interest accruing on such bonds subsequent to February 1, 1919, at the rate of interest and refundment purposes. Interest shall not be allowed or paid on such interest certificates. The moneys so paid to any county shall be credited to the fund out of which such principal or interest was paid by such county.

(e) To the extent that the proceeds of any such bonds hereafter issued and sold by any county under the provisions of this act, the State of Minnesota hereby agrees to reimburse such counties for all interest accruing on such bonds subsequent to February 1, 1919, at the rate of interest and refundment purposes. Interest shall not be allowed or paid on such interest certificates. The moneys so paid to any county shall be credited to the fund out of which such principal or interest was paid by such county.

(f) Moneys actually paid out by any counties in so permanently improving roads subsequent to February 1, 1919, but in accordance with the terms and provisions of contracts dated prior to February 1, 1919, shall not for the purposes of this act be regarded as moneys expended by such counties. Except in so far as the State Highway Commissioner shall specifically so order, in the interest of the Highway System, moneys hereafter to be paid out by any counties in accordance with the terms and provisions of contracts heretofore, but subsequent to February 1, 1919, entered into by such counties for so permanently improving roads shall be regarded as money heretofore expended within the meaning of this act.
(g) The foregoing provisions shall not include reimbursement for any moneys so expended by any county and derived from Federal aid.

(h) The moneys paid out by any county to any township, borough, village or city, in reimbursing such township, borough, village or city for so permanently improving roads or any part thereof described in Article 16 of the Constitution of the State of Minnesota, heretofore and subsequent to February 1, 1919, shall be regarded and dealt with as moneys expended by such county in permanently improving roads or any part thereof; provided, such work shall have been done in accordance with plans and specifications approved by the Commissioner of Highways. Before any payment shall be made by any county, to any such township, borough, village, or city, the plans and specifications for such work, the work done and the contract price paid therefor, shall be first approved by the Commissioner of Highways, by order made and filed in his office, a certified copy of which order shall be filed with the county auditor of any such county. That thereafter the county board of any such county shall authorize the county auditor to issue his warrant on the road and bridge fund of such county in the amount so approved by the Commissioner of Highways to such township, borough, village or city. Any such warrants paid, or warrants so issued and not paid for lack of funds, may be funded or refunded by such county in the manner provided herein for the funding and refunding of moneys derived by such county from taxes or other funds.

(i) Whenever the words “permanently improving” are used in this act they shall be construed to mean permanently improving any road described in Article 16 of the Constitution of the State of Minnesota, in accordance with plans and specifications therefor approved by the Commissioner of Highways.

(j) In the event that any provision of a paragraph or part of this act shall be questioned in any court and shall be held to be invalid, the remainder of the act shall not be invalidated, but shall remain in full force and effect. (21 c. 522 § 2)

Explanatory note—Laws 1919, c. 265, was repealed by Laws 1921, c. 223, § 75. See supra, § 2619.

2641-1. Villages, may use reimbursements to purchase and redeem highway bonds—Whenever any village has received money from the state as a refund or reimbursement for money expended on highways pursuant to chapter 522, Laws 1921, and prior thereto duly issued and sold its bonds for highway purposes, such village may, with the moneys so received, purchase and redeem any part of such outstanding bonds, provided no premium in excess of five per cent of the par value of such bonds shall be paid. (23, c. 155, § 1)

Explanatory note—For Laws 1921, c. 522, see §§ 2640, 2641, herein.

2641-2. Road and bridge bonds in counties with assessed valuation of not less than $295,000,000 and bonded indebtedness of not to exceed $4,500,000—Amount of issue—Any county in this state now or hereafter having property of an assessed valuation of not less than $295,000,000 exclusive of money and credits, and having a bonded indebtedness of not to exceed $4,500,000 inclusive of bonds issued to defray the cost of permanently improving state trunk highways, which said bonds the State of Minnesota has agreed to pay under the provisions of Chapter 522, Laws of 1921, is hereby authorized to issue and sell the bonds of such county in an amount not to exceed the sum of $2,000,000 for the purpose of constructing and/or improving, or aiding in the construction and/or improvement, of roads and/or bridges within such county, and roads and/or bridges outside of such county leading into such county, and roads and/or bridges on the line between such county and any adjoining county. (25, c. 397, § 1)

Explanatory note—For Laws 1921, c. 522, see §§ 2640, 2641, herein.

2641-3. Same—Issue and sale of bonds—Whenever the board of county commissioners of any such county shall deem it advisable to construct and/or improve any such road or roads and/or bridges thereon, it may by resolution or resolutions duly adopted issue and sell the bonds of such county to defray the cost thereof, within the provisions of this act. The principal of such bonds shall mature and be payable in not more than fifteen annual installments as nearly equal as practicable, and the first annual installment of principal shall mature not more than five years after the bonds are issued. Such bonds shall be sold in the manner provided by Section 1856 General Statutes of 1913. The county board of such county is authorized to determine whether such bonds shall be sold to the purchaser who will pay the par value thereof at the lowest rate of interest, or to the purchaser who will pay the highest price for such bonds at an interest rate to be fixed by the county board; provided, however, that the rate of interest shall in no case exceed five per cent per annum. The full faith and credit of the county shall be pledged to the payment of the principal and interest of such bonds. (25, c. 397, § 2)

Explanatory note—For G. S. '13, § 1856, see § 1043, herein.

2641-4. Same—Tax levy—The county board of any such county issuing bonds under the provisions of this act shall annually, after the issuance of such bonds, levy or cause to be levied a tax upon the taxable property of such county in addition to all other taxes levied, in an amount corresponding to the amounts of principal and interest on such bonds falling due from year to year. (25, c. 397, § 3)

2641-5. Road and bridge bonds in counties with assessed valuation of not less than $315,000,000 and bonded indebtedness of not to exceed $6,400,000—Amount of issue—Any county in this state now or hereafter having property of an assessed valuation of not less than $315,000,000 exclusive of money and credits, and having a bonded indebtedness of not to exceed $6,400,000 inclusive of bonds issued to defray the cost of permanently improving state trunk highways, (which said bonds the state of Minnesota has agreed to pay under the provisions of Chapter 522, Laws of 1921,) is hereby authorized to issue and sell the bonds of such county in an amount not to exceed the sum of $700,000 for the purpose of constructing and/or improving, or aiding in the construction and/or improvement, of roads and/or bridges within such county, and roads and/or bridges outside of such county leading into such county, and roads and/or bridges on the line between such county and any adjoining county. (25, c. 397, § 1)

Explanatory note—For Laws 1921, c. 522, see §§ 2640, 2641, herein.

2641-6. Same—Issue and sale of bonds—Whenever the board of county commissioners of any such county shall deem it advisable to construct and/or improve any such road or roads and/or bridges thereon, it may by resolution or resolutions duly adopted issue and sell the bonds of such county to defray the cost thereof, within the provisions of this act. The principal of such bonds shall mature and be payable in not more than
fifteen annual installments as nearly equal as practicable, and the first annual installment of principal shall mature not more than five years after the bonds are issued. Such bonds shall be sold in the manner provided by Section 1836, General Statutes of 1913. The county board of such county is authorized to determine whether such bonds shall be sold to the purchaser who will pay the highest price for such bonds at an interest rate to be fixed by the county board; provided, however, that the rate of interest shall in no case exceed five per cent per annum. The full faith and credit of the county shall be pledged to the payment of the principal and interest of such bonds. (25, c. 365, § 2)

Explanatory note—For G. S. '13, § 1856, see § 1943, herein.

2641-7. Same—Tax levy—The county board of any such county issuing bonds under the provisions of this act shall annually, after the issuance of such bonds, levy or cause to be levied a tax upon the taxable property of such county in addition to all other taxes levied, in an amount corresponding to the amounts of principal and interest on such bonds falling due from year to year. (25, c. 365, § 3)

2641-8. Joint construction or improvement by certain townships or villages and counties of roads or streets leading into such counties—Tax levy, certificates of indebtedness or bond issues—Any township or village in this state having assessed valuations of not more than $500,000 exclusive of money and credits, and having roads or streets separate or continuous leading into adjoining counties having assessed valuations of not less than $150,000,000 exclusive of money and credits, and a bonded indebtedness of not to exceed $7,000,000 exclusive of bonds issued to defray the cost of permanently improving State Trunk Highways, which the State of Minnesota has agreed to pay under the provisions of Chapter 522, Laws of 1921, may construct and improve or aid in the construction and improvement jointly or severally with said last mentioned counties, such roads or streets. The cost of constructing or improving such roads or streets may be defrayed in such proportions by such counties, villages and townships, as they may agree upon, and each such village or township may provide its share of such cost by the levying of taxes upon the taxable property in such villages and townships respectively, or by the issuance of certificates of indebtedness or bonds therefor respectively, as hereinafter provided. (25, c. 374, § 3)

Explanatory note—For Laws 1921, c. 522, see §§ 2640, 2641, herein.

2641-9. Same—Limitation on amount of certificates of indebtedness or bonds—Whenever any such village or township shall determine by resolution of its Council or Board of Supervisors as the case may be, to construct or improve or aid in the construction or improvement of any such streets or roads, they and each of them may issue and sell its bonds or certificates of indebtedness to defray its share of the cost thereof, in an amount not to exceed $25,000 for such village, and $25,000 for such town. All of the aforesaid bonds or certificates of indebtedness may be issued without submission to the vote of the people, and the full faith and credit of such village or town as the case may be, shall be pledged for the payment of the principal and interest of the same. (25, c. 374, § 2)

2641-10. Same—Issue and sale of certificates of indebtedness or bonds—Such certificates of indebtedness or bonds shall be in the form of serial certificates or bonds, a portion of which shall be payable each year after issue, but none of said bonds or certificates shall run for a longer term than twenty (20) years, and the Councils of the said villages and the Boards of Supervisors of the said towns shall fix the denominations of such bonds or certificates of indebtedness as they shall issue hereunder respectively, and shall fix the dates of maturity thereof respectively, so that the amount necessary each year to pay the principal of the portion of the bonds maturing in such year and the interest of bonds issued shall be approximately the same in each of the years in which said bonds shall run. Such certificates of indebtedness or bonds shall be sold in the manner provided in Section 1856 of the General Statutes of the State of Minnesota for the year 1913, and the Councils of such villages and the Boards of Supervisors of such towns shall determine respectively whether such bonds shall be sold to the purchaser who will pay the par value thereof at the lowest rate of interest, or to the purchaser who will pay the highest price for such bonds at an interest rate to be fixed by the issuing village or township; provided, however, that the rate of interest shall in no case exceed five per cent per annum. (25, c. 374, § 3)

Explanatory note—For G. S. '12, § 1856, see § 1943, herein.

2641-11. Same—Tax levy—The councils of such villages, and the Boards of Supervisors of such towns after the issuance of such bonds shall levy a tax upon the taxable property of such village or township respectively, in addition to all other taxes levied in an amount corresponding to the amounts of principal and interest of such bonds or certificates of indebtedness falling due each year as to such villages and towns; provided, however, that where any such village or town shall receive aid from the State Road and Bridge Fund as hereinafter provided, the obligation to levy taxes for the payment of such bonds or certificates of indebtedness shall to the extent of such aid be removed. (25, c. 374, § 4)

2641-12. Same—Indebtedness to be additional—The amount of indebtedness herein authorized to be incurred by any such village or township shall be in addition to and over and above any limits now fixed by law. (25, c. 374, § 5)

2641-13. Same—Other laws not affected—This act shall not be construed to be in derogation or limitation of any powers heretofore granted to any villages or townships, but to be supplementary of and in addition thereto. (25, c. 374, § 6)

2641-14. Same—Apportionment of funds—Whenever any such street or road has been designated, or shall hereafter be designated as a State Road by the Board of County Commissioners, or by the State Highway Commissioner, or in any manner provided by law, the Board provided for in Section 2502 of the General Statutes of the State of Minnesota for the year 1913, which apportions the State Road and Bridge Fund may annually apportion and allot to any county in which such villages or townships are located out of the State Road and Bridge Fund for the use and benefit of such villages or townships as may issue certificates of indebtedness or bonds to aid in the construction, improvement, or repair of roads and streets provided for herein, such portion of the allotment to such counties in which such villages or townships are located, as the said Board may deem advisable, and same shall
be paid over by the treasurer of such county to the treasurers respectively of such villages or townships, and same shall be used by such villages or townships in payment or retirement; of the certificates of indebtedness or bonds issued hereunder when and as they become due respectively, and the provisions for such apportionment out of the said State Road and Bridge Fund herein made shall continue annually until the certificates of indebtedness or bonds herein authorized are fully paid. (25, c. 374, § 7)

2641-15. Road and bridge bonds in counties with assessed valuation of not less than $335,000,000—Amount of issue—Any county in this state now or hereafter having property of an assessed valuation of not less than $335,000,000 exclusive of money and credits, and having a bonded indebtedness of not to exceed $7,000,000 inclusive of bonds issued to defray the cost of permanently improving state truck highways (which said bonds the State of Minnesota has agreed to pay under the provisions of Section 1943, General Statutes of 1923. The county board of such county is authorized to issue and sell the bonds of such county in an amount not to exceed one-tenth of one per cent of the assessed valuation of the taxable property of the county not including the valuation of monies and credits, for the purpose of constructing and/or improving, or aiding in the construction and/or improvement, of roads and/or bridges outside of such county leading into such county, and roads and/or bridges on the line between such county and any adjoining county. (27, c. 148, § 1)

Explanatory note—For Laws 1921, c. 522, see §§ 2540, 2641, herein.

2641-16. Same—Issue and sale of bonds—Whenever the board of county commissioners of any such county shall deem it advisable to construct and/or improve any such road or roads and/or bridges thereon, it may by resolution or resolutions duly adopted issue and sell the bonds of such county to defray the cost thereof, within the provisions of this act. The principal of such bonds shall mature and be payable in not more than fifteen annual installments as nearly equal as practicable, and the first annual installment of principal shall mature not more than two years after the bonds are issued. Such bonds shall be sold in the manner provided by Section 1943, General Statutes of 1923. The county board of such county is authorized to determine whether such bonds shall be sold to the purchaser who will pay the par value thereof at the lowest rate of interest, or to the purchaser who will pay the highest price for such bonds at an interest rate to be fixed by the county board; provided, however, that the rate of interest shall in no case exceed five per cent per annum. The full faith and credit of the county shall be pledged to the payment of the principal and interest of such bond. (27, c. 148, § 2)

2641-17. Same—The county board of any county issuing bonds under the provisions of this act shall annually, after the issuance of such bonds, levy or cause to be levied a tax upon the taxable property of such county in addition to all other taxes levied, in an amount corresponding to the amounts of principal and interest on such bonds falling due from year to year. (27, c. 148, § 3)

2642. Counties re-insured for road bonds—That the State of Minnesota hereby agrees to reimburse in the manner and to the extent hereafter provided, all counties for moneys heretofore expended by them subsequent to February 1, 1919, in permanently improving roads described in Article 16 of the Constitution of the State of Minnesota. (23 c. 184 § 1)

2643. Amount of reimbursement—To the extent that moneys derived from taxes, State Highway aid, or temporarily transferred from any bond, interest, or sinking funds, shall heretofore, and subsequent to February 1, 1919, have been by any county so expended in such road work in constructing and/or improving and bridges in roads that have heretofore been permanently designated as State Trunk Highways and on which the contract for road construction other than bridges and culvertswas let subsequent to February 1, 1919, and prior to April 26, 1921, and the expenditures for which road construction work other than culverts and bridges have been certified and accepted by the Commissioner of Highways for reimbursement, the State of Minnesota hereby agrees to reimburse such county out of the Trunk Highway Fund and only out of that fund, for the moneys thus expended, for culverts and bridges, together with interest thereon as included in the principal of bonds to be issued under this act. Warrants, both paid and unpaid, which evidence such expenditure shall be included in such reimbursement. (23 c. 184 § 2)

2644. Bonds to be issued—It shall be the duty of the county board of any county desiring such reimbursement to issue bonds of the county in an amount equal to the amount thus expended, including interest thereon from the respective dates of such expenditures to the date of such bonds, at the rate of not to exceed five per cent per annum. All of the moneys derived from the county out of Subdivision (b) of Section 2 Chapter 522 Laws 1921, shall apply to the issue of such bonds, the maturity thereof and to the payment of the principal and interest thereof. The proceeds derived from the issuance and sale of such bonds shall be placed in the fund of said county out of which the original expenditures were made but shall first be applied to the payment of any outstanding unpaid warrants referred to in this act. No bonds shall be issued or sold by any county under the provisions of this act, until the commissioner of Highways shall have certified that said bonds are such as will be paid by the state at their maturity. (23 c. 184 § 3)

Explanatory note—For Laws 1921, c. 522, see §§ 2540, 2641, herein.

2645. County boards may issue bonds for road and bridge purposes—The county board of any county is hereby authorized, without a vote of the people, to issue and sell from time to time the bonds of said county to such an amount as is in the judgment of the board may be necessary for the purpose of paying the expense to be incurred in permanently improving any such roads, including bridges, and maintaining and operating the same. Warrants, both paid and unpaid, which evidence the expenditures for which such bonds shall be issued, shall be included in such reimbursement, and the same shall be used by such villages or townships, and same shall be used by such townships in payment or retirement of the certificates of indebtedness or bonds herein authorized. (29 c. 111, § 1)

2646. Definitions—The words “permanently improve” as used herein shall mean any work approved
by the commissioner of highways as hereinafter specified which is essential or preparatory to the paving of such road with a proper durable hard-surface type of paving. (23 c. 320 § 2)

2647. Commissioner of highways to approve routes and plans—Before any bonds shall be issued under the provisions hereof, the route and termini of the road or roads proposed to be permanently improved and the plans and specifications for such improvement shall be approved by the commissioner of highways. Before any contract for such improvement shall be let, such contract, including the price thereof, shall be approved by the commissioner of highways; and the contract shall be performed and the improvement made under the direction and supervision of the commissioner of highways. The approval of such route, termini, plans and specifications, and the fact that the road is one for the permanent improvement of which bonds may be issued hereunder, shall be conclusively evidenced by a certificate to that effect signed by the commissioner of highways, in which the road or roads proposed to be improved shall be designated by proper description or reference. (23 c. 320 § 3)

2648. Form of bonds—Interest—Sale of bonds—Such bonds shall be in such form and denominations, shall bear such rate of interest not exceeding six per cent per annum payable semi-annually, shall become due and payable at such time or times not more than twenty years from their date, and shall be sold in such manner, as the county board and the commissioner of highways shall determine, may contain an option permitting their redemption on any interest date, shall be signed by the chairman of the county board and countersigned by the county auditor, and shall be sold countersigned by the county auditor, and shall be countersigned by the auditor of the county and paid for out of the trunk highway fund. (23 c. 320 § 4)

2649. Use of proceeds—The proceeds of such bonds shall be used for the permanent improvement of the road or roads designated in the resolution authorizing their issuance; and if any part of such proceeds remains unexpended after the completion and acceptance of said improvement, such unexpended surplus of such bond shall be paid into the trunk highway fund, in which event such surplus shall be expended by the commissioner within one year after the receipt thereof upon trunk highways within said county. In case the proceeds from such bonds issued by any county shall for any reason be insufficient to pay for the completion of any contract for the making of the improvement for which they were issued, such contract shall be carried out by the county so far as such proceeds shall permit, and the remainder of such contract shall be assumed by the commissioner of highways and paid for out of the trunk highway fund, but only if and when the highway being so improved shall be designated as a trunk highway. (23 c. 320 § 5)

2650. Funds to be credited to trunk highway fund—In case any county shall authorize the issuance of bonds under this act, the same shall be payable out of the trunk highway fund and only out of that fund, to the extent that the proceeds thereof shall hereafter be definitely fixed and determined by the commissioner of highways as trunk highways. Moneys paid by any county upon any contract hereunder shall be deemed to have been expended as of the date of such contract. Moneys paid by any county into the trunk highway fund and expended by the commissioner of highways under the provisions of sections 4 and 6 hereof shall be deemed to have been expended by such county as of the date of such payment into said fund. Such reimbursement shall be made according to the provisions of chapter 522, Laws 1921, and particularly of subdivision (a) of section 2 thereof, exclusive of amendments thereto, so far as applicable hereto, except that the certificate by the county board required by subdivision (a), shall be signed by the auditor of the county and paid forthwith upon the issuance of said bonds and in no case later than April 1, 1925. (23 c. 320 § 8)

Explanatory note—For Laws 1921, c. 522, § 2, subd. (a), see § 2641, herein.

2652.1. Certain county bond issues legalized—To be issued out of trunk highway fund—Where any County has therefore issued $110,000 of bonds under the provisions of Chapter 265, Laws of 1919, and the County is not entitled to be reimbursed out of the Trunk Highway Fund for expenditures made from the proceeds of such bond issue, and where prior to January 1, 1926, the County Board of such county has passed a resolution authorizing the issuance of an additional $110,000 of bonds under the provisions of Chapter 320, Laws of 1923, and has sold such bonds, said proceedings are hereby legalized and the bonds upon completion of delivery are made legal and binding obligations of such County in accordance with the provisions of Chapter 265, Laws of 1919, and the County is not entitled to be reimbursed out of the Trunk Highway Fund as provided in Chapter 320, in the manner hereinafter provided. (25, c. 123, § 1)

Explanatory note—Laws 1919, c. 265, was repealed by Laws 1921, c. 322, § 79 (§ 2651, herein). For Laws 1921, c. 320, see §§ 2645 to 2652, herein.

2653. State to reimburse municipalities for moneys expended on trunk highways—That the state of Minnesota hereby agrees to reimburse, out of the trunk highway fund and only out of that fund, to the extent and in the manner hereinafter provided, all counties for moneys expended by them subsequent to February 1, 1919, or hereafter to be expended by them under the provisions of this act in permanently improving roads described in Article 16 of the Constitution of the state of Minnesota, as the same have heretofore been or will hereafter be definitely located and determined by the commissioner of highways. (23 c. 346 § 1)
2654. Limitation to reimbursement—The moneys paid out by any county to any township, borough, village or city in reimbursing such township, borough, village or city for so permanently improving roads or any part thereof described in said Article 16 under contracts therefor entered into by such township, borough, village or city heretofore and subsequent to February 1, 1919, shall be regarded and dealt with as moneys expended by said county in permanently improving such roads or any part thereof, provided such work shall have been done in accordance with plans and specifications heretofore or hereafter approved by the commissioner of highways; but such reimbursement shall be made only to the extent of the proportionate cost of such improvement, provided any amount paid for lack of funds may be funded to such township, borough, village or city for so permanently improving roads or any part thereof described in said Article 16 under contracts therefor entered into by such township, borough, village or city heretofore and subsequent to February 1, 1919, shall be regarded and dealt with as moneys expended by said county in permanently improving such roads or any part thereof, provided such work shall have been done in accordance with plans and specifications heretofore or hereafter approved by the commissioner of highways; but such reimbursement shall be made only to the extent of the proportionate cost of such improvement, provided any amount paid for lack of funds may be funded to such road, exclusive of gutters and curbs. (23 c. 346 § 2)

2655. Commissioner of highways to determine who is entitled to reimbursement in certain cases—In the case of townships, boroughs, villages or cities which shall have so improved any such roads or any part thereof under contracts entered into heretofore and subsequent to February 1, 1919, and such work shall have been done under plans and specifications which had not been approved by the commissioner of highways prior to the doing of said work, the commissioner of highways may examine and test such improvement and determine the bearing quality and durability thereof, and further determine, upon the basis of bearing quality and durability, the value of such improvement as so determined, but the amount of such reimbursement shall in no case exceed the amount expended for said improvement. (23 c. 346 § 3)

2656. Same—In the case of townships, boroughs, villages or cities which shall have so improved any such roads or any part thereof under contracts entered into heretofore and subsequent to April 25, 1921, and in accordance with plans and specifications heretofore approved by the commissioner of highways prior to the commencement of work under such contract, the amount of such reimbursement shall be the reasonable value of such improvement on the basis of prevailing costs at the time of the letting of such contract, but the amount of such reimbursement shall in no case exceed the amount expended for said improvement. (23 c. 346 § 4)

2657. Municipalities to file statement with county auditor—Before any payment shall be made by any county to any such township, borough, village or city, the plans and specifications for such improvement shall be filed with and approved by the county auditor of any such county, which order shall specify the amount in which such township, borough, village or city is entitled to reimbursement. That thereafter the county board of such any county shall authorize the county auditor to issue a warrant on the road and bridge fund of such county in the amount so specified by the commissioner of highways to such township, borough, village or city. Any such warrants paid or warrants so issued and not paid for lack of funds may be refunded or so paid by such county in the manner prescribed by subdivision (b) of section 2 of chapter 522, Laws 1921. All of the provisions of said subdivision (b) shall apply to the issuance of such bonds and to the payment of the principal and interest thereof. (23 c. 346 § 6)

2658. Property owners to be reimbursed in certain cases—The moneys thus paid to any township, borough, village or city shall be credited to the fund out of which the cost of such improvement was paid; provided, however, that in the event any portion of such cost shall have been assessed against property benefited thereby or by any township, borough, village, city, school district or county, the governing body of such township, borough, village or city shall equitably apportion said moneys according to the amounts so contributed, in cash or by assessment, to the cost of said improvement, either by cash reimbursement or by reduction of such assessments. (23 c. 346 § 6)

2659. Application—The moneys paid out and bonds issued by any county under the provisions of Chapter 254, Laws 1911, Chapter 52, Laws 1915, and Chapter 378, Laws 1921, in or for the permanent improvement of any such road, subsequent to February 1, 1919, which work shall have been done in accordance with plans and specifications approved by said commissioner of highways, shall be regarded and dealt with as so expended or issued by said county under the provisions of this act, and reimbursements therefor shall be made and such county bonds dealt with in like manner as is provided by said Chapter 522, Laws 1921, provided within six months after the passage of this act, or after the transaction affected, such county shall furnish said commissioner of Highways, the data with respect thereto contemplated by said Chapter 522; and moneys thus paid to any county shall be equitably apportioned by the County Board thereof according to amounts contributed by reason of assessments of benefits or otherwise, to the cost of such improvement; either by cash reimbursement or by reduction of such assessments. (23 c. 346 § 7)

2660. Sections held invalid not to affect other sections—In the event that any provision or paragraph or part of this act shall be questioned in any court and shall be held to be invalid, the remainder of the act shall not be invalidated, but shall remain in full force and effect. (23 c. 346 § 8)

2660-1. Reimbursement of counties by state for expenditures in permanently improving trunk highways—That the State of Minnesota hereby agrees to reimburse, out of the trunk highway fund and only out of that fund, to the extent and in the manner hereinafter provided, all counties for moneys expended by them under the provisions of this act in permanently improving roads described in Article 16 of the Constitution of the State of Minnesota as the same have heretofore been or will hereafter be definitely located and designated by the commissioner of highways. (25 c. 410, § 1)

2660-2. Same—Purpose of and restrictions on reimbursement—The moneys paid out by any county to any township, borough, village or city in reimbursing such township, borough, village or city for so permanently improving roads or any part thereof described in said Article 16, under contracts therefor entered into by such township, borough, village or city heretofore and subsequent to April 19, 1923, shall for the purpose of reimbursement under the provisions of this act be regarded and dealt with as moneys expended by said county in permanently improving such roads or any part thereof, provided such work shall have been done

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in accordance with plans and specifications approved by the commissioner of highways prior to the commencement of work under such contract; but such reimbursement shall be made only to the extent of the proportionate cost of an eighteen-foot roadway upon such road, exclusive of gutters and curbs. The amount of such reimbursement shall be the reasonable value of such improvement, and shall be on the basis of the prevailing cost at the time of construction of the type of pavement now in general use by the Minnesota Highway Department on Trunk Highways according to the Minnesota highway department's standard specifications therefor, including engineering expense, on the basis of prevailing costs at the time of the letting of such contract, but the amount of such reimbursement shall in no case exceed the amount expended for said improvement, including engineering expense. (25, c. 410, § 2)

2660-3. Same—Commissioner of highways to determine amount—County warrants on road and bridge funds—Bond issues—Before any payment shall be made by any county to any such township, borough, village or city, the commissioner of highways shall by order determine the amount in which such township, borough, village or city is entitled to reimbursement. A certified copy of such order and a certified copy of the order of the commissioner of highways approving the plans and specifications under which such improvement was made shall be filed with the county auditor of the county by which such payment is to be made. Thereupon the county board of such county shall authorize the county auditor to issue his warrant on the road and bridge fund of such county in the amount so specified by the commissioner of highways to such township, borough, village or city. Any such warrants paid or warrants so issued and not paid for lack of funds may be funded or refunded by such county in the manner provided by Subdivision (b) of Section 2 of Chapter 522, General Laws 1921. All of the provisions of said Subdivision (b) shall apply to the issuance of such bonds and to the payment of the principal and interest thereof; provided, however, that such bonds shall be in such form and denomination, shall mature at such times, and shall be sold in such manner, as the county board and the commissioner of highways shall determine, and provided, further, that the county board may if it so elect sell such bonds to the state board of investment without calling for bids, and provided, further, that in any case where the amount in which the county is entitled to reimbursement does not exceed $10,000.00 such reimbursement may at the option of the commissioner of highways be made in cash out of the trunk highway fund without the issuance of bonds by the county. (25, c. 410, § 3)

Explanatory note—For Laws 1921, c. 522, § 2, see § 2641, herein.

2660-4. Same—Money to be returned to fund from which paid—The moneys thus paid to any township, borough, village or city shall be credited to the fund out of which the cost of such improvement was paid; provided, however, that in the event any portion of such cost shall have been assessed against property benefited thereby or paid by any township, borough, village, city, school district or county, the governing body of such township, borough, village or city shall equitably apportion said moneys according to the amounts so contributed, in cash or by assessment, to the cost of said improvement, either by cash reimbursement or by reduction of such assessments. (25, c. 410, § 4)

2660-5. Reimbursement of counties by state for expenditures in permanently improving trunk highways subsequent to April 10, 1921—That the State of Minnesota hereby agrees to reimburse in the manner and to the extent hereafter provided all counties for moneys hereofore expended by them subsequent to April 10, 1921, in permanently improving roads described in Article 16 of the Constitution of the State of Minnesota. (25, c. 411, § 1)

2660-6. Same—Amount of reimbursement—To the extent that moneys derived from taxes, state highway aid, or temporarily transferred from any bond, interest or sinking funds shall heretofore and subsequent to April 10, 1921, have been by any county so expended in such road work, and where any such county has between April 10, 1921, and December 31, 1921, by contract or otherwise, permanently improved any such road in such county in the manner hereinafter specified and the cost of such improvement has been paid by such county by the issuance of warrants or otherwise under plans and specifications approved by the commissioner of highways before the doing of such work, and such road has after such improvement and before January 1, 1923, been designated by the commissioner of highways as a permanent trunk highway, and said improvement has been inspected and approved by the commissioner of highways, the State of Minnesota hereby agrees to reimburse such county out of the trunk highway fund and only out of that fund for the moneys so expended for clearing right of way, grading, culverts, paving, and including engineering expense and excluding grants in aid, or temporarily transferred from any bond, interest or sinking funds, in an amount equal to the amount in which such county is entitled to reimbursement, including interest thereon from the respective dates of such expenditures to the date of such bonds at the rate of five per cent per annum. All of the provisions of subdivision (b) of Section 2 of Chapter 522, General Laws 1921, shall apply to the issuance of such bonds and to the payment of the principal and interest thereof; provided, however, that such bonds shall be in such form and denominations, shall mature at such times and shall be sold in such manner as the county board and the commissioner of highways shall determine, and provided, further, that the county board may if it so elect sell such bonds to the state board of investment without calling for bids. The proceeds derived from the issuance and sale of such bonds shall be placed in the fund of said county out of which the original expenditures were made, but shall first be applied to the payment of any outstanding unpaid warrants issued on account thereof. No bonds shall be issued or sold by any county under the provisions of this act until the commissioner of highways shall have certified that said bonds are such as will be paid by the state at their maturity. (25, c. 411, § 5)

Explanatory note—For Laws 1921, c. 522, § 2, see § 2641, herein.

2660-7. Same—Bond issues—It shall be the duty of the county board of any county desiring such reimbursement to issue bonds of the county in an amount equal to the amount in which such county is entitled to reimbursement, including interest thereon from the respective dates of such expenditures to the date of such bonds at the rate of five per cent per annum. All of the provisions of subdivision (b) of Section 2 of Chapter 522, General Laws 1921, shall apply to the issuance of such bonds and to the payment of the principal and interest thereof; provided, however, that such bonds shall be in such form and denominations, shall mature at such times and shall be sold in such manner as the county board and the commissioner of highways shall determine, and provided, further, that the county board may if it so elect sell such bonds to the state board of investment without calling for bids. The proceeds derived from the issuance and sale of such bonds shall be placed in the fund of said county out of which the original expenditures were made, but shall first be applied to the payment of any outstanding unpaid warrants issued on account thereof. No bonds shall be issued or sold by any county under the provisions of this act until the commissioner of highways shall have certified that said bonds are such as will be paid by the state at their maturity. (25, c. 411, § 5)

Explanatory note—For Laws 1921, c. 522, § 2, see § 2641, herein.
that fund, to the extent and in the manner hereinafter provided, all counties for moneys expended by them under the provisions of this act in permanently improving roads described in Article 16 of the Constitution of the State of Minnesota as the same have heretofore been or will hereafter be definitely located and designated by the commissioner of highways. (27, c. 56, § 1)

2660-9. Same—Purpose of and Restrictions on reimbursement—The moneys paid out by any county to any township, borough, village or city in reimbursing such township, borough, village or city for so permanently improving roads or any part thereof described in said Article 16, under contracts therefore entered into by such township, borough, village or city heretofore and subsequent to April 25, 1925, shall for the purpose of reimbursement under the provisions of this act be regarded and dealt with as moneys expended by said county in permanently improving such roads or any part thereof, provided such work shall have been done in accordance with plans and specifications approved by the commissioner of highways prior to the commencement of work under such contract; but such reimbursement shall be made only to the extent of the proportionate cost of an eighteen-foot roadway upon such road, exclusive of gutters and curbs. The amount of such reimbursement shall be the reasonable value of such improvement, and shall be on the basis of the prevailing cost at the time of construction of the type of pavement now in general use by the Minnesota Highway Department on Trunk Highways according to the Minnesota Highway Department's standard specifications therefor, including engineering expense on the basis of prevailing costs at the time of the letting of such contract which contract shall be subject to the approval of the Commissioner of Highways, but the amount of such reimbursement shall in no case exceed the amount expended for said improvement, including engineering expense. (27, c. 56, § 2; amended 27, c. 380)

2660-10. Same—Commissioner of highways to determine amount—County warrants on road and bridge fund—Bond issues—Before any payment shall be made by any county to any such township, borough, village or city, the commissioner of highways shall by order determine the amount in which such township, borough, village or city is entitled to reimbursement. A certified copy of such order and a certified copy of the order of the commissioner of highways, shall be filed with the county auditor of the county by which such payment is to be made. Thereupon the county board of such county shall authorize the county auditor to issue his warrant on the road and bridge fund of such county in the amount so specified by the commissioner of highways to such township, borough, village or city. Any such warrants paid or warrants so issued and not paid for lack of funds may be funded or refunded by each county in the manner provided by Subdivision (b) of Section 3 of Chapter 522, General Laws 1921. All of the provisions of said Subdivision (b) shall apply to the issuance of such bonds and to the payment of the principal and interest thereof; provided, however, that such bonds shall be in such form and denomination, shall mature at such times, and shall be sold in such manner, as the county board and the commissioner of highways shall determine, and provided, further, that the county board may if it so elects sell such bonds to the state board of investment without calling for bids. (27, c. 56, § 3)

2660-11. Same—Money to be returned to fund from which paid—The moneys thus paid to any township, borough, village or city shall be credited to the fund out of which the cost of such improvement was paid; provided, however, that in the event the portion of such cost shall have been assessed against property benefited thereby or paid by any township, borough, village, city, school district or county, the governing body of such township, borough, village or city shall equitably apportion said moneys according to the amounts so contributed, in cash or by assessment, to the cost of said improvement, either by cash reimbursement or by reduction of such assessments. (27, c. 56, § 4)

2660-12. Reimbursement of counties by state for expenditures in permanently improving trunk highways—Cash reimbursement without issue of bonds—In every case where a county has heretofore become entitled to reimbursement out of the trunk highway fund under the provisions of General Laws 1921, chapter 522, General Laws 1923, chapter 346, of General Laws 1955, chapter 410, Laws 1927, chapter 56, for the making of permanent improvements on trunk highways as therein prescribed, whether such improvement has been made by the county or by any town, borough, village, or city therein and such county has not issued bonds therefor as provided in said acts, such reimbursement may, at the option of the commissioner of highways, be made in cash out of the trunk highway fund without the issuance of bonds by the county. (27, c. 359)

Explanatory note—For Laws 1921, c. 522 see § 2640, 2641, herein; Laws 1927, c. 346, see §§ 2652 to 2652-9, herein; Laws 1923, c. 346, see §§ 2640-8 to 2660-11, herein.

2661. Trunk highway route number 71 established—There is hereby added to the trunk highway system and created and established an additional route, to be known as route No. 71, which shall begin at a point on route No. 27 at Little Falls and extend thence in a general easterly direction connecting with the village of Onamia, Waukon and Isle and thence in a north-easterly direction to a point connecting with Trunk Highway No. 5 affording intervening and adjacent communities a reasonable means of communication each with the other and other places within the state. (23 c. 358 § 1)

After the county seat of Mille Lacs county was changed from Princeton to Milaca, the legislature enacted chapter 252, Laws 1923, adding a new route to the state trunk highway system. It did not begin, terminate, or pass through Milaca, but it did intersect another trunk highway at a point 22 miles distant from Milaca. Held, that section 1 of article 18 of the state Constitution does not authorize the attempted addition to the trunk highway system, and that the state highway commissioner cannot be compelled to select public highways in obedience to chapter 252. 161-80, 200-843.

2662. Same laws to apply—That all of the provisions of law relating to the trunk highway system shall apply to the trunk highway route hereby created and established. (23 c. 358 § 2) 161-80, 200-843, note under § 2661.

2662-1. Trunk highway route number 72 established—There is hereby added to the trunk highway system and created and established an additional route, to be known as route No. 72, which shall begin at a point on route No. 8 north of Bemidji and extend thence in a northerly direction to a point on route No. 11 at Baudette, affording Pukosky, Nebish, a point two and one-half miles east of Redby, the northwest corner of township 151 north, of range 31 west, of the 5th P. M., Waskish, Baudette, and intervening and adjacent com-
munities, a reasonable means of communication each with the other and other places within the state. (23, c. 427, § 1)

2662-2. Same—Same laws to apply—that all of the provisions of law relating to the trunk highway system shall apply to the trunk highway route hereby created and established. (23, c. 427, § 2)

2662-3. Capitol Highway—The following route between the quarter-corner of Section 19, Township 27, Range 22, southeasterly and southerly to a point at or near the southeast corner of Section 35, Township 113, Range 19, thence southerly, traversing in part the line between Rice and Goodhue counties, to Trunk Highway No. 21, thence southeasterly on said highway to Trunk Highway No. 56, thence southerly on Trunk Highway No. 6, thence northwesterly to the line of the State of Minnesota is hereby named and designated "The Capitol Highway," to-wit:

Beginning at the Capitol of the State of Minnesota in the City of St. Paul, thence southerly along University avenue and Robert street through St. Paul, thence southerly along South Robert street through West St. Paul to a point at or near the northeast quarter-corner of Section 19, Township 27, Range 29, thence southeasterly and southerly to a point at or near the southeast corner of Section 35, Township 113, Range 19, thence southerly, traversing in part the line between Rice and Goodhue counties, to Trunk Highway No. 21, thence southeasterly on said highway to Trunk Highway No. 56, thence southerly on Trunk Highway No. 6, thence northwesterly to the line of the State of Minnesota in the City of St. Paul, thence southerly through the City of St. Paul and the south boundary of the State of Minnesota hereby named and designated "The Capitol Highway," to-wit:

2663. Ferries—License—No person shall establish, operate, or maintain, upon any water in this state, any ferry upon which to carry or transport persons or property for hire, without first obtaining a license therefor from the county board. (1246) [2610]

2664. Notice of application—Any person intending to apply for a ferry license shall give two weeks' posted notice of such intention, stating therein, as near as possible, the points between which he proposes to operate such ferry, and shall file such notice, with proof of posting, with the auditor of the county in which the ferry is situated, at least ten days prior to the presentation of his application; but no notice of an application for a renewal of a license shall be required. (1247) [2611]

2665. License—Requirements—On proof of the posting and filing of such notice, and on being satisfied that the applicant is a suitable person, that a ferry is necessary at the point specified, and that such point is not within half a mile of any other established ferry, the county board may grant the license applied for, for a period specified therein, not exceeding ten years. All licenses so granted shall be sealed with the seal of the board, signed by its chairman, and attested by the auditor. (1248) [2612]

2666. Licensee to give bond—Before receiving such license, the applicant shall give bond, to the county, to be approved by such board, in a penal sum of not less than five hundred dollars, conditioned that he will keep the ferry in proper condition for use, and attend the same at all times fixed by law for operating it; that he will neither demand nor take illegal tolls; and that he will faithfully perform all other duties enjoined upon him by law. Such bond shall be filed with the auditor. (1249) [2613]

2667. License fee—The county board shall fix ferry licenses at such sums as it may deem reasonable, but not less than five dollars nor more than two hundred dollars per annum. The licensee shall pay the license fee yearly in advance to the county treasurer, taking duplicate receipts therefor, one of which he shall file with the auditor within ten days from its date. All ferries shall be deemed situated in the county where the ferry house is situated, and the license fee shall be required only in such county. (1250) [2614]

2668. Ferries between counties—Where a stream over which a ferry license is applied for runs between two counties, the county board of each county shall have full jurisdiction in the premises, and, when either board has exercised such jurisdiction and established a ferry, no other board shall exercise any jurisdiction over the same. When the stream forms a part of the boundary line of the state, the county board of the county in the state bordering on such stream may grant a license and exercise all the powers herein conferred, so far as the same do not conflict with the rights of other states. And when application shall be made in two counties separated by a stream for a ferry license over such stream at the same point, the board of the county in which notice of application was first filed with the county auditor shall have sole jurisdiction in the matter. (1251) [2615]

2669. Equipment and attendance—Every licensed ferryman shall provide and keep sufficient and safe boats, and other property, and a sufficient number of hands to manage them, and shall give proper attendance from daylight until dark. He shall also attend at any hour of the night, when called upon, for the purpose of conveying the United States mail, or any person desiring, with or without a team or vehicle, to cross on said ferry. But when the stream is impassable by reason of high water, wind, storm, or drift ice, or when it is frozen over, no damage shall be recovered for failure or refusal to carry persons or property across such stream. (1252) [2616]

2670. Tolls—Penalties—The county board shall establish at each ferry the tolls for passengers, horses, carriages, and other things there transported. Every ferryman who neglects to keep such boats and give such attendance as provided for in this chapter, or demands or receives more than the amount designated
by said county board, shall forfeit twenty dollars, and be liable for all damages caused thereby, either or both of which may be recovered by an action on his bond. (1253) [2017]

2671. Ferries in cities—The provisions of this chapter relating to ferries shall not apply to any stream so far as the same is bordered by any city or village. The council of such city or village shall have the sole right to grant ferry licenses across such stream as far as the same borders thereon, and to make and enforce such regulations for such ferries, ferry licenses, and fees as it may deem proper, except that such licenses shall not be granted for a longer term than ten years. But this section shall not be so construed as to abridge the rights of the county board in any county other than the one in which such city or village is situated. Every ferryman licensed by the council hereunder shall have the same rights, and be subject to the same liabilities as those licensed by county boards. (1254) [2018]

2671.1. Ferries in villages—That any village in this state situate upon any river which is the boundary line between the state of Minnesota and any other state is hereby authorized, in addition to all other authority possessed by such village, to own, maintain and operate a ferry boat across such river, and the village council or other governing body is authorized to provide rules and regulations therefor. (19, c. 459, § 1)

MOTOR VEHICLES.

Uniform Highway Traffic Act, see §§ 2720-1 to 2729-69, herein.

2672. Definitions—Wherever in this act the following terms are used they shall be construed to have the meaning herein ascribed to them:

"Application for Registration" shall have the same meaning as "listing for taxation," and when a motor vehicle is registered it is also listed.

"Trucks used for transporting things other than passengers shall be classified and taxed as follows:

Class T shall include all trucks used for transporting agricultural, horticultural, dairy, and other farm products from the place of production to the point of shipment, sale, or consumption, and shall pay a tax of 2.4% on the base value. Trucks registered in this class may be employed in hauling from the place of delivery of the products specified herein a return load of supplies required for use or consumption on the farm of the owner of the truck.

Class Y shall include all trucks, trailers and semi-trailers used in the business of transporting goods for compensation as common carriers over any public highway in this state between fixed termini or over a regular route, and shall pay a tax of 10% on the base value.

Class X shall include all trucks, trailers, or semi-trailers not included under Class T or Class Y, and shall pay a tax of 3.4% on the base value.

"Commercial Passenger Transportation" shall mean the carriage of passengers for hire between points not wholly within the limits of the same city, village or borough; provided that local bus lines carrying passengers from a railroad station from or to places in the vicinity thereof shall not be construed to be engaged in commercial passenger transportation.

"Highway." Any public thoroughfare for vehicles, including streets in cities, villages and boroughs.

"Motor Vehicles." Any self-propelled vehicle not operated exclusively upon railroad tracks, and any vehicle propelled or drawn by a self-propelled vehicle.

"Owner." Any person, firm, association or corporation owning or renting a motor vehicle, or having the exclusive use thereof, under a lease or otherwise, for a period greater than 30 days.

"Tractor." Any motor vehicle designed or used for drawing other vehicles but having no provision for carrying loads independently.

"Trailer." Any vehicle designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.

"Semi-trailer." A vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight or that of its load rests upon and is carried by the towing vehicle.

"Truck." Any motor vehicle designed or used principally for carrying things other than passengers and includes a motor vehicle to which has been added a cabinet box, platform, rack or other equipment for the purpose of carrying merchandise other than the person or effects of the passenger.

"Registrar." The registrar of motor vehicles designated in this act.

"Sworn Statement." Any statement required by or made pursuant to the provisions of this act, made under oath administered by an officer authorized to administer oaths.

"Dealer." Any person, firm or corporation engaged in the business of manufacturing, selling or purchasing of motor vehicles to own and use or to resell in accordance with the requirements of this act. (21, c. 461, § 1; amended '25, c. 290, § 1; '27, c. 165, § 1)

"Ferry License." Any license issued by a ferryman to operate a ferry across any river in this state. (This act by its more comprehensive scope repeals '11 c. 366 § 1 amended '15 c. 23 § 1, covering the same subject matter appearing originally as G. S. '13 § 5619).

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"Trailer." Any vehicle designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.

"Semi-trailer." A vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight or that of its load rests upon and is carried by the towing vehicle.

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"Tractor." Any motor vehicle designed or used for drawing other vehicles but having no provision for carrying loads independently.

"Trailer." Any vehicle designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.

"Semi-trailer." A vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight or that of its load rests upon and is carried by the towing vehicle.

"Truck." Any motor vehicle designed or used principally for carrying things other than passengers and includes a motor vehicle to which has been added a cabinet box, platform, rack or other equipment for the purpose of carrying merchandise other than the person or effects of the passenger.

"Registrar." The registrar of motor vehicles designated in this act.

"Sworn Statement." Any statement required by or made pursuant to the provisions of this act, made under oath administered by an officer authorized to administer oaths.

"Dealer." Any person, firm or corporation engaged in the business of manufacturing, selling or purchasing of motor vehicles to own and use or to resell in accordance with the requirements of this act. (21, c. 461, § 1; amended '25, c. 290, § 1; '27, c. 165, § 1)

"Ferry License." Any license issued by a ferryman to operate a ferry across any river in this state. (This act by its more comprehensive scope repeals '11 c. 366 § 1 amended '15 c. 23 § 1, covering the same subject matter appearing originally as G. S. '13 § 5619).

"Highway." Any public thoroughfare for vehicles, including streets in cities, villages and boroughs.
For law on Federal aid roads, see Mason's Code, Title 23.

A motor truck, owned by a resident of Wisconsin, and used in commercial freighting on a time schedule and over a regular route between points in Wisconsin and elsewhere, is subject to the motor vehicle tax imposed by chapter 418, L. 1925, 162-302, 202-893.

Written from the authority of Hendrick v. Maryland, 235 U. S. 160, 35 S. Ct. 30, 61 L. Ed. 222, it is held that chapter 418 does not discriminate against citizens of other states in favor of citizens of this state. 267-302, 202-893.

The fact that a portion of the route followed by the truck is a highway receiving federal aid does not relieve the owner from the payment of the tax. 192-302, 202-893.

Although primarily a property tax, it is made to operate as a privilege tax, for such vehicles are prohibited from using the public highways until the tax is paid. 192-302, 204-166.

Motor vehicles, owned and used by corporations, paying a gross earnings tax, in the operation of their business are not subject to the tax imposed by Gen. St. 1923, §§ 2672-2720, 211-893.

Although primarily a property tax, it is made to operate as a privilege tax, for such vehicles are prohibited from using the public highways until the tax is paid. 162-302, 204-166.

2673-1. Exemptions—Fire apparatus owned by farmer's co-operative associations, etc.—All motor vehicle apparatus owned by a farmer's co-operative association or by a body of farmers and used solely in the extinguishment of fire in the community in which it is so owned and employed shall be exempt from taxation. Any tax heretofore accruing to the state upon a vehicle of the class and used for the purpose herein set forth is hereby abated. The registrar of motor vehicles, upon application of the owner of such motor vehicle fire apparatus, shall register the same and issue a pre-exemption plate for use thereon. (25, c. 111)

2674. Rate of tax—(a) Motor vehicles, except as set forth in Section 2 hereof, using the public streets or highways in the State of Minnesota shall be taxed in lieu of all other taxes thereon, except Wheelage taxes, so-called, which may be imposed by any borough, city or village, as provided by law, and shall be privileged to use the public streets and highways, on the basis and at the rates for each calendar year as follows:

Motor vehicles for carrying passengers and hearses, 2 4/10% of value.

Provided that the minimum tax on all passenger motor vehicles under 2,000 pounds weight except as hereinafter provided shall be $10.00 and the minimum tax on all passenger motor vehicles 2,000 pounds and over their weight shall be $12.00.

Trucks, tractors, trailers and semi-trailers, 2 4/10% of value.

Provided that the minimum tax on all trucks and tractors of 1 ton and under manufacturers' rated carrying or hauling capacity shall be $15.00 except that the minimum tax on trucks converted from passenger vehicles, on which the minimum was $12.00 or $15.00, shall pay the same tax as would the vehicle before being converted and the minimum tax on all trucks and tractors of over 1 ton and under 2 tons manufacturer's rated carrying or hauling capacity shall be $20.00 and the minimum tax on all trucks and tractors of 2 ton or over and under three tons manufacturers' rated carrying or hauling capacity shall be $30.00 and the minimum tax on all trucks and tractors of 3 tons or over and under 4 tons manufacturers' rated carrying or hauling capacity shall be $60.00 and the minimum tax on all trucks and tractors of 4 tons and over and under 5 tons manufacturers' rated carrying or hauling capacity shall be $85.00 and the minimum tax on all trucks and tractors of 5 tons and over and under 6 tons manufacturers' rated carrying or hauling capacity shall be $125.00 and the minimum tax on all trucks and tractors of 6 tons and over manufacturers' rated carrying or hauling capacity shall be $150.00 and the minimum tax on trailers and semi-trailers shall be $2.00 for each ton or fraction thereof of such capacity.

Busses and carriers of passengers for hire engaged in commercial passenger transportation, other than taxi cabs and vehicles engaged in livery business 10% of value, provided that the minimum tax on all commercial passenger busses of over fifteen passenger seating capacity shall be Three Hundred Fifty Dollars ($350.00), and on those of fifteen and less and over five passenger seating capacity, other than taxi cabs and vehicles engaged in livery business shall be Two Hundred Fifty Dollars ($250.00).

Motor cycles without side car $3.00. Motor cycles side car additional $2.00.

Value until the end of the first calendar year of vehicle life, construing the year of the model designation or the first year of such life shall be construed to mean the "base price for taxation" as hereinafter defined.

For the purpose of fixing a base price for taxation from which depreciation in value at a fixed per cent per annum can be computed, such price is defined as follows:

The base price for taxation of a motor vehicle of which a similar or corresponding model, as defined in Section 21 of this act, was being manufactured on November 1st preceding the year for which the tax is levied, shall be the manufacturers' list price of such similar or corresponding model in effect on such November 1st. The base price for taxation of a motor vehicle of which no such similar or corresponding model was manufactured until after such November 1st shall be the manufacturers' list price at the factory when the vehicle was first manufactured. The base price for taxation of a motor vehicle of which no such similar or corresponding model was manufactured until after such November 1st shall be the price fixed by the registrar as a reasonable manufacturers' list price at the factory on such November 1st if such vehicle has been then manufactured at prevailing costs.

Value during each succeeding year of vehicle life shall be construed to mean such base price for taxation, less ten per cent for the second year, less twenty per cent for the third year, less thirty per cent for the fourth year, less forty per cent for the fifth year, less fifty per cent for the sixth year, less sixty per cent for the seventh year, and less seventy per cent for the eighth and each subsequent year.

When a motor vehicle shall become first subject to taxation between July 31st and October 1st, the tax for the remainder of the calendar year shall be one-half the tax for a whole year.

When a motor vehicle shall become first subject to taxation after September 30th and on or before December 31st, the tax for the remainder of the calendar year shall be one-fourth the tax for a whole year.

(b) Motor vehicles not subject to taxation as provided in the foregoing section, but subject to taxation as personal property within the state of Minnesota, shall be assessed and valued at thirty-three and one-third per cent of the true and full value thereof and be taxed at the rate and in the manner provided by...
law for the taxation of ordinary personal property; provided, that if the person against whom any tax has been levied on the ad valorem basis because of any motor vehicle shall, during the calendar year for which such tax is levied, be also taxed under the provisions of this act, then the tax imposed in the event of such a tax being imposed, the Minnesota tax commission shall grant to the person against whom such ad valorem tax was levied, such reduction or abatement of assessed valuation or taxes as was occasioned by the so-called ad valorem tax imposed.

(c) The owner of every motor vehicle, not exempted by Section 2, or 14, shall, so long as it is subject to taxation within the state, list and register the same and pay the tax herein provided annually, provided, however, that any dealer in motor vehicles to whom dealer's plates shall have been issued as herein provided, shall, upon due application on the date set for the annual renewal of registration and payment of tax, be entitled to withhold the tax upon any motor vehicle held by him solely for the purpose of sale or demonstrating or both and upon which the tax as a user of the public highways, shall become due, until the motor vehicle shall be sold or let for hire to a person not such a dealer, or until used upon the public highways, but no longer than until October 1st, following the end of the whole term shall become immediately payable with all arrears.

(d) Any act required herein of an owner may be performed in his behalf by a duly authorized agent. Any person having a lien upon, or claim to, any motor vehicle may pay any tax due thereon to prevent the penalty for delayed registration from accruing, but the registration certificate and number plates shall not be issued until legal ownership is definitely determined.

(e) The proceeds of the tax imposed on motor vehicles under this act shall be collected by the registrar of motor vehicles and paid into the state treasury and credited to the Trunk Highway Sinking Fund.

(f) No borough, village or city shall impose any tax or license fee or bond of any kind for the operation of any motor vehicle operated upon trunk highways in this state on interurban or interinterval routes and engage in the business of passenger carriers, or for freight for hire through any such borough, village or city. (21 c. 461 § 3, amended '23 c. 418 § 3; amended as to subd. a by '25 c. 299 § 2)

Explanatory note—Subd. a only, of this section is amended by Section 2 of this act, which shall not be subject to taxation as herein provided shall use or be operated upon the public streets or highways of this State in any calendar year until it shall have been registered as herein required, and the motor vehicle tax and fees herein provided shall have been duly paid and the "number plates" issued therefor shall be duly displayed on such vehicle. No motor vehicle, except as provided by Section 2 of this act, which shall not be subject to taxation as herein provided shall use or be operated upon the public streets or highways of this state until it shall have been duly registered as herein provided, and shall duly display number plates as required by the provisions of this act, except that the purchaser of a new motor vehicle may operate his motor vehicle without plates, provided that:

15. Such purchaser shall secure from such person or persons as may be appointed by the registrar for that purpose a permit so to operate his motor vehicle, of which permit such person or persons shall keep a record on a blank provided by the registrar for that purpose.

(2) The person or persons granting such permit shall forward a copy thereof to the registrar together with the purchaser's application for registration of the motor vehicle and his payment of the tax.

(3) The purchaser shall display upon the windshield of the motor vehicle the permit, issued to him by said officer.

(4) After the fifteenth day after it was first issued, or immediately on such day before that time as the purchaser shall receive his regular plates from the registrar, the permit shall be void. (21 c. 461, § 4; amended '23 c. 418, § 4; 27 c. 88)

2674-2. Same—Tax for 1927—The motor vehicle tax, the payment of which is required under the provisions of this act, shall include the tax for the year 1927. But if this provision shall be held invalid for any reason the declared invalidity thereof shall not affect the other provisions of this act. (27 c. 12, § 2)

2674-3. Same—Partial invalidity of law—If this act shall be held invalid as to any company charged with the payment of taxes on a gross earnings basis under existing laws, it shall be valid nevertheless as applied to any other company included within its provisions. (27 c. 12, § 3)

2675. Motor vehicles to be registered—Operation without registration prohibited—Purchasers of new vehicles—No motor vehicle, except as is exempted by Section 2 of this act, shall use or be operated upon the public streets or highways of the State of Minnesota in any calendar year until it shall have been registered as hereinafter required, and the motor vehicle tax and fees herein provided shall have been duly paid and the "number plates" issued therefor shall be duly displayed on such vehicle. No motor vehicle, except as provided by Section 2 of this act, which shall not be subject to taxation as herein provided shall use or be operated upon the public streets or highways of this state until it shall have been duly registered as herein provided, and shall duly display number plates as required by the provisions of this act, except that the purchaser of a new motor vehicle may operate his motor vehicle without plates, provided that:

15. Such purchaser shall secure from such person or persons as may be appointed by the registrar for that purpose a permit so to operate his motor vehicle, of which permit such person or persons shall keep a record on a blank provided by the registrar for that purpose.

(2) The person or persons granting such permit shall forward a copy thereof to the registrar together with the purchaser's application for registration of the motor vehicle and his payment of the tax.

(3) The purchaser shall display upon the windshield of the motor vehicle the permit, issued to him by said officer.

(4) After the fifteenth day after it was first issued, or immediately on such day before that time as the purchaser shall receive his regular plates from the registrar, the permit shall be void. (21 c. 461, § 4; amended '23 c. 418, § 4; 27 c. 88)
number of cylinders, and such other information as the registrar may require. The said owner shall make an oath or affirmation before some officer authorized by law to administer oaths or affirmations that the statements made are correct and true; and any false statement wilfully and knowingly made in regard thereto shall be deemed perjury and punished accordingly; provided, however, that such listing for taxation and application for registration need not be sworn to when the applicant is listing the same vehicle for taxation and registration for the second or any succeeding time. The listing and application for registration by dealers or manufacturers' agents within the state, of motor vehicles received for sale or use within the state shall be accepted as compliance with the requirements of this act imposed upon the manufacturer.

(b) Upon the installation of any new motor or the addition or change of type of any body in or upon any registered motor vehicle, the owner shall file with the registrar a new application setting forth such change, together with the payment of any additional tax to which the motor vehicle by such change has become subject, and shall apply for a revision of the registration made. (21 c. 461 § 5, amended '23 c. 418 § 5)

Sections 2 and 14 are §§ 2673, 2685, herein.

2677. Registrar shall issue registration certificate

The registrar shall file such application and upon approval thereof and upon payment of the motor vehicle tax, as herein provided, together with all returns and penalties, if any, and upon the delivery to him of the duly endorsed registration certificate of the former owner as hereinafter provided, or proof of loss provided in lieu thereof, shall assign to it a distinctive number and issue to the owner a "registration certificate," which shall contain the name, place of residence, with street and number, if in a city, and post-office address of the owner, a specific description of the vehicle, and the number assigned, together with a place on the face of the certificate in which the owner shall immediately upon receipt thereof place his signature and, on the reverse side thereof, an assignment and notice of sale or termination of ownership with place for the signature of both seller and purchaser, and a place for assignment of his credit for the tax. The registration certificate shall be retained by the owner until expiration or surrender as herein provided. In the case of listing and registration by manufacturers' agents or dealers of motor vehicles not using the public highways no registration certificate shall be issued, but a duplicate of such list may be retained by the dealer or manufacturer as the registration certificate. Whenever in administering this act, convenience or necessity requires the registration certificate may also be called or referred to as the "registration card." (21 c. 461 § 6, amended '23 c. 418 § 6)

2678. Registrar shall furnish number plates

The registrar upon such approval and payment shall also issue to the applicant such number plates bearing the abbreviation of the state name and the number assigned, as are required by law. Such plates, or some distinguishing part thereof, shall be of a different color or shade each year, and there shall be marked contrast between the color of the plates and the numbers, and letters thereon, and the plates shall be so lettered or spaced or distinguished as to suitably indicate the classification of the vehicle, according to the regulations of the registrar. In lieu of the issue of new number plates, the registrar may furnish, on each annual renewal of registration, a year plate to distinguish the year of registration and classification of the vehicle, and shall furnish therewith screws or other means of attachment to the number plate. Said plate shall bear the identical number shown on the number plates to which it is to be attached, and the calendar year for which it is issued and it shall be valid only for such year. The number herein provided for may be a combination of a letter or sign with numbers. After being issued for use upon a motor vehicle no number plate or number shall be transferred to another vehicle during the same calendar year, unless the vehicle for which the same was therefore issued shall have been permanently lost, destroyed or removed from the state. (21 c. 461 § 7, amended '23 c. 418 § 7)

2679. Registrar to register only on proof of ownership

(a) The registrar shall approve no application and issue no number plates for any motor vehicle except such as may have come direct from the manufacturer, or from another state, unless and until the registration certificate theretofore issued or proof of loss thereof by sworn statement shall be delivered to the registrar, and he shall satisfy himself from his records that all taxes and fees due hereunder shall have been paid, and indorsements upon the said certificate or sworn proof of loss in writing signed by the seller and purchaser, shall furnish proof that the applicant for registration is paying or receiving credit for the tax upon the vehicle of which he is the rightful possessor, or, in case such certificate or proof is not available, the registrar or his deputy shall satisfy himself of such fact by personal view of the motor vehicle serial and motor number and by proof of the claim of ownership thereof.

(b) Motor vehicles brought into Minnesota from other states shall not be registered or have number plates issued therefor until such registration certificate or other evidence of title as may reasonably be required from the registrant within that state shall be surrendered to the registrar in the same manner as certificates of this state, or in lieu thereof, such view and evidence of the chain of ownership be had as will assure the payment of the proper tax so long as the motor vehicle shall be in the State. (21 c. 461 § 8, amended '23 c. 418 § 8)

2680. Certificate to expire on Dec. 31

The registration certificate provided for herein and the right to use the number plates shall expire upon the termination of ownership of any person in the motor vehicle for which the same was issued, or at midnight on December 31st of the year for which issued, provided that during the months of January, February and March in each year, upon delivery of such application duly executed to the office of the registrar on or before February 15th, accompanied by payment of the proper tax and fee such vehicle shall be deemed to be registered subject to the cancellation, amending or approval of the registration by the registrar, and such vehicle may be used upon the public streets or highways prior to the issuance of the number plates for the same, provided the number plates duly issued for that vehicle and to the same owner for the subsequent calendar year shall be duly displayed; and provided further, that upon transfer of any motor vehicle and due notice and registration thereof and upon payment of the proper tax and fee, the new certificate and new plates to which the applicant may be entitled shall be
forthwith issued. (21 c. 461 § 9; amended '23 c. 418 § 9)

2681. Transfer of ownership, destruction, etc., of motor vehicles—Rights as to registration certificates and number plates—(a) Upon the transfer of ownership, destruction, theft, dismantling as such, or the permanent removal by the owner thereof from this state of any motor vehicle registered in accordance with the provisions of this act, the right of the owner of such vehicle to use the registration certificate and number plates assigned such vehicle shall expire, and such certificate and any existing plates shall be, by such owner, forthwith returned with transportation prepaid to the registrar with a signed notice of the date and manner of termination of ownership, giving the name and postoffice address, with street and number, if in a city, of the person to whom transferred; provided, however, that whenever the ownership of a motor vehicle shall be transferred to another who shall forthwith register the same in his name, the registrant may permit the manual delivery of such plates to the new owner of such vehicle. Whenever any person seeks to become the owner by gift, trade or purchase of any vehicle for which a registration certificate has been theretofore issued under the provisions of this act, he shall join with the registered owner in transmitting with his application to said registration certificate with the assignment and notice of sale duly executed upon the reverse side thereof, or in case of loss of such certificate, with such proof of loss by sworn statement in writing as shall be satisfactory to the registrar. Upon the transfer of any motor vehicle by a manufacturer or dealer, for use within the state, whether by sale, lease or otherwise, such manufacturer or dealer shall, within seven days after such transfer, file with the registrar a notice or report containing the date of such transfer, a description of such motor vehicles, and the name, street and number of residence, if in a city, and postoffice address of the transferee, and shall transmit therewith the transferee's application for registration thereof.

(b) Upon the transfer of any automobile engine or motor, except a new engine or motor, transferred in connection with the transfer of a new automobile, and whether such transfer be made by a manufacturer or dealer or otherwise, and whether by sale, lease or otherwise, the transferee shall within two days after such transfer, file with the registrar, a notice or report containing the date of such transfer and a description, together with the maker's number of said engine or motor, and the name and postoffice address of the purchaser, lessee or other transferee. (21 c. 461 § 10; amended '23 c. 418 § 10; amended as to subd. a by '27 c. 89)

Explanatory note—Subd. a, only, is amended by Laws 1927, c. 83.

The holder of a chattel mortgage on a motor vehicle also held the certificate of title prescribed by chapter 510. In order to perfect an assignment of such mortgage, the mortgagee obtained from the mortgagor, and they obtained a new certificate of title prescribed by chapter 261. (21 c. 461 § 7; amended '23 c. 418 § 7)

2682. Refunds—After the tax upon any motor vehicle shall have been paid for any year, refund shall be allowed for errors made in computing the tax or for the error on the part of an owner who may in error have registered a motor vehicle that was not forthwith or before, nor at the time of such registration, nor at any time thereafter during the current past year, subject to such tax in this state. Such refund shall be made from any funds in possession of the registrant and shall be deducted from his monthly report to the State Auditor. A detailed report of such refund shall accompany the report. The former owner of a transferred vehicle by an assignment in connection with the registration of such vehicle delivered to the registrar within the time provided herein may sell and assign to the new owner thereof the right to have the tax paid by him accredited to such new owner who duly registers such vehicle. Any owner whose vehicle shall be destroyed or permanently removed from the state, shall be entitled to demand an annual tax refund for a period no longer than three months in any calendar year from such owner upon another vehicle during the same year from such owner upon another vehicle one-half the annual tax theretofore paid on such vehicle, if the motor vehicle is permanently destroyed or removed from the state before August 1 and one-quarter of the annual tax theretofore paid on such vehicle if it is permanently destroyed or removed from the state after August 1. No refund, however, shall be made if the vehicle is not permanently destroyed or removed from the state until after September 30. (21 c. 461 § 11; amended '23 c. 418 § 11)

2683. Registrations subject to suspension—All registrations and issue of number plates shall be subject to amendment, suspension, modification or revocation by the registrar summarily for any violation of or neglect to comply with the provisions of this act. In any case where the proper registration of a motor vehicle is dependent upon procuring information entailing such delay as to unreasonably deprive the owner of the use of his motor vehicle, the registrar may issue a tax receipt and plates conditionally. In any case when the registrar for cause has revoked a registration, he shall have authority to demand the return of the number plates and registration certificates, and, if necessary, to seize the number plates issued for such registration. (21 c. 461 § 12; amended '23 c. 418 § 12)

2684. Passenger motor vehicles from other states—Use of streets and highways for three months—Registration Certificates—Display Penalty for non-registration—Other penalties—Passenger motor vehicles not employed for hire within the state, owned by non-residents and which have been properly registered or licensed under laws of the country or state of the owner, and which carry license number plates according to the laws of such state, and which are accompanied by the registration certificate (if any) used therefor by the owner thereof, in the possession of the owner or his agent, and which are accompanied by 'sufficient evidence that the same are licensed under the laws and number plates—(a) Upon the transfer of ownership of such vehicle if it is permanently destroyed or removed from the state after July 31 but before October 1. No refund, however, shall be made if the vehicle is not permanently destroyed or removed from the state until after September 30. (21 c. 461 § 11; amended '23 c. 418 § 11)

2684. Passenger motor vehicles from other states—Use of streets and highways for three months—Registration Certificates—Display Penalty for non-registration—Other penalties—Passenger motor vehicles not employed for hire within the state, owned by non-residents and which have been properly registered or licensed under laws of the country or state of the owner, and which carry license number plates according to the laws of such state, and which are accompanied by the registration certificate (if any) used therefor by the owner thereof, in the possession of the owner or his agent, and which are accompanied by 'sufficient evidence that the same are licensed under the laws and number plates—(a) Upon the transfer of ownership of such vehicle if it is permanently destroyed or removed from the state after July 31 but before October 1. No refund, however, shall be made if the vehicle is not permanently destroyed or removed from the state until after September 30. (21 c. 461 § 11; amended '23 c. 418 § 11)
ROADS § 2684-1

2684-1. Reciprocal rights and privileges of motor vehicles from adjoining states and Canadian provinces—Conditions and limitations—Any citizen of an adjoining state or an adjoining Canadian province, who owns and is duly licensed under the laws of his own state or country to operate a motor vehicle upon the highways thereof, may also operate such motor vehicle permitted, licensed, and regulated under the laws of this state or the laws of the adjoining state or Canadian province, in this state of Minnesota and on Minnesota highways, without additional license or registration, and the registrar shall not issue a certificate until such penalty is paid.

Such certificate shall expire when such vehicle passes into the ownership of a resident of the state, and in any event, after three months from the date when such vehicle was first brought into the state, or when the owner thereof, becomes a resident of the state.

A passenger motor vehicle not employed for hire and owned by a non-resident on the first day that it is in the state, after a period of three months has elapsed since it was first brought into the state, shall become subject to the same provisions of law governing registration and payment of tax and penalties as apply to such a motor vehicle owned by a resident of the state, and if no non-resident's registration certificate shall have been procured as provided by this act, the penalty provided for delay in securing such certificate shall also be paid before registration can be made.

Any person who shall use such certificate displayed upon a motor vehicle other than the one described therein while in use on Minnesota highways, or on any motor vehicle on Minnesota highways after the time limited therein has expired, shall be guilty of a misdemeanor. (21, c. 401, § 13; amended '23, c. 418, § 13; '27, c. 90) 162-302, 292-4092. notes under § 2672.

2684-2. Same—Certificates issued to such vehicles—Fee for seizure of vehicles operating without certificates—Vehicles not included—As soon as any non-resident motor vehicle owner entitled to the privileges herein extended shall have complied with the provisions hereof, the registrar of motor vehicles shall issue to him a certificate stating that he is entitled to operate such motor vehicle within this state for and during such time as he continues to own such motor vehicle with license to operate the same in his own state or country; and in the event said vehicle is impounded, suspended, or canceled for any cause that would justify similar action with respect to any motor vehicle license or registration issued to any citizen or resident of this state. For each such certificate the registrar of motor vehicles shall charge one dollar, which shall be paid into the state treasury and credited to the general revenue fund. Within ten days from the date when any change shall have been made in the ownership, or foreign license or number plates, of any motor vehicle operating in this state under a certificate as above provided, said certificate shall be surrendered to the registrar of motor vehicles, and such change shall be noted thereon, or a new certificate issued under the same conditions as the original, and a like charge of one dollar shall be collected in either case. Such certificates shall be prima facie evidence that the motor vehicle therein described may be lawfully operated in this state.

Any foreign motor vehicle operating at any time without such certificate shall be subject to seizure and the driver thereof to arrest by any law enforcing officer of this state; and upon conviction of such driver for operating in this state without license, such motor vehicle may be sold in the same manner as on execu-
tion sale for debt and the proceeds may be applied to satisfy any penalty or fine imposed and to pay any costs or expenses incurred in connection with such arrest, seizure and sale. But this provision shall not apply to any foreign motor vehicle operated for a limited time in this state under Section 13 of Chapter 461, Laws 1921 (as amended by Chapter 418, Laws 1923, as amended by Chapter 299, Laws 1925), or any similar provisions of law hereafter enacted. (27, c. 94, § 2)

Explanatory note—For Laws 1921, c. 461, § 13, as amended, see § 2684, herein.

2684-3. Same—False or fraudulent statements—Felony—Any person who files any statement or written instrument hereinabove required, knowing that the same is false or fraudulent in whole or in part, shall be guilty of a felony; and such felony shall be deemed to have been committed at the time when and place where such false or fraudulent statement was filed in this state. (27, c. 94, § 3)

2684-4. Same—Rules and regulations by registrar of motor vehicles—The registrar of motor vehicles may promulgate such rules and regulations, from time to time, as may be reasonably necessary to accomplish the purposes of this act. (27, c. 94, § 4)

2684-5. Same—Law as to Canadian vehicles subordinate to treaties, etc.—Extent of privileges of Canadian vehicles—The provisions of this act, relating to motor vehicle traffic between Minnesota and adjoining Canadian provinces shall be subordinate to all the laws, treaties, agreements, and policies of the respective National governments primarily controlling said international boundary line; and all privileges extended by this Act to Canadian motor vehicle owners shall be deemed abridged accordingly, and shall not be substantially greater than the privileges available to similarly situated Minnesota motor vehicle owners operating across said international boundary line. (27, c. 94, § 5)

2684-6. Same—When law operative—Proclamation—This Act shall be operative as to any adjoining state, and as to any adjoining Canadian province within the limits permitted by paramount law or authority, whenever substantially similar or equal privileges shall be there made available to Minnesota motor vehicle owners similarly situated in this state. Upon the happening of any such event, the registrar of motor vehicles of this state, at his discretion and with the approval of the attorney general, may issue a proclamation setting forth such facts for the guidance of law enforcement officers and the information of the public. A like proclamation of opposite import may be similarly issued whenever any such adjoining state or Canadian province thereafter withdraws from, or otherwise ceases to be party to, such reciprocal arrangement. (27, c. 94, § 6)

2684-7. Same—Commercial vehicles and trucks excepted—This Act shall not apply to motor vehicles engaged in commercial transportation over regular routes and between fixed termini, nor to trucks entering the state of Minnesota for the purpose of doing intrastate hauling. (27, c. 94, § 7)

2684-8. Secretary of State as agent for service of process of non-residents using or operating motor vehicles on state highways—Process, how served—Continuances—Costs—Record kept—The use and operation by a non-resident or his agent of a motor vehicle upon and over the highways of the State of Minnesota, shall be deemed an appointment by such non-resident of the Secretary of State of the State of Minnesota, to be his true and lawful attorney upon whom may be served all legal processes in any action or proceeding against him, growing out of such use or operation of a motor vehicle over the highways of this state, resulting in damages or loss to person or property; and said use or operation shall be a signification of his agreement that any such process in any action against him which is so served, shall be of the same legal force and validity as if served upon him personally. Service of such process shall be made by serving a copy thereof upon the Secretary of State or by filing such copy in his office, together with payment of a fee of $2.00 and such service shall be sufficient service upon the said non-resident; provided, that notice of such service and a copy of the process are within ten days thereafter served by mail by the plaintiff to the defendant at his last known address and that the plaintiff's affidavit of compliance with the provisions of this act are attached to the summons. The court in which the action is pending may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend any such action, and where such action is brought for the purpose of registration, the date of the filing of the action in such court. The fees of two dollars paid by the plaintiff to the Secretary of State at the time of service of such proceeding shall be taxed in his costs if he prevails in the suit. The said Secretary of State shall keep a record of all such processes so served which shall show the day and hour of such service. (27, c. 409, § 1)

2685. Manufacturers not using highways need not register—Manufacturers within the state, of motor vehicles which shall not use the public highways in the state and are not for sale in this state from points in this state to other states, shall be exempt from the provisions of this act requiring the listing and registration thereof. (21 c. 461 § 14; amended '23 c. 418 § 14)

2686. Manufacturers and dealers numbers—Every manufacturer or dealer in motor vehicles may make application upon a blank provided by the registrar, for a general distinguishing number for use upon all vehicles owned or controlled by him, and used exclusively in his business for demonstrating purposes, and upon vehicles while being driven or moved upon the public highways between his place of business and any place to which or from which such vehicles may be moved, as provided by Section 16, without being deemed to be using the public streets or highways. With such application he shall pay $12.00 per pair for all such number plates required by him. All of said vehicles owned or controlled by such manufacturer or dealer shall be regarded as registered under such general distinguishing number until sold or let for hire. A manufacturer or dealer to whom such a number has been issued shall be known as a licensed manufacturer or dealer. The registrar shall furnish to every manufacturer or dealer whose vehicles are registered in accordance with the provisions of this section, number plates of suitable design, the plates to have displayed thereon the number which is assigned to the vehicles of such manufacturer or dealer, together with such mark as may enable such plates to be distinguished from one another; provided, that no dealer or manufacturer shall be issued any dealer's plate in any manufacturing establishment until the number and character of such manufacture or dealers are registered with the secretary of state, in such manner as to enable the taxes, fees, and assessments imposed by this act to be computed thereon.
2687. All machines must be registered—Exceptions

—Every motor vehicle (except those exempted in Section 2 of this act) shall be deemed to be one using the public streets and highways and hence as such subject to taxation under this act if such motor vehicle has since April 23, 1921, used such public streets or highways, or shall actually use them, or if it shall come into the possession of an owner other than as a manufacturer, dealer, warehouseman, mortgagee or pledgee. But, new and unused motor vehicles in the possession of a dealer solely for the purpose of sale, and used or second-hand motor vehicles which have not theretofore used the public streets or highways of this state which are in the possession of a dealer solely for the purpose of sale, and such are duly licensed herein provided, shall not be deemed to be vehicles using the public streets or highways. The driving or operating of a motor vehicle upon the public streets or highways solely for the purpose of demonstrating it, in good faith, to prospective purchasers or solely for the purpose of moving it from point to point or from the place of business or storage of a licensed dealer within the state or solely for the purpose of moving it from the place of the business of a manufacturer, or licensed dealer within the state to the place of business or residence of a purchaser outside the state, shall not be deemed to be the public streets or highways in the state within the meaning of this act or of Article 16 of the Constitution and shall not be held to make the motor vehicle subject to taxation under this act as one using the public streets or highways, if during such driving or moving the dealer's plates herein provided for shall be duly displayed upon such vehicle. (21 c. 461 § 16; amended '23 c. 418 § 10)

Section 2 is § 2673, herein.

Laws providing for the taxation of motor vehicles, on the streets, highways and public streets, are more onerous basis than other personal property. is not in contradiction of the Constitution. 159-268, 195-4161.

Registration of automobile was taxable in the year 1922, although it was not used on the public highways in that year. It became subject to future taxation under the act when it was registered and operated on the public highways in the year 1921. 158-345, 198-1009.

The tax imposed by the act is not a privilege tax but a tax on property. 159-345, 198-1009.

2688. Duplicate plates — In the event of the defacement, loss or destruction of any number plates, the registrar, upon receiving and filing a sworn statement of the vehicle owner, setting forth the circumstances of the defacement, loss, destruction or theft of the number plates, together with any defaced plates and the payment of the fee of two dollars, shall issue a new set of plates especially designed for that purpose by the registrar and so marked and numbered that they can be readily distinguished from the originals. The registrar shall then note on his records the issue of such new number plates and shall proceed in such manner as he may deem advisable to cancel and call in the original plates so as to insure against their use on another motor vehicle. Duplicate registration certificates plainly marked as duplicates may be issued in like cases upon the payment of a 25-cent fee. (21 c. 461 § 17; amended '23 c. 418 § 17)

2689. Transfer of ownership — Procedure — Fees —

Every owner or transferrer of a motor vehicle who fails or delays for more than seven days to surrender the registration certificate and existing number plates as herein provided shall, before he shall be entitled to assign his rights to the owner of such motor vehicle or pay any tax hereunder who fails or delays for more than seven days to register the same or pay such taxes as herein provided shall, before he shall be entitled to complete his registration as herein provided, pay to the registrar a fee of 25 cents for each day (not exceeding 20 days) of such delay, and one dollar per month thereafter for each month or fraction thereof (not exceeding five months) of such delay; and every owner or person charged with the duty to register a motor vehicle or pay any tax hereunder who fails or delays for more than seven days to register the same or pay such taxes as herein provided shall, before he shall be entitled to complete his registration as herein provided, pay to the registrar, a like fee. A filing with, or delivery to, the registrar of any application, notice, certificate or plates as required by this act shall be construed to be within the requirements of this act if made to the registrar or his deputy at an office hours thereafter, or if deposited in the mail or with a carrier by express with postage or carriage charges prepaid, and properly addressed to the registrar within seven days after the transfer of ownership or other occurrence upon which this act provides for such filing or delivery. (21 c. 461, § 18; amended '23, c. 418, § 18; '27, c. 158)

2689.1 Date when taxes become due — The tax required under this act to be paid upon a motor vehicle shall become due as soon as such vehicle shall first use the public streets or highways in the state, and upon January 1st in each year thereafter. Taxes due upon January 1st shall be paid upon transfer of ownership in the vehicle, and in any event on or before February 15th and shall be paid in the same manner as if it were a new motor vehicle. Taxes falling due between February 16th and December 31st shall become delinquent upon the expiration of three days after the same become due, unless paid. All taxes imposed under the provisions of this act shall be deemed the personal obligation of the registered owner and the amount of such tax, including added penalties for the non-payment thereof, shall be a first lien upon the vehicle taxed, paramount and superior to all other liens thereon whether previously or subsequently accruing thereon; and in addition to any other remedy herein prescribed, the state shall have a right of action against the owner for the recovery of the amount of any delinquent tax thereon, including the penalties accruing because of the non-payment thereof or for the enforcement of the tax lien thereon hereby declared, or both, in any court of competent jurisdiction. The county attorney of the county in which such motor vehicle is owned shall perform such service in the matter of the commencement and prosecution of such suit in the prosecution of any other remedy for the enforcement of such tax as the attorney general may require. (21 c. 461 § 19; amended '23 c. 418 § 19)

2691. Registrar to file statement of delinquents with clerk of court—Sheriff to collect tax — The registrar on the second Monday in July next after any tax herein provided for shall become delinquent, and on or before the tenth secular day of each month thereafter, any owner of the year shall certify to and file with the clerk of the District Court of the proper county, a statement of all delinquent taxes imposed under the provisions of this act, and such certified statement so filed shall be prima facie evidence of the correctness of the tax or taxes therein stated to be delinquent. On or before the tenth secular day next thereafter, any owner
whose name is included in such certified statement may file with the clerk of said court an answer verified as pleadings in civil actions, setting forth his defense or objection to the tax or penalty against him. The answer need not be in any particular form, but shall clearly refer to the tax or penalty intended to be contested, and shall set forth in concise language the facts constituting his defense or objection to such tax or penalty. The issues raised by such answer shall stand for trial at any term of the court in such county in session when the time to file answer shall expire, or at the next general or special term appointed to be held within the county; and, if no such term be appointed to be held within the county, then the same shall be brought to trial at any general term appointed to be held within the judicial district, upon ten days' notice. The county attorney of the county within which such taxpayer resides shall prosecute the same. At the term at which such proceedings come on for trial they shall take precedence over all other business before the court. The court shall without delay and summarily hear and determine the objections or defense made by the answers and at the same term direct judgment accordingly, and in the trial shall disregard all technicalities and matters of form not affecting the substantial merits. If the taxes and penalties be sustained, the judgment shall include costs.

Upon the fifteenth secular day next after the filing of such certified statement, the said clerk shall issue his warrants to the sheriff of the county as to all taxes and penalties embraced in the certified statement, except those to which answer has been filed, directing him to proceed to collect the same. If such taxes are not paid upon demand, the sheriff shall detain the goods and chattels. The sheriff shall give at least ten days' posted notice in the town or district where the property is taken, stating that the property, or so much thereof as will be sufficient to pay the taxes for which it is distrained, with penalties, and the costs of distress and sale, will be sold at public vendue at a place and time therein designated, which time shall not be less than ten days after such taking. If such taxes and penalties and accrued costs are not paid before the time of filing such list, the sheriff or his deputy shall proceed to sell the property pursuant to the notice.

If the sheriff is unable, for want of goods and chattels whereon to levy to collect by distress or otherwise the taxes or any part thereof assessed under the provisions of this act, he shall file with the clerk of the court within sixty days following the receipt of such warrants a list of such delinquent taxes, with an affidavit of himself, or the deputy sheriff entrusted with the collection thereof, stating that he has made diligent search and inquiry for goods and chattels from which to collect such taxes and is unable to collect the same. He shall note in the margin of such list the place to which any delinquent taxpayer may have removed, with the date of such removal, if he is able to ascertain the fact. At the time of filing such list he shall also return all the warrants with endorsements thereon showing his doings in the premises, and the clerk shall file and preserve the same. On or before the expiration of seventy days after the receipt of such warrants by the sheriff, the clerk shall deliver such list and affidavit to the registrar, who shall by comparison of such list with the records in his office ascertain whether or not all motor vehicle taxes reported by him to the clerks as delinquent, except those included in such list, have been paid into the office of the registrar.

As to all delinquent motor vehicle taxes not collected by distress and sale as herein provided, the registrar shall promptly file with the clerk of the district court of the proper county a revised certified statement showing the names of the owners to be delinquent and the amount of tax and penalties owned by each. Within ten days thereafter the clerk shall issue a citation to each delinquent named in the revised list, stating the amount of the tax and penalty and requiring such delinquent to appear on the first day of the next general or special term of the district court in the county, appointed to be held at a time not less than thirty days after the issuance of such citation, and show cause, if any there be, why he should not pay such tax and penalty. The citation shall be delivered for service to the sheriff of the county where such person may reside or be. If such person, after service of citation, fails to pay such tax, penalty and costs to the sheriff before the first day of the term, as aforesaid, or on said day to show cause as aforesaid, the court shall direct judgment against him for the amount of such tax, penalty and costs. When the sheriff is unable to serve the citation, he shall return the same to the clerk with his return thereon attached to that effect and thereupon, or if the court decides that service of such citation made or attempted to be made, or the issuance thereof by the clerk, was illegal, the clerk shall issue another like citation requiring such delinquent to appear on the first day of the next general or special term to be held not less than thirty days thereafter in the county, and show cause as aforesaid, and if he fails to pay or to show cause, the court shall direct judgment as aforesaid. Whenever the sheriff has been unable to serve any citation theretofore made or attempted to be made, or the issuance thereof by the clerk was illegal, the clerk shall issue another like citation requiring such delinquent to appear as in the case last provided and with like effect; provided, that all citations other than the first shall be issued only upon the request of the county attorney.

When the person to whom the citation is issued is not a resident of the state so that personal service thereof cannot be made, the citation may be served by publication in a newspaper published in any city in which the delinquent may be found; but no such attachment or entry of judgment shall be required. The citation shall be prima facie evidence of the correctness of the tax or taxes therein stated to be delinquent. No omission of any of the things by law required in relation to such taxes or anything required by any officer to be done prior to the issuance of such citation shall be a defense or objection to such taxes, unless it be also made to appear to the court that such omission has resulted to the prejudice of the party objecting and that such taxes have been unfairly or unequally assessed; and in such case but no other the court may reduce the amount of such taxes and give judgment accordingly. It shall, however, always be a defense to such taxes that the same have been paid or that the property, because of which the same were assessed, was not subject to taxation.

The clerk shall receive as fees for issuing the citation and perfecting the judgment $1.50 in cases not contested, and in contested cases such fees as are al-
owed by law in civil actions, and for each citation is-

sued in cases where the sheriff shall fail after diligent 

search to find the defendant, twenty-five cents. All 

such fees and costs shall be entered, taxed and made 
a part of the judgment and be paid to said clerk when 
and as collected. Execution may be issued upon judg-
ment at the request of the county attorney and 
shall state that the judgment was obtained for delin-
quant motor vehicle taxes, and no property shall be 
exempt from seizure thereunder, and such execution 
may be renewed and reissued in the same manner as 
provided by law in case of executions upon judgments 
in civil actions.

The sheriff or his deputy shall be allowed the same 
fees for collecting such taxes and for making distress 
and sale of goods and chattels for the payment of 
taxes as are allowed by law to sheriffs for making levy 
and sale of property on execution; traveling fees to 
be computed from the county seat to the place of 
making distress, unless such distress is made by his 
deputy, in which case the same shall be computed from 
the residence of the deputy. Such fees shall be added 
to the tax and collected by the sheriff. If any of such 
fees cannot be collected by the sheriff, they may be 
audited and paid by the registrar from any funds in his 
possession appropriated for maintenance of the regis-
trar's department on duly itemized and verified bills 
for services performed by such sheriff and any sums so paid 
by said registrar as sheriff's fees shall be deducted from 
his monthly report to the state auditor. A detailed 
report of such refundments shall accompany said re-
port.

If the sheriff shall refuse or neglect to collect any 
tax levied under the provisions of this act where a 
sheriff's sale is not possible, or to file a delinquent list and affi-
davit as herein provided, he shall be held for the whole 
amount of such taxes collected, and the same shall be 
deducted from any bills presented by him to and 
allowed by the county board, and the amount thereof 
shall be transmitted to the registrar as herein pro-
vided for.

Every judgment for motor vehicle taxes shall be 
docketed and thereupon become a lien upon the real 
property of the debtor in the county within which the 
judgment was rendered to the same extent as other 
judgments for the recovery of money, and may be 
docketed in other counties in like manner and with 
like effect. Whenever a judgment shall hereafter be 
entered and docketed for the recovery of taxes herein 
provided for, the same shall bear interest until paid 
at the rate of 6% per annum. Upon payment to the 
registrar of any motor vehicle tax for which judgment 
has been obtained, together with the fees, costs and 
interest due, the registrar shall deliver a certificate of 
such fact to the clerk, who shall file the same and sat-
isfy the judgment upon the margin of the record there-
of, stating the date of payment, and shall note the 
satisfaction upon the docket. Out of said sum so col-
lected on any such judgment, the registrar shall remit 
to the clerk of said court and the sheriff of the proper 
county any unpaid fees due either of said officers un-
der the provisions of this act. (21 c. 461 § 20; amend-
ed '23 c. 418 § 21; '25, c. 299 § 5)

Explanatory note—For section 5 of this act, see § 2674. herein.

2693. Secretary of state to be registrar—(a) The 
Secretary of State shall be the registrar of motor ve-
hicles of the state of Minnesota, and it shall be his 
duty to exercise all the powers granted to and perform 
all the duties imposed upon him by this act. The com-
missioner of highways in his discretion and the county 
board of any county, in its discretion, may assign such 
employees of the highway department or of any county 
respectively, as from time to time may be spared for 
that service, as inspectors, to obtain information and 
report to the registrar regarding motor vehicles sub-
ject to taxation under this act upon which the tax has 
not been paid, and to present to the law enforcement 
oficers of the state such complaint; provided, that 
nothing herein shall be construed to authorize the em-
ployment of additional employees for such work nor 
to authorize additional salary by reason thereof.

(b) The registrar shall have the power to appoint, 
hire and discharge and fix the compensation of the 
necessary employees, as may be required to enable him 
to properly carry out the provisions of his office by the 
provisions of this act; before entering upon the 
discharge of his duties, each deputy and each employee 
having the charge of handling of any money or number 
plates shall give bond to the state in the sum of at 
least two thousand dollars or in such large amount as 
the registrar may fix conditioned upon the faithful dis-

2692. Statements and specifications filed by manu-
facturers—Contents—List prices—Computation of tax—

—Every manufacturer of a motor vehicle sold or of-
fered for sale within this state, either by the manu-
facturer, distributor, dealer or any other person, shall, 
on or before the first day of November in each year, 
file in the office of the registrar a sworn statement 
showing the various models manufactured by him, and 
the retail list price, rated carrying capacity and manu-
facturer's shipping weight of each model being manu-
factured November 1st of that year; and shall also 
file with the registrar, in such form as manufacturers 
usually use for advertising, complete specifications of 
the construction of each model that has been manu-
factured by him. Upon each change in such price, 
carrying capacity or weight and upon the manufacture 
of each new model thereafter, such manufacturer shall 
in like manner file a new statement setting forth such 
change. Models shall be deemed similar if substi-
tially alike and of the same make. Models shall be 
deemed to be corresponding models, for the purpose 
of taxation under Section 3 of this act, if of the same 
make and having approximately the same weight and 
type of body and chassis and the same style and size 
of motor. The registrar may refuse to register any 
new or first hand vehicle in this state unless the manu-
facturer thereof has furnished to the registrar the 
sworn statement herein provided, for the model of the 
motor vehicle that is offered for registration. Such 
list price, rated carrying capacity and listed weight of 
the vehicle, as set forth in the manufacturer's state-
fment, shall be the price, weight or capacity on which 
which the tax of a motor vehicle shall be computed 
under Section 3 of this act unless grossly at variance 
with fact. In all instances in which there have been 
added to a complete vehicle additional parts, equipment 
or accessories not included in the factory list price upon 
which the tax is computed in accordance with the re-
quirements of section 5 of this act, the reasonable cost 
thereof, if amounting in the aggregate to more than 
$50, shall be added to the list price upon which the 
tax is computed. Such added parts, equipment or 
accessories to the extent in value of $50 shall be 
exempt from taxation. The registrar shall have au-
thority to fix the value, carrying capacity and weight 
of any rebuilt or foreign car or any car on which a 
record of the list price, carrying capacity or weight 
is not available in his office. (21 c. 461 § 21; amend-
ed '23 c. 418 § 21; '25, c. 299 § 5)
charge of his duties. Premiums on such bonds shall be paid by the state from money provided for the maintenance of the registrar’s office.

The registrar shall have power to appoint, and at pleasure remove, a deputy registrar for each city of the first class, and for such other cities and villages as public interest and convenience may require. Each such deputy, before entering upon the discharge of his duties, shall qualify with the requirements imposed for the qualifying of registrar, except that the amount of the bond required to be given by the deputy shall be $10,000.00 or such larger amount as the registrar from time to time shall require. Each deputy registrar appointed hereunder shall keep and maintain in a convenient public place within the city for which he is appointed, a registration and motor vehicle tax collection bureau, to be approved by the registrar, for the registration of motor vehicles and the collection of motor vehicle taxes thereon. He shall keep such records, and make such reports to the registrar as that officer from time to time may require. He shall charge and receive for each application presented a filing fee of twenty-five cents, and shall report daily to the registrar all registrations made and taxes and fees collected by him, together with remittance of the amount so collected. The registrar in the order of appointment of each deputy hereunder shall designate the amount to be paid annually to each such deputy as compensation for his services, the services of his employees and the expense of the bureau maintained, which such amounts shall be fixed and determined or have the approval of the executive council endorsed thereon, and the amounts provided for shall be paid semi-monthly by the registrar from the amount of the filing fees collected and remitted by such deputy as herein provided; but the amount so paid shall not in any case exceed the total amount of filing fees so collected and remitted. The amounts received by the registrar under the provisions hereof shall be paid by him into the state treasury daily, weekly or at such other intervals as may be determined by the order of the executive council. Supplies, accounting machines and office space required to enable the registrar to properly carry out the duties imposed upon him by the provisions of this act may be rented or purchased to properly carry out the duties imposed upon him by the provisions of this act may be rented or purchased to

(c) The registrar shall keep a suitable record of all motor vehicles registered in his office, indexed, according to registration number, according to name of owner, according to make of car and number of motor and according to such other information as he shall deem advisable. Duplicates of the certificate of registration shall be used, until a more efficient system is evolved, to make the registration number, and owner indexes herein required, and such other copies as are necessary. He may furnish to anyone applying therefor transcripts of such records for not less than the cost of preparing the same, provided that any sums in excess of such cost received by the registrar for furnishing such transcripts shall be paid by him into the state treasury. He shall also furnish copies thereof without charge to the chiefs of police of the cities of Minneapolis, St. Paul and Duluth.

(d) He shall keep a record of all motor vehicles listed for taxation or registered, other than those

using the public streets or highways, according to the name of the owner only.

(e) The registrar shall prepare a brief synopsis of this act, and such other matter dealing with regulations in the use of motor vehicles as he may deem advisable, and furnish a copy of same to any person upon application. He shall prepare, before December 1st, preceding any regular legislative session, a report to the legislature containing such information and recommendations as he may deem advisable.

(f) He shall furnish from time to time to the registrar of deeds of each county in the state forms for listing and for applications for registration as provided herein, and shall before January 1st in each year furnish to the registrar of deeds of each county and to such other as he shall deem advisable, charts or lists setting forth the tax to which each motor vehicle is subject. The registrar shall immediately destroy all number plates rendered to him which are unsuitable for further issue and shall cancel all certificates so rendered. (21, c. 461, § 22; amended as to subd. b by ’29, c. 410, § 22; amended as to subd. b by ’34, c. 340, § 1)

Explanatory note—Subd. b only, is amended by Laws 1927, c. 340.

For Laws 1925, c. 426, see §§ 45-1 to 52-52, herein.

2694. Duties of registrar—Information bureau—Reports of stolen vehicles—Completion of registration—Registration system—Notices—The registrar shall maintain in his office an information bureau to immediately answer such questions through personal inquiry, telephone or letter, as may be answered from his files, and when authorized by an inquirer to telegraph “collect,” shall so answer. Sheriffs and police departments shall promptly report stolen motor vehicles and motor vehicles recovered on forms provided by the registrar and each month the registrar shall print and send a list of such motor vehicles to said officials and to the motor vehicle department in each of the several states. Initial applications for registration shall be checked against said list. Registrations shall be completed with the utmost dispatch, in such manner as to render the most efficient service to the public, on the same day that the application is received, except as provided in Section 9 hereof. The telephone and telegraph shall be immediately used in all cases where reverse or “collect” charges are authorized. The registrar or any deputy employed to furnish to any person for mistake or negligence in the giving of information not wilfully calculated to injure such person. The registration system shall be so conducted, and the requirements thereof so construed as to furnish to the public immediate, accurate information as to any single car about which the inquiry may be made, and to furnish the registrar a means of checking back during any year to determine that all motor vehicles subject to taxation and licensing have had the proper tax or fee paid thereon. The mail or carriers by express may be used for any notice for delivery required of the registrar. (’21, c. 461, § 23; amended ’23, c. 418, § 23; ’25, c. 299, § 3)

Explanatory note—For section 9 see § 2690, herein.

2695. Violations—Penalties—Any person who shall, with intent to escape payment of any tax on a motor vehicle as herein provided, delay or neglect to properly list and apply to register the same, or with intent to prevent the payment or collection of the proper tax, fee or lien thereon, violate or neglect to comply with any of the provisions of this act shall be guilty of a
2696. Violations of law — Misdemeanor — Vehicles with original engine numbers, destroyed, etc.—Any person who shall use or cause any motor vehicle to be used or operated in violation of the provisions of this act or while a certificate of registration of a motor vehicle issued to him is suspended or revoked, or who shall knowingly deliver a motor vehicle to another to be used or operated in violation of this act, or who shall violate any of the provisions thereof, shall be guilty of a misdemeanor. The possession of a motor vehicle the original engine number of which has been destroyed, removed, altered, covered or defaced shall be prima facie evidence that the same is stolen property. Registration shall be refused such motor vehicles, provided, however, that within sixty days after this act takes effect any person possessing such motor vehicle may apply for a special engine number. If the registrar is satisfied on the sworn statements of the applicant that the legal owner a special engine number preceded by the letters MINN. shall be assigned such motor vehicle. Upon certificate by a peace officer that the said number has been properly stamped on such engine the motor vehicle may thereafter be registered as are other motor vehicles. (21, c. 461, § 26; amended '23, c. 418, § 25, '25, c. 299, § 26)

2697. Same—Any person who shall loan or use any number plate or registration certificate upon or in connection with any motor vehicle except the one for which the same was duly issued, or upon any such motor vehicle after the said certificate or plates or the right to use the same have expired, or any person who shall retain in his possession or shall fail to surrender as herein provided any such number plate or registration certificate shall be guilty of a misdemeanor. Any person who manufactures, buys, sells, uses or displays motor vehicle license number plates, motor vehicle registration certificates, or tax receipts issued by this state or any other state, territory or district in the United States, without proper authority from the state or national bank of this state for one thousand dollars or such less sum as is equal to ten per cent of the amount of the bid, payable to the state treasurer, in case successful bidder fails to enter into contract and furnish bond within ten days after awarding contract. The lowest and best bid shall be accepted by the amount of the bid, payable to the state treasurer, in case successful bidder fails to enter into contract and furnish bond within ten days after awarding contract. The lowest and best bid shall be accepted by the amount of the bid, payable to the state treasurer, in case successful bidder fails to enter into contract and furnish bond within ten days after awarding contract.

2698. Same—Any person who shall deface or alter any registration certificate or number plate or retain the same in his possession after the same has been defaced or altered shall be guilty of a misdemeanor. (21 c. 461 § 26; amended '23 c. 418 § 26)

2699. Invalidity of one part not to affect whole of act—The various provisions of this act shall be severable and if any part or provisions shall be held to be invalid it shall not be held to invalidate any other part or provision hereof. (21 c. 461 § 28; amended '23 c. 418 § 28)

2700. Date effective—The tax imposed upon motor vehicles for the year 1923 shall be that specified by the provisions of Chapter 461, Laws 1921, and the amount of such tax shall not be changed or affected by any of the provisions of this act; but otherwise this act shall take effect and be in force from and after July 1, 1923. (23 c. 418 § 29)

2701. Age of driver—[Repealed.] This section is repealed by Laws 1925, c. 418, § 35.
2705. Lights—Mufflers—Road rules—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36.

This section was repealed by Laws 1925, c. 416, § 36.

2706. Substitutes for rear lights on vehicles—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36.

2707. Driver to sound horn, when—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36.

2708. Parking and driving rules—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36.

2709. New rates of speed for motor vehicles in congested districts—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36.
2710. Duty of driver in case of accident—[Repealed.]

This section is repealed by Laws 1935, c. 416, § 36.

153-316, 190+247.

2711. Local regulations prohibited—Exceptions—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36.

184-294, 194+657; 186-417, 192+529; 188-268, 194+492.

2712. Board of automobile examiners—Examination and licensing of chauffeurs—Revetation of license—

There is hereby created a board of automobile examiners of three members, to be designated by the governor, who shall be men possessing a technical and practical knowledge of the construction, mechanism and operation of motor vehicles, whose term of office shall be for two years, said terms to expire on the first Tuesday of January, 1917. Said board members are to receive a compensation of five dollars per day and actual expenses, while in session, and all traveling expenses. Blanks, books, etc., for the use of said board are to be furnished by the Secretary of State. It shall be the duty of said board to conduct the examination of all applicants for chauffeur's license herein provided for, at such times and such places as shall be designated by the Secretary of State, to pass upon the qualification of such applicants, and to issue to those having a practical knowledge of the construction, mechanism and operation of motor vehicles, a license to be known as a chauffeur's license; provided, that no such license shall be issued to any person under eighteen years of age, or who is an habitual and excessive user of intoxicating liquors, or to any person of defective eye-sight, or other physical infirmity, which in the judgment of said board renders such person incompetent to manage and care for a motor vehicle. Such licenses shall expire on December 31st of each year, and a new license shall be issued to the holder of the expired license upon the payment of one dollar; provided further, that upon the third conviction by any court of a violation of any of the provisions of this act the Secretary of State is hereby empowered and directed to revoke the license of any chauffeur so convicted, and said chauffeur shall not be entitled to receive a new license, or to have an expired license renewed or re-issued within six months after the revocation and expiration of his license, and then only upon and after he has been re-examined by the board, who shall, in their discretion, have the power to refuse to grant such license, if in their opinion the applicant is incompetent to manage and operate a motor vehicle. Application for license to operate a motor vehicle as chauffeur may be made by mail, or otherwise, to the Secretary of State, or his duly authorized agent, upon blanks prepared under his authority. Every such application shall be accompanied by a fee of one dollar and fifty cents ($1.50). In case said applicant upon application by the board of examiners shall have been found competent, and such fact has been certified to, the Secretary of State, the latter shall furnish to every chauffeur so licensed and whose license has been renewed, a suitable metal badge with the coat-of-arms of the State of Minnesota thereon, and with the distinguishing number or mark assigned to him thereon, and a corresponding number, color and year to be embossed thereon, without extra charge therefor. This badge shall be thereafter worn by such chauffeur pinned upon the outside of his clothing, either upon his breast about midway between his shoulders, or upon the front of his hat or cap, at all times while he is operating or driving a motor vehicle on public highways. Application for license to operate a motor vehicle shall be valid only during the term of the license of the chauffeur to whom it is issued, as aforesaid. It shall also be the duty of said licensee to have said license at all times in his possession while operating a motor vehicle in this state. Upon the receipt of such an application, the Secretary of State shall thereupon file the same in his office and register the applicant in a book or index which shall be kept in the same manner as the book or index for the registration of motor vehicles, and when the applicant shall have passed the examination provided for in the preceding section, the number or mark assigned to such applicant, together with the fact that such applicant has passed such examination, shall be marked on said book or index. No chauffeur shall be licensed as herein provided shall voluntarily permit any other person to possess or use his license or badge, nor shall any person while operating or driving a motor vehicle, use or possess any license or badge belonging to another; provided, however, that a non-resident chauffeur, who has registered under the provisions of law of the foreign country, state, territory or federal district of his residence, substantially equivalent to the provisions of this section, shall be exempt from license under this section; and provided further, that he shall wear the badge assigned to him in the foreign country, state, territory or federal district of his residence in the manner provided in this section; provided further, that in case said chauffeur remains in the state for sixty (60) days or more, he shall be required to comply with all of the provisions of section 19 hereof. (71 c. 365 § 19; amended '15 c. 33 § 4) [2838]

147-500, 160-229.

Registration record filed with Secretary of State; money received by board paid into state treasury. See § 53-47, herein.

2713. Taking into custody for violation of act—Undertaking to appear, etc.—In case any person shall be
taken into custody because of any violation of any of the provisions of this act, he shall forthwith be taken before any magistrate or justice of the peace in any city, village or county, and be entitled to an immediate hearing, and if such hearing cannot be had, be released on giving his personal undertaking to appear and answer for such violation at such time or place as shall then be indicated, secured by a deposit of a sum of money not exceeding twenty-five dollars ($25.00), or in lieu thereof, in case the person taken into custody is the owner, by leaving the motor-vehicle, and in case the person taken into custody is not the owner, by leaving the motor-vehicle, with a written consent given at the time by the owner, who must be present with such judicial officer. ('11 c. 365 § 20) [2639]

See § 2720-63, herein.

2714. Conviction for intoxication to result in forfeiture of license and disqualification for three months—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36. 209-481.

Defendant was convicted of operating an automobile while intoxicated. The evidence is sufficient to sustain the verdict, and we find no error in admitting a statement as to his condition made in his presence immediately following the accident. 162-309, 292-727.

2715. Tampering with or damaging vehicle, etc.—No person shall tamper with or drive or operate or use a motor-vehicle without the permission of the owner, and no person shall, without authority of the person in charge, climb upon or into any automobile, whether while the same is in motion or at rest, or hurl stones or any other missiles at the same or occupants thereof, or shall, while such motor vehicle is at rest and unattended, sound the horn or other signalling device, or attempt to manipulate any of the levers, starting crank, brakes or machinery thereof, or set such vehicle in motion, or otherwise damage or interfere with the same, nor shall any person place upon any street, avenue or highway of this state any glass, tacks, nails or other articles tending to injure automobile tires. ('11 c. 365 § 22, amended '15 c. 33 § 5) [2641]

2716. Suit for damages—Evidence, etc.—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36. 130-412, 153-253, 139-292, 140-728.

A statement made by the driver of an automobile owned by appellant was admissible in evidence against him in the prosecution of such offender. ('11 c. 365 § 20) [2644]

2717. Taking and removing without consent—Penalty—Any person who enters any warehouse, garage or building of any kind and takes and removes therefrom, for his own use or that of others, any automobile or motor-vehicle, without the knowledge and consent, expressed or implied, of the owner thereof, shall be deemed guilty of a felony and upon conviction thereof shall be punished accordingly.

The owner of such automobile or motor-vehicle was voluntarily returned to its original place by the party taking the same before or after the owner discovers such removal, or the fact that the party taking the same was then and there in the employ of the owner of such property, shall not be deemed a defense in the prosecution of such offender. ('11 c. 365 § 26) [2644]

2717-1. Unauthorized driving, etc., of automobiles—Punishment—No person shall drive, operate or use a motor vehicle without the permission of the owner or of his agent in charge and control thereof. Any person so doing shall be guilty of a felony and punished therefor by imprisonment in the state prison not exceeding ten years or by a fine of not to exceed one thousand dollars or both. ('19, c. 72, § 1; amended '21, c. 384, § 1)

2718. Violation of act—Penalty—Duty of clerk of court—Reversal of conviction—[Repealed.]

This section is repealed by Laws 1925, c. 416, § 36. 152-1, 187-705. 154-10, 204-631. § 2719-207. 31 — 377.

2719. Rubber tires or casings to be marked—No person shall sell any rubber tire or casing for use on motor vehicles unless the name of the manufacturer and the year in which the same was made, are conspicuously and permanently marked thereon in raised type cast with the tire or casing. ('11 c. 358 § 1) [2648]

2720. Violation a misdemeanor—Any person who shall sell or offer for sale a rubber tire or casing in violation of the provisions of this act shall be guilty of a misdemeanor. ('11 c. 358 § 2) [2648]

UNIFORM HIGHWAY TRAFFIC ACT.

TITLE I.

DEFINITION OF TERMS.

2720-1. Definitions—The following words and phrases when used in this act shall have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(a) "Vehicle." Every device in, upon or by which any person or thing is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks; provided, that in as far as is applicable, for the purpose of Title II of this act, a bicycle or ridden animal shall be deemed a vehicle, and provided further that this act shall not apply to street cars except where specifically so stated.

(b) "Motor Vehicle." Every vehicle, as herein defined, which is self-propelled.

(c) "Motorcycle." Every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" as herein defined.

(d) "Truck Tractor." Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

(e) "Road Tractor." Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

(f) "Semi-trailer." Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of
its own load rests upon or is carried by another vehicle.

(i) “Pneumatic Tires.” All tires inflated with compressed air.

(j) “Solid Rubber Tires.” Every tire made of rubber other than a pneumatic tire.

(k) “Metal Tires.” All tires the surface of which in contact with the highway is wholly or partly of metal or other hard, non-reinstitial material.

(l) “Person.” Every natural person, firm, co-partnership, association or corporation.

(m) “Owner.” Owner means any person, firm, association or corporation owning or renting a motor vehicle or having the exclusive use thereof, under lease or otherwise, for a period greater than thirty days. The use of a motor vehicle in violation of the provisions of this act or of the provisions of any municipal ordinance passed pursuant thereto shall be prima facie evidence that said motor vehicle was at the time of such violation controlled, operated, and used by the registered owner thereof.

(n) “Highway.” Every way or place of whatever nature open to the use of the public, as a matter of right, for purposes of vehicular travel.

(o) “Private Road or Driveway.” Every road or driveway not open to the public for purposes of vehicular travel.

(p) “Intersection.” The area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of two or more highways which join one another at an angle, whether or not one such highway crosses the other.

(q) “Safety Zone.” The area or space set aside within a highway by a municipality for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

(r) “Right of Way.” The privilege of the immediate use of the highway.

(s) “Commissioner.” The Commissioner of Highways of this State acting directly or through his duly authorized officers and agents.

(t) “Local Authorities.” Every county, municipal and other local board or body charged with the construction or maintenance of any highway.

(u) “Municipality.” Every incorporated city, village, or borough in this state.

(v) “Truck.” Any motor vehicle designed or used principally for carrying things other than passengers and includes a motor vehicle to which has been added a cabinet box, platform rack or other equipment for the purpose of carrying merchandise other than the person or persons of the passenger. (27, c. 412, § 1)

TITLE II.

OPERATION OF VEHICLES.

RULES OF THE ROAD.

2720-2. Age of operators or drivers of motor vehicles—Habitual users of narcotics—Persons under influence of intoxicating liquors or narcotics—Subdivision (a) No person shall operate or drive a motor vehicle on any highway in this state who is under 15 years of age or who is accompanied at the time by a duly licensed chauffeur, or by the owner, or by a competent person over 15 years of age authorized by the owner of the motor vehicle being operated, provided that such owner must be 15 years of age or over. No person whether licensed or not who is an habitual user of narcotics or who is under the influence of intoxicating liquors or narcotics shall drive any vehicle upon any highway. (27, c. 412, § 2)

2720-3. Careless or heedless or dangerous driving—Gross misdemeanor—(a) No person shall operate or drive a motor vehicle upon a highway carelessly or heedlessly or in disregard of the rights or safety of others or in a manner so as to endanger or be likely to endanger any person or property.

(b) Any person who drives any vehicle upon a highway in wilful and wanton disregard of the rights or safety of others or in a manner so as to endanger or be likely to endanger any person shall be guilty of a gross misdemeanor. (27, c. 412, § 3)

2720-4. Speed—Reasonable and proper speed—Prima facie evidence of excessive speed—Rates of speed enumerated—Municipal regulations—(a) Any person driving a vehicle on a highway shall drive the same at a speed not greater than is reasonable and proper, having due regard to the traffic, the surface and width of the highway, and of any other conditions then existing.

(b) Operating a vehicle at speeds exceeding those hereinafter specified shall be prima facie evidence that the person or persons described therein are driving the same at a speed greater than is reasonable and proper as defined in subdivision (a) of this section:

1. Fifteen miles an hour when approaching within fifty feet of a grade crossing of any steam, electric or street railroad when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last five hundred feet of his approach to such crossing he does not have a clear and uninterrupted view of such railroad crossing and of any traffic on such railroad for a distance of four hundred feet in each direction from such crossing;

2. Seventeen miles an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours;

3. Fifteen miles an hour when approaching within fifty feet of a school crossing where the same passes through the closely built-up portions of any municipality or where the traffic is congested;

4. Fifteen miles an hour in going around curves or along a grade upon a highway when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last fifty feet of his approach to such intersection, he does not have a clear and unobstructed view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet from such intersection;

5. Twenty miles an hour on all other highways where the same passes through the closely built-up portions of any municipality or where the traffic is congested;

6. Twenty miles an hour on all other highways where the same passes through the residence portion of any municipality;

7. Thirty-five miles an hour under all other conditions.

(c) Municipalities in their respective jurisdictions are hereby authorized in their discretion to increase the speed which shall be prima facie unlawful upon “thr"
highways at the entrances to which vehicles are by ordinance of such municipalities required to stop before entering or crossing such "thru" highways. Municipalities shall place and maintain upon all "thru" highways as to which such speed is so increased adequate signs giving notice of such special regulations and shall also place and maintain upon each and every highway intersecting any such "thru" highway, appropriate stop signs which shall be illuminated at night or so placed as to be illuminated by the headlights of an approaching vehicle or by street lights.

(d) Municipalities in their respective jurisdictions are hereby authorized in their discretion to regulate by ordinance the speed of trucks whose weight including load exceeds 16,000 pounds. (27, c. 412, § 4)

2720-5. Stopping of motor vehicles or street cars at highway and interurban or steam railway grade crossings—(a) Whenever any person driving a vehicle or street car approaches a highway and interurban or steam railway grade crossing and a clearly visible and positive signal gives warning of the immediate approach of the railway train or car, it shall be unlawful for the driver of the vehicle or street car to fail to bring the vehicle or street car to a complete stop before traversing such grade crossing.

(b) Whenever any vehicle carrying school children, explosives, or inflammable liquids, or passengers for hire, or any vehicle having in tow any other vehicle or equipment, or any vehicle of the tractor or caterpillar type, approaches any interurban or steam railway grade crossing, it shall be the duty of the driver thereof to bring the same to a complete stop before crossing said track, to ascertain when such crossing can be made in safety. (27, c. 412, § 5)

2720-6. Operating or driving unregistered motor vehicles prohibited—Display of number plates—No person shall operate or drive a motor vehicle on any highway unless such vehicle shall have been registered in accordance with the laws of this state and shall have the number plates for the current year only, as assigned to it by the Registrar of Motor Vehicles, conspicuously displayed thereon in such manner that the view thereof shall not be obstructed. If the vehicle be a motorcycle, motorcycle side car, trailer or semi-trailer, one such plate shall be displayed on the rear thereof; and if by any other kind of motor vehicle, one such plate shall be displayed on the front and one on the rear thereof; securely fastened so as to prevent the same from swinging. It shall be the duty of the person driving the motor vehicle to keep said plate legible and unobstructed and free from grease, dust, or other blurring material so that the lettering thereon shall be plainly visible at all times. (27, c. 412, § 6)

2720-7. Speed of vehicles on bridges—The officer or body charged with the maintenance of any highway is hereby authorized to determine the maximum speed at which vehicles may, with safety be operated upon any bridge forming a part thereof and to post signs at each end of such bridge designating such maximum speed. It shall be unlawful for any person to operate a vehicle upon a bridge which has been thus posted at a speed greater than that indicated on such signs. (27, c. 412, § 7)

2720-8. Vehicles operated by peace officers in performance of duties, fire department or fire patrol vehicles, and public ambulances—Physicians or private ambulance drivers responding to emergency calls—

(a) The provisions of this act shall not apply to vehicles when operated with due regard for safety, under the direction of peace officers in the chase or apprehension of violators of the law or of persons charged with or suspected of any such violation, nor to fire departments or fire patrol vehicles when traveling in response to a fire alarm, nor to public ambulances when traveling in emergencies. This exemption shall not however protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

(b) If a licensed physician or private ambulance driver, while driving a motor vehicle in response to an emergency call, be stopped for driving said vehicle at a speed greater than is reasonable and proper, he shall upon giving his name and address and the registration number of his vehicle be permitted to proceed in the vehicle to his destination, and thereafter such proceedings shall be had as would have been proper had he not been a physician or ambulance driver. (27, c. 412, § 8)

2720-9. Keeping to the right—Upon all highways of sufficient width, except upon one way streets, the driver of a vehicle shall drive the same upon the right half of the traveled portion of the highway and shall drive the vehicle as close as possible to the right-hand edge or curb of such highway, unless it is impracticable to travel on such side of the highway and except when overtaking and passing another vehicle. (27, c. 412, § 9)

2720-10. Driving to the right at highway or railroad crossings—In crossing an intersection of highways or the intersection of a highway by a railroad right of way, the driver of a vehicle shall at all times cause such vehicle to travel on the right half of the highway unless such right half is obstructed or impassable. (27, c. 412, § 10)

2720-11. Passing in opposite directions—Drivers of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other at least one-half of the main traveled portion of the roadway as nearly as possible. (27, c. 412, § 11)

2720-12. Passing in same direction—The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof, and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle. (27, c. 412, § 12)

2720-13. Overtaking and passing vehicles going in same direction—At crests of grades or at curves—At railroad crossings—(a) The driver of a vehicle shall not drive to the left side of the center line of a highway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety.

(b) The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction upon the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed within a distance of 500 feet.

(c) The driver of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any steam or electric railway grade crossing nor at any intersection of highways except when such intersection is controlled by a traffic officer or automatic signal device, provided, that when the driver of any motor vehicle has signaled a left hand turn and has properly approached the intersection, such vehicle may be passed on its right side. (27, c. 412, § 13)

2720-14. Overtaken vehicle to give overtaking vehicle right of way on signal—The driver of a vehicle

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upon a highway, about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. (27, c. 412, § 14)

2720-15. Distance between vehicle following another
(a) The driver of a motor vehicle or street car shall not follow another vehicle too closely that it is unreasonable and prudent, having regard to the speed of such vehicles and the traffic upon and condition of the highway and the condition of his vehicle.

(b) The driver of any truck or truck tractor when traveling upon a highway outside of a closely built up portion or residence portion of a municipality shall not follow another truck or truck tractor within one hundred feet, but this shall not be construed to prevent one truck or truck tractor overtaking and passing another. (27, c. 412, § 15)

2720-16. Turning to right at intersections—Driving to right of traffic control devices or markings at intersections—(a) Except as otherwise provided in this section, the driver of a vehicle intending to turn to the right at an intersection shall approach such intersection in the lane for traffic nearest to the right hand side of the highway, and in turning shall keep as close-ly as practicable to the right-hand curb or edge of the highway. When intending to turn to the left he shall approach such intersection in the line for traffic to the right and nearest to the center line of the highway and in turning shall keep as near to the center of the intersection as practicable and shall at all times leave space to allow safe passage to any vehicle seeking to make a right-hand turn from the direction in which he is turning on the same intersection at the same time.

(b) Where traffic control devices or markings have been installed within an intersection, vehicles shall when practicable be driven to the right thereof, unless such device or markings indicates that driving to the left is permitted or unless directed to drive to the left by a traffic officer. (27, c. 412, § 16)

2720-17. Starting, stopping, or turning—Signals—(a) The driver of any vehicle upon a highway before starting, stopping or turning from a direct line shall first see that such movement can be made in safety, and if any pedestrian or cyclist may be affected by such movement shall give a clearly audible signal by sounding the warning device, and whenever the operation of any other vehicle may be affected by such movement shall give a signal either by extending the arm horizontally from and beyond the left side of the vehicle or by an adequate mechanical or electrical signal device, plainly visible to the driver of such other vehicle, of the intention to make such movement at least fifty feet before a stop or turn is to be made, except that the requirement of signal by warning device shall apply to motor vehicles only. (27, c. 412, § 17)

2720-18. Right of way between vehicles or vehicles and street cars at intersections—As to pedestrians at crosswalks or regular pedestrian crossings—Subdivision (a) When two vehicles or a vehicle and a street car approach or enter an intersection at approximately the same time, the driver of the vehicle or street car on the left shall yield the right of way to the vehicle or street car on the right, except as otherwise provided in Section 20 herein. The driver of any vehicle or street car traveling at an unlawful speed shall forfeit any right of way which he might otherwise have hereunder.

(b) The driver of a vehicle or street car approaching but not having entered an intersection shall yield the right of way to a vehicle within such intersection and turning therein to the left across the line of travel of such first mentioned vehicle or street car, provided the driver of the vehicle turning to the left has given a plainly visible signal of intention to turn.

(c) The driver of any vehicle upon a highway where the same passes through the closely built up portions or residence portions of any municipality shall yield the right of way to a pedestrian crossing such highway within any clearly marked crosswalk or any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block, except at intersections where the movement of traffic is being regulated by traffic officers or traffic control devices. Every pedestrian crossing a highway within a business or residence district at any point other than a pedestrian crossing, crosswalk or intersection shall yield the right of way to vehicles upon the highway. (27, c. 412, § 18)

2720-19. Entering highways from alleys, private roads or drives—A way to ambulances and police and fire department vehicles—Stopping at automatically controlled stop and go signals or devices—(a) The driver of a vehicle entering a highway from an alley, private road or drive shall yield the right of way to all vehicles approaching on such highway, and when the view is obstructed shall stop before crossing any sidewalk or entering any highway.

(b) The driver of a vehicle upon a highway shall yield the right of way to ambulances and to police and fire department vehicles when the drivers thereof sound an audible signal. This provision shall not operate to relieve the driver of an ambulance, or a police or fire department vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(c) No driver of a motor vehicle or street car at intersections controlled by traffic officers shall fail to obey signals by such officers as to traffic movement.

(d) No driver of any vehicle or street car shall fail to stop his vehicle or street car when the word "stop" or a red light is displayed at an intersection by an automatic traffic control device against the line of traffic in which such vehicle or street car is moving, and no driver of any vehicle or street car may again place such vehicle or street car in motion or cross such intersection until such device displays the word "go" or a green light. (27, c. 412, § 19)

2720-20. Stopping and giving way to ambulances or police or fire department vehicles—Following fire apparatus responding to alarms—(a) Upon the approach of any ambulance or police or fire department vehicle giving audible signal by bell, siren, or exhaust whistle, the driver of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right hand edge or curb of the highway, clear of any intersection of highways, and shall stop and remain in such position unless otherwise directed by a police or traffic officer until the ambulance or police or fire department vehicles shall have passed.

(b) It shall be unlawful for the driver of any vehicle to follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or to drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire
alarm, unless permitted to do so by a police or fire department officer. (27, c. 412, § 20)

2720-21. Thru highways—Designation—Stopping at
—The Commissioner with reference to thru highways and municipalities with reference to highways under their jurisdiction and thru highways within their corporate limits and county boards with reference to state aid, county and town roads, except where they intersect with thru highways, are hereby authorized to designate any such thru highways as a "thru" highway by erecting at the entrance thereto from intersecting highways stop signs and whenever such signs have been so erected all drivers of vehicles or street cars shall stop in obedience to the same before entering such highway. All such signs shall be illuminated at night or so placed as to be illuminated by the headlights of an approaching vehicle or street car by street lights. (27, c. 412, § 21)

2720-22. Overtaking and passing interurban or street cars—Stopping to allow ingress or egress of passengers—At safety zones—(a) The driver of a vehicle shall not overtake and pass upon the left any interurban or street car proceeding in the same direction, whether in motion or temporarily at rest.
(b) The driver of a vehicle overtaking any railway, interurban or street car stopped or about to stop for the purpose of receiving or discharging any passenger, shall bring such vehicle to a full stop at least ten feet in the rear of such car and remain stationary until any such passenger has boarded such car or reached the adjacent sidewalk or curb except that where a safety zone has been established, a vehicle need not be brought to a full stop before passing any such railway, interurban or street car, but may proceed past such car at a speed not greater than is reasonable and proper and in no event greater than ten miles an hour and with due caution for the safety of pedestrians. (27, c. 412, § 22)

2720-23. Driving through or over safety zones—The driver of a vehicle shall not at any time drive through or over a safety zone. (27, c. 412, § 23)

2720-24. Parking regulations—Removal of vehicles violating—Disabled vehicles—Stopping on left side of highway—Displaying vehicle on highway for sale or exchange—(a) No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled portion of any highway, outside of a municipality, when it is practicable to park or leave such vehicle standing off of the paved or improved or main traveled portion of such highway; provided, in no event shall any person leave standing any vehicle, upon any highway unless a clear and unobstructed width of not less than fifteen feet upon the main traveled portion of said highway opposite such standing vehicle be left for free passage of other vehicles thereon, nor unless a clear view of such vehicle may be obtained from a distance of 200 feet in each direction upon such highway.
(b) Whenever any peace officer shall find a vehicle standing upon a highway in violation of the provisions of this section, he is hereby authorized to move such vehicle or require the driver or person in charge of such vehicle to move such vehicle to a position permitted under this section.
(c) The provisions of this section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such vehicle in such position.

(d) No vehicle may be brought to a stop on the left side of a highway except in one way streets.
(e) No person shall place any vehicle on a highway to display the same for sale or exchange. A vehicle shall be deemed to be displayed in violation of this section when found standing upon a street, and bearing a sign indicating that it is for sale or exchange. (27, c. 412, § 24)

2720-25. Parking or leaving vehicles on highway in front of private driveway or near fire hydrants or stations or near curb or property line intersections—No person shall park a vehicle or permit it to stand whether attended or unattended, upon a highway in front of a private driveway or within fifteen feet in either direction of a fire hydrant or the entrance to a fire station nor within twenty-five feet from the intersection of curb lines or if none then within fifteen feet of the intersection of property lines at an intersection of highways. (27, c. 412, § 25)

2720-26. Leaving vehicles on highway without setting brakes or turning front wheels—No person having control or charge of a motor vehicle shall allow such vehicle to stand on any highway unattended without first effectively setting the brakes thereon and when standing upon any grade without turning the front wheels of such vehicle to the curb or side of the highway. (27, c. 412, § 26)

2720-27. Control of vehicles upon steep grades—The driver of a motor vehicle upon steep grades shall hold such motor vehicle under control and as near the right hand side of the highway as reasonably possible. (27, c. 412, § 27)

2720-28. Coasting—Hitching—Soliciting rides—(a) The driver of a motor vehicle when traveling upon a down grade upon any highway shall not allow the vehicle to coast with the gears of such vehicle in neutral.
(b) No person shall ride in or jump into or upon any vehicle without the consent of the driver.
(c) No person shall hitch a toboggan, hand sled, bicycle or similar vehicle onto any motor vehicle.
(d) No person shall stand in the travelled portion of a roadway for the purpose of or while soliciting a ride from the driver of any vehicle other than a common carrier. (27, c. 412, § 28)

2720-29. Stopping after accidents—Information given—Assistance to persons injured—The driver of any motor vehicle involved in an accident resulting in injury or death to any person or damage to property shall immediately stop such vehicle at the scene of such accident and give his name, address and the registration number of his vehicle and exhibit his operator's or chauffeur's license to the person struck or the driver of any vehicle other than a common carrier. (27, c. 412, § 29)
2720-30. Reports by garages or repair shops of vehicles showing evidence having been involved in accident or showing bullet marks—The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a serious accident or struck by any bullet shall report to the nearest police station or sheriff's office forthwith and to the Registrar of Motor Vehicles within twenty-four hours after such motor vehicle is received, giving the engine number, registration number and the name and address of the owner or operator of such vehicle. ('27, c. 412, § 30)

2720-31. Application of law to state, county, city, town, etc., owned or operated vehicles—Vehicles engaged in road work—The provisions of this act applicable to the drivers of vehicles upon the highways, shall apply to the drivers of all vehicles owned or operated by this state or any county, city, town, district or any other political subdivision of the state subject to such specific exceptions as are set forth in this act. The provisions of this act shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway but shall apply to persons and vehicles when traveling upon such roadway except as hereinafter provided. ('27, c. 412, § 31)

2720-32. Municipalities—Ordinances—Powers as to traffic—Municipalities shall have power to pass and enforce ordinances identical in effect, except as to penalties, with the provisions of this act and to provide by ordinance, (a) for the regulation of traffic by means of traffic officers or traffic control devices; (b) for the regulation of either other than one way traffic or certain highways; (c) for the regulation of parking within their corporate limits, provided that no parking shall be permitted on state trunk highways which shall encroach upon the portion maintained by the state, except by permission of the commissioner; (d) for the establishment of loading zones for taxicabs and motor vehicle common carriers within which no parking shall be permitted; (e) for the regulation of the use of highways other than trunk highways by commercial vehicles; (f) that pedestrians shall obey the directions of traffic officers and the legend displayed on traffic control devices; provided that no enumeration of powers of municipalities in this act shall be deemed to deny others not inconsistent with this act. ('27, c. 412, § 32)

2720-33. Municipalities—Speed regulations and restrictions—Municipalities except as expressly authorized herein shall have no power or authority to alter any speed restriction declared in this act or to enact or enforce any ordinance contrary to the provisions of this act. ('27, c. 412, § 33)

TITLE III
THE SIZE, WEIGHT, CONSTRUCTION AND EQUIPMENT OF VEHICLES

2720-34. Driving or moving vehicles of unlawful size, weight, construction, etc., a misdemeanor—It shall be unlawful and constitute a misdemeanor for any person to drive or move or for the owner to cause or knowingly, permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated under this title or any vehicle or vehicles which are not constructed or equipped as required under this title. ('27, c. 412, § 34)

2720-35. Width and height of vehicles—Loads extending beyond front or fender lines—Width of bumpers—(a) No vehicle shall exceed a total outside width, including any load thereon, of eight feet, except that the width of a farm tractor shall not exceed nine feet, and excepting further, that the limitations as to size of vehicles stated in this section shall not apply to implements of husbandry and ditching equipment temporarily propelled or moved upon the public highway provided, that this subdivision shall not apply to loads of loose hay or corn stalks while being transported on public highways. (b) No vehicle unladen or with load shall exceed a height of twelve feet and six inches. (c) No vehicle shall exceed a length of 35 feet, and no combination of vehicles coupled together shall exceed a total length of 85 feet. (d) No train of vehicles or vehicle operated alone shall carry any load extending more than three feet beyond the front thereof. (e) No passenger vehicle shall carry any load extending beyond the line of the fenders on the left side of such vehicle nor extending more than 15 inches beyond the line of the fender on the right side thereof. (f) Bumpers shall not exceed the width of the vehicle. ('27, c. 412, § 35)

2720-36. Loads extending beyond rear of vehicle—Warning flags or lights—Whenever the load on any vehicle shall extend more than four feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such load in such position as to be clearly visible at all times from the rear of such load a red flag not less than twelve inches both in length and width, except that between one-half hour after sunset and one-half hour before sunrise there shall be displayed at the end of any such load a yellow or red light or reflector plainly visible under normal atmospheric conditions at least two hundred feet from the rear of such vehicle. ('27, c. 412, § 36)

2720-37. Weight of vehicles and loads—Special permits for excess—No vehicle of four wheels or less whose gross weight, including load, is more than 28,000 pounds, and no vehicle having a greater weight than 22,400 pounds on one axle, and no vehicle having a gross weight, including load, is more than 28,000 pounds per inch width of tire upon any wheel or between the flanges of the rim shall be operated on any highway; provided that in special cases vehicles whose weight including load, exceeds that herein prescribed may be operated under special permits granted as hereinafter provided. ('27, c. 412, § 37)

2720-38. Weighing vehicles and loads—Unloading of excess—The commissioner or any peace officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to weigh the same either by means of portable or stationary scales and may require that such vehicle be driven to the nearest scales in the event such scales are within two miles. The commissioner or officer may then require the driver to unload immediately such portion of the load as may be necessary to decrease the gross weight of such vehicle to the maximum therefor specified in this act. ('27, c. 412, § 38)

2720-39. Permits for operation of vehicles of excessive size or weight—The officer or body charged with the maintenance of any highway, may, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a combination of vehicles or vehicle of a size or weight exceeding the maximum specified in this act, upon any highway for the maintenance of which the officer or body granting the permit is responsible. Every such permit shall designate...
the route to be traveled and contain any other restriction and conditions deemed necessary by the officer or body granting such permit. Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by the commissioner or any peace officer. ('27, c. 412, § 39)

2720-40. Restrictions upon character and weight of traffic—Notices posted—The officer or body charged with the maintenance of any highway shall have authority to restrict the character and weight of traffic upon such highway when in his or its judgment such traffic will destroy or excessively damage such highway, and shall post such highway with plainly printed notices stating the character and weight of traffic prohibited on such highway at both ends of the section thereof on which traffic is restricted, at intermediate points where said restricted section is intersected by cross roads and also at the points where such restricted highways leave the nearest municipality. ('27, c. 412, § 40)

2720-41. Solid rubber tires—Blocks, studs, flanges, cleats, spikes, etc., on tires—Special permits for traction engines, etc. (a) Every solid rubber tire on a vehicle moved on a highway shall have the rubber on its entire traction surface at least one and one-half inches thick above the edge of the flange of the entire periphery.

(b) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat or spike or any other protuberances of any material other than rubber which project beyond the tread of the traction surface of the tire except that it shall be permissible to use farm machinery with tires having protuberances which will not materially injure the highway and except also, that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to slide or skid.

(c) The officer or body charged with the maintenance of any highway may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, provided, that traction engines with flat diagonal cleats upon the periphery of the wheels thereof, may, when used in connection with threshing operations, be operated on the highways at places where and times when such operation is necessary. ('27, c. 412, § 41)

2720-42. Towing or drawing other vehicles—Semi-trailers—Drawbars or connections—Signals on—(a) No motor vehicle shall be driven upon any highway towing or having attached thereto more than two other vehicles, except that a motor vehicle with semi-trailer may draw in addition thereto two other vehicles; (b) the draw bar or other connection between any two vehicles, one of which is towing or drawing the other on a highway, shall not exceed fifteen feet in length from one vehicle to the other. Whenever such connection consists of a chain, rope or cable, there shall be displayed upon such connection a red flag or other signal or cloth not less than twelve inches both in length and width. ('27, c. 412, § 42)

2720-43. Brakes—What required—Every motor vehicle when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels and so constructed that no part which is liable to failure shall be common to the two, except that a motorcycle need be equipped with only one brake. All such brakes shall be maintained in good order and shall be capable at all times of stopping such vehicle in dry weather on a level surface within a distance of 40 feet from the spot where such brakes are first applied when such vehicle is traveling at a speed of twenty miles per hour. ('27, c. 412, § 43)

2720-44. Sound warning devices—(a) Every motor vehicle when operated upon a highway shall be equipped with a warning device in good working order capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, and it shall be unlawful, except as otherwise provided in this section, for any vehicle to be equipped with or for any person to use upon a vehicle any siren, compression or spark plug whistle or for any person at any time to use a warning device otherwise than as a reasonable warning or to make any unnecessary or unreasonable loud or harsh sound by means of such warning device.

(b) Every police and fire department and fire patrol vehicle and every ambulance used for emergency call shall be equipped with a bell, siren, or exhaust whistle. ('27, c. 412, § 44)

2720-45. Unobstructed rear view for drivers—No person shall drive a motor vehicle on a highway which motor vehicle is so constructed or loaded as to prevent the driver from obtaining a view of the highway to the rear by looking backward from the driver's position, unless such vehicle is equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle. ('27, c. 412, § 45)

2720-46. Signs, posters, etc., obstructing vision through windshield, windows, etc.—Windshield cleaners—(a) It shall be unlawful for any person to drive any vehicle upon a highway with any sign, poster or other non-transparent material upon the front windshield, side wings, front side windows or rear windows of such motor vehicle other than a certificate or other paper required to be so displayed by law.

(b) Every windshield on a motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield in the driver's line of vision which device shall be so constructed as to be controlled or operated by the driver of the vehicle. ('27, c. 412, § 46)

2720-47. Mufflers—Cut-outs—Excessive smoke—(a) No person shall drive a motor vehicle on a highway unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise.

(b) It shall be unlawful to use a "muffler cut-out" on any motor vehicle upon a highway.

(c) No vehicle shall be so operated as to emit excessive smoke. ('27, c. 412, § 47)

2720-48. Front and rear lamps—Head lamps—Motorcycle lamps—Trailer lights—Clearance lamps—Bicycle lights—(a) Every motor vehicle upon a highway within this state during the period from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible any person on the highway at a distance of two hundred feet ahead, shall be equipped with lighted front and rear lamps as in this section respectively required for different classes of vehicles.
vehicles and subject to exemption with reference to lights on parked vehicles.

(b) Every motor vehicle other than a motorcycle, road-roller, road-machine, or farm tractor shall be equipped with two head lamps, no more or less, at the front of and on opposite sides of the motor vehicle, which head lamps shall comply with the requirements and limitations hereinafter set forth and except as to acetylene head lamps shall be of a type which has been approved by the commissioner.

(c) Every motorcycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations hereinafter set forth and except as to acetylene head lamps shall be of a type which has been approved by the commissioner.

(d) Every motor vehicle and every trailer or semitrailer which is being drawn at the end of a train of vehicles shall carry at the rear a lamp of a type which has been approved by the commissioner and which exhibits a yellow or red light plainly visible under normal atmospheric conditions from a distance of five hundred feet to the left of the center of the highway and which is so constructed and placed that the number plate is carried on the rear of such vehicle shall under like conditions be so illuminated by a white light as to be read from a distance of fifty feet to the rear of such vehicle.

(e) Every motor vehicle, other than any road-roller, road machinery or farm tractor, having a width at any part in excess of eighty inches shall carry two clearance lamps or other suitable illuminating or reflecting devices on the left side of such vehicle, one located at the front and displaying a white light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle, and the other located at the rear of the vehicle and displaying a yellow or red light visible under like conditions from a distance of 500 feet to the rear of the vehicle.

(f) Every bicycle shall be equipped with a lighted lamp on the front thereof visible under normal atmospheric conditions from a distance of at least three hundred feet in front of such bicycle, and shall also be equipped with a reflex mirror or lamp on the rear exhibiting a yellow or red light visible under like conditions from a distance of at least two hundred feet to the rear of such bicycle. (27, c. 412, § 51)

2720-52. Head lamps, auxiliary driving lamps, rear lamps, and signal lamps—Sale of—Tests—Certificates of approval—Standard specifications—(a) It shall be unlawful for any person to sell or offer for sale, either separately or as a part of the equipment of a motor vehicle, or to use upon a motor vehicle upon a highway, any electric head lamp or any auxiliary driving lamp, rear lamp or signal lamp, unless of a type which has been submitted to the Commissioner for test from a distance of 100 feet to the rear of the vehicle but shall not project a glaring or dazzling light.

(d) Any device, other than head lamps, spot lamps or auxiliary driving lamps, which projects a beam of light of an intensity greater than twenty-five candlepower, shall be so directed that no part of the beam will strike the level of the surface on which the vehicle stands and at a distance of 50 feet from the vehicle.

Explanatory note—For § 18 read § 48 (§ 2720-48, herein).
and for which a certificate of approval has been obtained from the Commissioner as hereinafter provided. (b) The Commissioner is hereby authorized and required to adopt and enforce standard specifications as to the amount, color and direction of light to be emitted by head lamps, auxiliary driving lamps, rear lamps and signal lamps for compliance with the requirements and limitations set forth herein; and the Commissioner is authorized and required to determine whether any head lamps, auxiliary driving lamps, signal lamps and rear lamps submitted will comply with the requirements of this act and the specifications adopted by the Commissioner and to approve such head lamps, auxiliary driving lamps, signal lamps and rear lamps, and to publish lists of such devices by name and type together with the permissible candlepower rating of the bulbs as he shall determine are lawful hereunder, and to forward such lists to Registrar of Motor Vehicles and to the clerk of every municipality.

(c) Any person, firm or corporation desiring approval of a device shall submit to the Commissioner a sample of each type of device upon which approval is desired, together with a fee paid by the Commissioner not to exceed $75.00 for each type of head lamp and auxiliary driving lamp and a fee not to exceed $25.00 for each type of rear lamp or signal lamp submitted. Within 30 days the Commissioner shall, upon notice to the applicant submit such device to the United States Bureau of Standards or to such other recognized testing laboratory as he may elect for a report as to the compliance of such type of device with the standard specifications and the provisions of this act as to lighting performance. The Commissioner is authorized and required to accept the certificate of the United States Bureau of Standards or of some other recognized testing laboratory as to compliance with the specifications and requirements; provided, however, that in cases of dispute as to the findings of such other laboratory appeal may be made to the United States Bureau of Standards; and provided, also, that the Commissioner is authorized to refuse approval of any device, certified as complying with the specifications and requirements, which the Commissioner determines will be in actual use unsafe or impracticable or would fail to comply with the provisions of this act. If the certificate of the United States Bureau of Standards or of some other recognized testing laboratory as to compliance within the specifications and requirements specified in Section 53 be submitted with the application for approval of the lighting devices submitted to the Commissioner, then no fee in excess of $10.00 shall be required by the Commissioner to be paid by any applicant for approval of any lighting device as specified in this subdivision.

(d) The Commissioner shall request the testing agency to submit a report of each type of device to the Commissioner. For those which are found to comply with the specifications and requirements the report shall include any special adjustments required and the candlepower rating of the bulbs for such conformance. Reports of all tests shall be accessible to the public and a copy thereof shall be furnished by the Commissioner to the applicant for the test.

(e) The Commissioner, when having reason to believe that an approved device as being sold commercially does not comply with the requirements of this act may, after 30 days' notice to the manufacturer thereof, suspend or revoke the approval issued therefor until or unless such device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this act. The Commissioner may at the time of the retest purchase in the open market and submit to the testing agency one or more sets of such approved devices and if such device upon such retest fails to meet the requirements of this act, the Commissioner may refuse to renew the certificate of approval of such device.

(f) It shall be unlawful for any person to sell or to offer for sale either separately or as a part of the equipment of a motor vehicle any head lamp, auxiliary driving lamp, rear lamp or signal lamp approved by the commissioner unless such device bears thereon the trade-mark or name under which it is approved so as to be legible when installed, and is accompanied by printed instructions as to the candlepower of bulbs to be used therewith as approved by the commissioner and any particular methods of mounting or adjustments as to focus or aim necessary for compliance with the requirements of this act. (27, c. 412, § 52)

Explanatory note—For § 53 see § 2720-53, herein.

2720-53. Stations for adjustment of lamps—Certificate of adjustment—Arrests for driving with improperly adjusted or equipped lamps—(a) The commissioner is hereby authorized and required to designate, furnish instructions to and to supervise official stations for adjusting head lamps and auxiliary driving lamps to conform with the provisions of this act. When head lamps and auxiliary driving lamps have been adjusted in conformity with the instructions issued by the commissioner a certificate of adjustment shall be issued to the driver of the motor vehicle on forms issued in duplicate by the commissioner and showing date of issue, registration number of the motor vehicle, owner's name, make of vehicle and official designation of the adjusting station.

(b) The driver of any motor vehicle equipped with approved head lamps, auxiliary driving lamps, rear lamps or signal lamps, who is arrested upon a charge that such lamps are improperly adjusted or are equipped with bulbs of a candlepower not approved for use therewith, shall be allowed 48 hours within which to bring such lamps into conformance with the requirements of this act. It shall be a defense to any such charge that the person arrested produce in court or submit to the prosecuting attorney a certificate from an official adjusting station showing that within 48 hours after such arrest, such lamps have been made to conform with the requirements of this act. (27, c. 412, § 53)

2720-54. Parking lights—Whenever a vehicle is parked or stopped upon a highway whether attended or unattended during the times mentioned in Section 49 there shall be displayed upon such vehicle one or more lamps projecting a white light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle and projecting a yellow or red light visible under like conditions from a distance of five hundred feet to the rear, except that municipalities may provide by ordinance that no lights need be displayed, upon any such vehicle when parked in accordance with local ordinances upon a highway where there is sufficient light to reveal any person within a distance of two hundred feet upon such highway. (27, c. 412, § 54)

Explanatory note—For § 49 see § 2720-49, herein.

2720-55. Red or green lights visible from front—It shall be unlawful for any person to drive or move any vehicle upon a highway with any red or green light thereon visible from directly in front thereof.
This section shall not apply to police or fire department or fire patrol vehicles. (27, c. 412, § 55)

TITLE IV.
HIGHWAY TRAFFIC SIGNS.

Signs at railroad crossings, see §§ 4733-1 to 4733-17, herein.

2720-56. Standard of signs and signals—Conformity to. The commissioner is hereby authorized to establish a standard of highway signs and signals. Signs erected by local authorities shall conform to the standard so established as to legend, color and shape. (27, c. 412, § 56)

2720-57. Signs or signals on trunk highways—Permit for erection—No permanent sign or signal shall be erected on any trunk highway without the written consent of the commissioner; provided that when a municipality has applied to the commissioner for his consent to the erection upon a trunk highway of a sign or signal, it may place upon such trunk highway a temporary sign or signal not affixed to such trunk highway and maintain it thereon until the commissioner shall have granted or denied such application. (27, c. 412, § 57)

2720-58. Unauthorized erection, etc., of signs, etc., in imitation of official signs, etc.—Signs or signals with commercial advertising thereon—No unauthorized person shall erect or maintain upon any highway any warning or direction sign, marker, signal or light in imitation of any official sign, marker, signal or light erected under the provisions of this act, and no person shall erect or maintain upon any highway any sign or signal bearing thereon any commercial advertising. (27, c. 412, § 58)

2720-59. Injuring, defacing, etc., of signs—No person shall deface, injure, knock down, or remove any sign posted as provided in the act. (27, c. 412, § 59)

TITLE V.
PENALTIES.

2720-60. Violations of law a misdemeanor unless otherwise declared—Every person violating any of the provisions of this act shall be deemed guilty of a misdemeanor unless such violation is by this act or any other law of this state declared to be a gross misdemeanor or a felony. (27, c. 412, § 60)

2720-61. Driving while under influence of intoxicating liquors or narcotics—Gross misdemeanor—Punishment—Revocation of chauffeur's license—Prohibition from driving—Bond of persons convicted of driving while intoxicated or driving in reckless or careless manner—(a) Every person who while under the influence of intoxicating liquor or narcotics drives a vehicle upon a highway shall be guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail or workhouse for not less than ten days nor more than one year, and in addition thereto, in the discretion of the court, by a fine of not more than one thousand dollars, and the registrar of motor vehicles shall revoke any chauffeur's license which such person may have to operate a motor vehicle under the laws of this state, and such person shall also be prohibited from operating any motor vehicle upon the highways for a period of three months after the date of such conviction, for the first offense, and for such period, not less than three months nor more than one year as shall be fixed by the court, upon each subsequent conviction.

2720-62. Violations of provisions relating to stopping, etc., after accidents—Penalty—Subdivision (a). The driver of any motor vehicle involved in an accident resulting in injury or death to any person who violates the provisions of Section 30 of this act shall be guilty of a gross misdemeanor.

(b) The driver of any motor vehicle involved in an accident resulting in damage to property who violates the provisions of Section 30 of this act shall be guilty of a misdemeanor.

2720-63. Persons arrested taken before magistrate—Immediate hearing—Release on recognizance or deposit of cash bail—Written notice to offender to appear where violation constitutes misdemeanor—In case any person shall be taken into custody because of any violation of the provisions of this Act, he shall forthwith be taken before any magistrate in the county. If he be so taken before a magistrate during usual business hours, he shall be entitled to an immediate hearing; and if such hearing cannot reasonably be had, or if he shall not desire it, he shall be released upon giving a recognizance with sufficient sureties, or upon depositing cash bail, in such amount as the magistrate shall determine, to appear and answer for such violation at such time and place as shall be fixed by the magistrate. In case the violation is a misdemeanor the arresting officer may, in lieu of taking the prisoner before a magistrate serve a written notice upon him to appear before such magistrate at a time and place fixed in said notice. (27, c. 412, § 63)

2720-64. Reports and abstracts kept by magistrates—Certified copies of judgments of conviction for registrar—(a) Every magistrate in this state shall keep a full report of every case in which a person is charged with violation of any provision of this Act, and in the event that such person is convicted or that his bail is forfeited, an abstract of such report shall be sent forthwith by the magistrate to the registrar of motor vehicles but this requirement shall not be deemed to make such court a court of record.

(b) Abstracts required by this section shall be made upon forms prepared by the registrar of motor

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vehicles and shall include all necessary information as to the parties to the case, the nature of the offense, the date of hearing, the plea, the judgment, the amount of the fine or forfeiture, as the case may be, and every such abstract shall be certified by the magistrate as a true abstract to the record of the court.

(c) Each clerk of any court of record of this state shall also, within ten days after any final judgment of conviction of any violation of any of the provisions of this Act, send to the registrar of motor vehicles a certified copy of the judgment of conviction. Certified copies of the judgment shall also be forwarded to the registrar of Motor vehicles upon conviction of any person of manslaughter or other felony in the commission of which a vehicle was used. The said registrar of motor vehicles shall keep such records in his office. (27, c. 412, § 64)

TITLE VII. EFFECT OF AND SHORT TITLE OF ACT.

2720-65. Construction to effect uniformity of law in states adopting same—This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it. (27, c. 412, § 65)

2720-66. Citation of Act—This Act may be cited as the Uniform Highway Traffic Act. (27, c. 412, § 66)

2720-67. Partial invalidity of act—If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. The Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional. (27, c. 412, § 67)

2720-68. Laws repealed—Chapter 416, Laws of 1925, and Chapter 396, Laws of 1921 are hereby repealed and all other Acts and parts of Acts inconsistent herewith are hereby repealed to the extent of such inconsistency. (27, c. 412, § 68)

Explanatory note—Laws 1925, c. 416, repealed by this section, was an act entitled "An act to regulate traffic and the operation of vehicles upon streets and highways; to appropriate money therefor, to provide penalties; and to repeal Sections 2632, 2634, 2636, 2701, 2702, 2706, 2707, 2708, 2709, 2710, 2711, 2712, 2716, and 2718, General Statutes of 1913, and all other Acts and parts of Acts inconsistent herewith, and designated as "The Highway Traffic Act of Minnesota." For Laws 1921, c. 396, see §§ 2632 to 2636, herein.

Laws 1925, ch. 416, § 10.

214-311.

Under the circumstances mentioned in the opinion, the plaintiff was not guilty of contributory negligence as a matter of law in crossing a street, where he was struck by an automobile. 212-410.

Laws 1925, ch. 416, § 15.

It was for the jury to say whether the driver passed a street car at an intersection. 214-399.

Laws 1925, ch. 416, § 12.

212-413.


It was error to charge the jury that defendant was guilty of negligence as a matter of law because of failure to stop 10 feet behind the gates of a street car when it was about to stop for the accommodation of passengers. 214-956.


212-413.

2720-69. Time of taking effect of act—This Act shall take effect from and after its passage. (27, c. 412, § 69)

Explanatory note—This act was approved April 23, 1927.

TAX ON GASOLINE, DISTILLATE, BENZINE, NAPTHA, BENZOL, LIBERTY FUEL, ETC., USED FOR PROPULSION OF MOTOR OR OTHER VEHICLES ON PUBLIC HIGHWAYS.

2720-70. Definitions—Unless the language or context clearly indicates that a different meaning is intended, the following words, terms and phrases shall, for the purpose of this act, be given the meanings hereinafter subjoined to them:

(a) "Gasoline" includes all gasoline, distillate, benzine, naptha, benzol, liberty fuel, and other volatile and inflammable liquids used or useful in producing or generating power for propelling motor or other vehicles on the public highways of this state, but does not include the product commonly known as kerosene oil.

(b) "Motor vehicles used on the public highways of this state" includes every vehicle operated upon the highways of this state the power for the operation of which is produced or generated by gasoline, but does not include tractors used solely for agricultural purposes or for drawing threshing machines or for road work other than hauling material.

(c) "Used in motor vehicles" means used in producing or generating power for propelling motor vehicles used on the public highways of this state.

(d) "Distributor" includes every person, partnership, company, joint stock company, corporation, or association of persons however organized, who brings or causes to be brought gasoline into this state 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 compiles gasoline in this state for storage, sale, distribution, or use therein.

(e) "Inspector" means the chief oil inspector, "auditor" means the state auditor, and "treasurer" means the state treasurer, of the State of Minnesota. (25, c. 297, § 1)

Explanatory note—Section 19 of Laws 1925, c. 297, repeals all inconsistent laws and parts of laws. 2720-71.

2720-71. Rate of tax—There is hereby imposed an excise tax of two cents per gallon on all gasoline used in producing or generating power for propelling motor vehicles used on the public highways of this state. Said tax shall be payable at the times, in the manner, and by the persons hereinafter specified. (25, c. 297, § 2)

2720-72. Certified statements by chief oil inspector of oils inspected—Mailing—Computation of tax—Evaporation and loss—Adjustments—Payment of taxes due to inspector—Time for—On or before the fifteenth day of each month the inspector shall cause to be mailed to each person for whom the inspected gasoline is required by the oil inspection laws of this state during the next preceding calendar month, a certified statement of the date of and number of gallons included in each inspection, the aggregate number of gallons inspected and the amount of tax payable on account thereof; provided, however, that in computing such tax a deduction of three per cent of the quantity of gasoline inspected shall be allowed for evaporation.
and loss. The inspector may make therein proper ad-
justment, either by addition or deduction, for errors
observed in any previous collection. The inspector
shall note upon the records of the inspector the date of
the mailing of such statement, which record shall be
conclusive evidence of the proper mailing thereof.
There may be included in such statement the amount
due for all inspections fees for the same period. The
amount of tax and fees shown on such statement shall
be paid to the inspector on or before the 15th day of
the month succeeding the month in which the state-
ment is so mailed. (25, c. 297, § 3; amended '27, c.
434, § 1)

2720-73. Taxes paid deposited with active state de-
pository designated by Executive Council to credit of
gas tax account—Checks by inspector to state treas-
urer on such account—Monthly certificates by inspector
to state auditor—Drafts by auditor on treasurer—Pay-
ment thereof and credit to trunk highway fund—Trans-
fer by comptroller of funds from gas tax account to
trunk highway fund—All taxes paid to the inspector
shall immediately be deposited in an active state de-
pository to be designated by the Executive Council,
such deposit to be carried upon the records of the in-
spectors and of the depository in the name of the state
in an account to be known as Gas Tax Account. The
inspector shall on each business day deliver to the
comptroller a check on such account for all collections of
the previous day, less any sums which may have been
paid out for refunds as provided by Section 10 of this
Act. The treasurer shall apply the payment to de-
partmental receipts collections for the current month
and shall also carry the same in a gasoline tax account.
At the end of each month the inspector shall certify to
the auditor the total collections for the month, less re-
unds made therefrom, in the manner provided for the
certifying of department receipts. Upon receipt of such
certificatethe auditor shall issue his draft upon the
treasurer for the amount thereof, who shall pay the
same out of the gasoline tax account and credit the
proceeds to the Trunk Highway Fund. The comptroller
may at any time authorize the transfer by the auditor
and treasurer to the Trunk Highway Fund of any
money in the gasoline tax account. (25, c. 297, § 4;
amended '27, c. 434, § 2)

Explanatory note—For section 10, see § 2720-79, herein.

2720-74. Penalty and interest on non-payment of
tax—Lien—In case any tax imposed hereunder is not
paid when due, a penalty of ten per cent of the amount
thereof shall immediately accrue, and thereafter said
tax and penalty shall bear interest at the rate of one
per cent per month until the same is paid. The tax
imposed hereunder and the penalties and interest there-
on shall be a lien upon all and singular the property,
estate and effects of the distributor or person from
whom it is due, and shall take precedence of all de-
mands and judgments against, and of all liens and
cumbrances upon the property of, such distributor
or person. (25, c. 297, § 5; amended '27, c. 434, § 3)

2720-75. Delinquent taxes—Certified statements de-
ivered to Attorney General—Collection by Attorney
General—Inspections refused to delinquents—Sales to
delinquent distributors—(a) On or before the twenty-
fifth day of each month, the inspector shall deliver to
the attorney general a certified statement of the
amount due from each person whose excise taxes are
delinquent. Such statement shall give the address of
the person owing such tax, the month for which the
tax is due, the date of delinquency and such other in-
formation as may be required by the attorney general.

It shall be the duty of the attorney general upon re-
cipient of any such statement to bring an action in the
district court of the county, or of the city in which
the taxpayer resides, to recover the amount of such
tax with penalty, interest, costs and disburse-
ments. The judgment of the court when so obtained
shall draw interest at the rate of one per cent per
month and shall be enforceable in the manner provided
by law for the enforcement of judgments obtained in
private actions.

(b) No inspections shall be made for any person
whose tax has been certified to the attorney general.

(c) No person shall sell gasoline to any distributor
for whom inspections may not be made by reason of
delinquency in the payment of any tax due under this
Act. (25, c. 297, § 6; amended '27, c. 434, § 4)

2720-76. Inspector's certificates prima facie evidence
The inspector's certified statements shall for all
purposes and in all courts be prima facie evidence of
the facts therein stated and that the amount shown
therein is due from the person named in such state-
ment. (25, c. 297, § 7; amended '27, c. 434, § 5)

2720-77. Reports by distributors, etc.—Tax on kero-
seen for propulsion of motor vehicles—Persons to
whom section applies—It shall be the duty of every
distributor and of every person who sells gasoline to
report to the inspector the number of gallons of gas-
oline in his possession at the time this act takes effect,
and the inspector shall thereupon determine and certify
as herein provided the tax on account of such gasoline
which is hereby imposed. It shall be the duty of every
person using kerosene in generating power for pro-
pelling motor vehicles on the public highways of this
state to report to the inspector the quantity of kero-
seen so used by him. There is hereby imposed an
excise tax of two cents per gallon on all kerosene so
used. The inspector shall certify the tax on account
of the use of such kerosene as herein provided, and the
person named in such certificate shall become liable
for the payment of said tax, and all the provisions of
this act relating to the calculation and collection of
taxes in respect of inspected gasoline and all other
provisions of this act shall be applicable to any such
person.

(d) It shall be the duty of every distributor and of every
person who sells or uses gasoline manufactured, pro-
duced, or stored by him, and of every person using
gasoline in motor vehicles, if the same has not been
inspected or if the tax on account thereof has not been
paid, to report to the inspector the quantity of such
gasoline so sold or used by him. The inspector shall
certify the tax thereon to the auditor as herein pro-
duced, and the person named in such certificate shall
become liable for the payment of said tax, and all the
provisions of this act relating to the calculation and
collection of taxes in respect of inspected gasoline and
all other provisions of this act shall be applicable to
any such person.

This section shall apply to any resident of this state
who, having acquired gasoline outside the state, shall
use the same in motor vehicles in this state, or who
shall possess the same within the state for such use,
and to persons who, although not residents of the state,
shall regularly or habitually use and operate motor
vehicles upon the public highways of this state, and
the tax hereby imposed shall be payable by such per-
sions on gasoline used or hold for use by them in motor
vehicles in this state although the same shall have
been acquired outside the state. It shall not apply to
persons who are not residents of the state and who, as
transients, operate automobiles into or through the state using therein gasoline acquired outside of the state. (25, c. 297, § 8)

2720-78. Gasoline deemed intended for use in motor vehicles—All gasoline inspected for unloading in this state and all gasoline produced in or brought into this state shall be deemed to be intended for use in motor vehicles in this state, and every person who pays the tax imposed by this act shall be deemed to have paid the same for and on behalf of the person using such gasoline in motor vehicles in this state. If the person directly or indirectly paying said tax shall not in fact use said gasoline in motor vehicles in this state, but shall sell or otherwise dispose of the same except for use as provided in Section 11 of this act, he is hereby authorized to collect from the person to whom said gasoline is sold or disposed of the tax so paid by him, and is hereby required upon request to make, sign and deliver to such person an invoice of such sale or disposition. (25, c. 297, § 9)

Explanatory note—For § 11, see § 2720-80, herein.

2720-79. Gasoline used for purposes other than motor vehicles—Reimbursement of taxes paid—False statements or claims—Gross misdemeanor—Any person who shall buy and use gasoline for any purpose other than use in motor vehicles, and who shall have paid any excise tax required by this Act to be paid directly or indirectly through the amount of such tax being included in the price of such gasoline or otherwise, shall be reimbursed and repaid the amount of such tax paid by him upon presenting to the inspector a verified claim in such form and containing such information as the inspector shall require and accompanied by the original invoice thereof, which claim shall set forth the total amount of such gasoline so purchased and used by him other than in motor vehicles, and shall state when and for what purpose the same was used. If the inspector be satisfied that the claimant is entitled to payment, he shall approve the claim. Upon the approval of any such claim the inspector shall draw his check on the gas tax account payable to the person entitled thereto. No such repayment shall be made unless the claim and invoice be presented to the inspector within four months from the date of such purchase.

Every person who shall make any false statement in any claim or invoice presented to the inspector, or who shall knowingly present to the inspector any claim or invoice containing any false statement, or shall collect or cause to be paid to him or to any other person any such refund without being entitled thereto, shall be guilty of a gross misdemeanor. (25, c. 297, § 10; amended '27, c. 434, § 6)

2720-80. Gasoline used by the United States not subject to tax—Refunds—Gasoline used by the United States or any of its government owned instrumentalities shall not be subject to tax hereunder. Any person selling gasoline at such use who has directly or indirectly paid on account thereof the tax hereby imposed may file with the inspector a verified claim for the refund of the tax so paid, and the inspector shall thereupon deduct from any certificate of tax that he may make against such person within twenty days after the receipt of such claim the amount of the tax so paid; and if no such certificate is made within twenty days after the filing of such claim, such person shall be entitled to a refund, pursuant to the refund provisions of this act, of the tax so paid. (25, c. 297, § 11)

2720-81. Gasoline used in foreign or interstate commerce—Refunds—Neither this act nor any of the provisions hereof shall apply to or be construed to apply to foreign or interstate commerce, except in so far as the same may be permitted under the constitution and the laws of the United States.

No tax shall become due heretofore on account of gasoline until the same shall have come to rest in this state and is held for storage, sale, distribution or use therein, or on account of gasoline exported from this state.

If through error or otherwise any person shall cause to be inspected gasoline in interstate commerce, or gasoline exported from this state, and if he shall within twenty days of the date of such inspection make verified report of the facts to the inspector no tax shall be certified or collected on account thereof.

If through error or otherwise a tax shall have been imposed and paid on account of gasoline in interstate commerce or gasoline exported from the state, the same shall be refunded pursuant to the refund provisions hereof or by immediate adjustment in accordance with the provisions of Section 3 of this act. (25, c. 297, § 12)

Explanatory note—For § 3, see § 2720-12, herein.

2720-82. Tax in lieu of other taxes—Municipal licenses and regulations—The tax herein provided for shall be in lieu of all other taxes imposed upon the business of selling or dealing in gasoline, whether imposed by the state or by any of its political subdivisions, but shall be in addition to all ad valorem taxes now imposed by law; provided however that nothing herein contained shall be construed as prohibiting the governing body of any city or village of this state from licensing and regulating such business wherever authority therefor is or may hereafter be conferred by state law or city or village charter. (25, c. 297, § 13)

2720-83. Distributors' certificates filed—Every distributor coming under the provisions of this act shall file with the inspector a duly acknowledged certificate upon a form prepared and furnished by the inspector, which shall contain:

(1) The name under which he is transacting business in this state.
(2) If a corporation or company or association, however organized, the name of the state under whose laws it is organized, the name under which it is authorized to transact business in this state, the names, titles and addresses of all principal officers, resident managers, general agents and attorneys in fact, and of the agent appointed and authorized by it to accept service of process in this state, and if the organizing of the distributor be such that he must under the general laws of this state obtain a license before being permitted to do business therein, a statement that such license has been issued and is in force; and, if a partnership, the names and addresses of all partners and persons having a financial interest therein.
(3) The kind or kind of business done by him, and the place or places within this state where such business is done.

No distributor shall store, sell, distribute or use gasoline within this state until such certificate shall have been filed. (25, c. 297, § 14)

2720-84. Records of distributors, etc.—Every distributor and every person using gasoline in motor vehicles in this state the tax on account of which has not been paid shall keep a record in such form as may be prescribed by the inspector of all receipts, purchases, sales, distribution and use of gasoline in this state, and shall permit the inspector or the
public examiner to examine the same at any time during business hours. (25, c. 297, § 15)

2720-85. Rules and regulations by inspector—Powers and duties of inspector—Powers of Director of Standards—It shall be the duty of the inspector to adopt and publish rules and regulations not inconsistent herewith for the purpose of carrying out the provisions of this Act, which rules and regulations shall so far as practicable conform to the rules and regulations relating to all inspection, and be shall at the time and in the manner that he performs the duties imposed upon him, and enforces the provisions of the oil inspection laws, perform the duties imposed upon him by and enforce the provisions of this Act. All authority conferred upon the inspector by this Act shall be subject to the authority and powers conferred upon the Director of Standards by Section 2, Article XII, Chapter 426, Laws 1925. (25, c. 297, § 16; amended '27, c. 454, § 7)

Explanatory note—For Laws 1925, c. 426, Art. XII, § 2, see § 33-38, herein.

2720-86. Violations of law—Misdemeanor—Every person who fails or refuses to comply with any of the provisions of this act shall, except as herein otherwise provided, be guilty of a misdemeanor. (25, c. 297, § 17)

2720-87. Partial invalidity of law—If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this act. (25, c. 297, § 18)

CHAPTER 13A
VESSELS NAVIGATING LAKES AND RIVERS

§ 2720-85

2721. Definitions—That the following regulations for preventing collisions shall be followed by all vessels navigating all lakes and rivers of the state of Minnesota:

In the following rules every steam vessel which is under sail and not under steam is to be considered a sailing vessel, and

Every vessel under steam, whether under sail or not, is to be considered a steam vessel.

The word "steam vessel," shall include any vessel propelled by machinery.

A vessel is "under way" within the meaning of these rules, when she is not at anchor, or made fast to the shore, or ground.

The word "visible" in these rules, when applied to lights, shall mean visible on a dark night with a clear atmosphere. ('09 c. 278 § 1) [2640]

Section 20 repeals inconsistent acts and parts of acts.

2722. Lights—Within what hours—The rules concerning lights shall be complied with in all weather from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited. ('09 c. 278 § 2) [2650]

2723. Steam vessel under way—A steam vessel, when under way shall carry:

(a) On or in front of the foremost, or, if a vessel without a foremost, then in the fore part of the vessel, a bright white light so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side, and of such character as to be visible at a distance of at least five miles.

(b) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least two miles.

(c) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible at a distance of at least two miles.

(d) The said green and red side lights shall be fitted within board screens projecting at least three feet forward from the light, so as to prevent those lights from being seen across the bow.

(e) All steam vessels (except sea-going vessels and ferry boats), shall carry in addition to green and red lights required by article two, (b), (c) and screens as required by article two (d) a central range of two white lights. The head light shall be so constructed as to show an unbroken light through twenty points of the compass, namely, from right ahead to two points abaft the beam on either side of the vessel, and the after light so as to show all around the horizon. ('09 c. 278 § 3) [2651]

2724. Sailing vessel—A sailing vessel under way or being towed shall carry at the mast head a white light in a lantern so constructed as to show a clear, uniform and unbroken light visible all around the horizon at a distance of at least five miles. ('09 c. 278 § 4) [2652]

2725. Row boats—Lanterns to be carried—Roving boats, whether under oar or sail, shall have ready at hand a lantern showing a white light which shall be temporarily exhibited in sufficient time to prevent collision. ('09 c. 278 § 5) [2653]
2726. Risk of collision—Risk of collision can, when circumstances permit, be ascertained by careful watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist. ('09 c. 278 § 5) [2654]

2727. Sailing vessels approaching one another—When two sailing vessels are approaching one another so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, namely:
(a) A vessel which is running free shall keep out of the way of a vessel which is close-hauled.
(b) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.
(c) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.
(d) When both are running free, with the wind on the same side the vessel which is to the windward shall keep out of the way of the vessel which is to the leeward.
(e) A vessel which has the wind aft shall keep out of the way of the other vessel. ('09 c. 278 § 6) [2655]

2727a. Steam vessels approaching one another—Rule No. 1. When steam vessels are approaching each other head on, that is, end on, or nearly so, it shall be the duty of each to pass on the port side of the other; and either vessel shall give as a signal of her intention one short and distinct blast of her whistle which the other vessel shall answer promptly by a similar blast of her whistle, and thereupon such vessels shall pass on the port side of each other, but if the course [s] of such vessels are so far on the starboard of each other as not to be considered as needing head and head, either vessel shall immediately give two short and distinct blasts of her whistle, which the other vessel shall answer promptly by two similar blasts of her whistle, and they shall pass on the starboard side of each other. The foregoing only applies to cases where vessels are meeting end on or nearly end on, in such a manner as to involve risk of collision; in other words, to cases in which, by day, each vessel sees the mast of the other in a line, or nearly in a line, with her own, and by night to cases in which each vessel is in such a position as to see both the side lights of the other. It does not apply by day to cases in which a vessel sees another ahead crossing her own course, or by night to cases where the red light of one vessel is opposed to the red light of the other, or where the green light of one vessel is opposed to the green light of the other, or where a red light without a green light, or where a green light without a red light is seen ahead, or where both green and red lights are seen anywhere but ahead.

Rule No. 2. If, when steam vessels are approaching each other, either vessel fails to understand a course or intention of the other, from any cause, the vessel so in doubt shall immediately signify the same by giving several short and rapid blasts, not less than four, of the steam whistle.

Rule No. 3. Whenever a steam vessel is nearing a short bend or curve in the channel, where, from the height of the banks or other cause, a steam vessel approaching from the opposite direction cannot be seen for a distance of half a mile, such steam vessel, when she shall have arrived within a half mile of such curve, or bend, shall give a signal by one long blast of the steam whistle, which signal shall be answered by a similar blast, given by any approaching steam vessel that may be within hearing. Should such signal be so answered by a steam vessel upon the farther side of such bend, then the usual signals for meeting and passing shall immediately be given and answered; but, if the first alarm signal of such vessel be not answered, she is to consider the channel clear and govern herself accordingly. When steam vessels are moved from their docks or berths, and other boats are liable to pass from any direction toward them, they shall give the same signal as in the case of vessels meeting at a bend, but immediately after clearing the berths so as to be fully in sight they shall be governed by the steering and sailing rules.

Rule No. 4. When steam vessels are running in the same direction, and the vessel which is astern shall desire to pass on the right or starboard hand of the vessel ahead, she shall give one short blast of the steam whistle, as a signal of such desire, and if the vessel ahead answers with one blast, she shall put her helm to port; or if she shall desire to pass on the left or port side of the vessel ahead, she shall give two short blasts of the steam whistle as a signal of such desire, and if the vessel ahead answers with two blasts, shall put her helm to starboard; or if the vessel ahead does not think it safe for a vessel astern to pass at that point she shall immediately signify the same by giving several short and rapid blasts of the steam whistle, not less than four, and under no circumstances shall the vessel astern attempt to pass the vessel ahead until such time as they have reached the point where it can be safely done, when said vessel astern shall signify her intention by giving the proper signals. The vessel ahead shall in no case attempt to cross the bow or crowd upon the course of a passing vessel.

Rule No. 5. The whistle signals provided in the rules under this article, for steam vessels meeting, passing, or overtaking, are never to be used except when steamers are in sight of each other, and the course and position of each can be determined in the daytime by a sight of the vessel itself, or by night by seeing its signal lights. ('09 c. 278 § 7) [2656]

2728. Steam vessels crossing—When two steam vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other. ('09 c. 278 § 8) [2657]

2729. Steam and sailing vessels involving risks of collision—When a steam vessel and a sailing vessel or rowing boat are proceeding in such direction as to involve risk of collision, the steam vessel shall keep out of the way of the sailing vessel or rowing boat. ('09 c. 278 § 9) [2658]

2730. Course and speed—Where, by any of these rules, one of the two vessels is to keep out of the way, the other shall keep her course and speed. ('09 c. 278 § 10) [2659]

2731. Crossing ahead of the other—Every vessel which is directed by these rules to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead of the other. ('09 c. 278 § 11) [2660]

2732. Slackening of speed—Every steam vessel, which is directed by these rules to keep out of the way of another vessel, shall, on approaching her, if necessary, slacken her speed or stop or reverse. ('09 c. 278 § 12) [2661]

2733. Overtaking of another vessel—Notwithstanding anything contained in these rules, every vessel overtaking any other shall keep out of the way of the overtaken vessel. Every vessel coming up with another vessel from any direction more than two points
abaft her beam, that is, in such a position with reference to the vessel which she is overtaking that at night she would be unable to see either of that vessel's sidelights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel, within the meaning of these rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally passed and cleared. As by day the overtaking vessel cannot always know with certainty whether she is forward of or abaft this direction from the other vessel, she should, if in doubt, assume that she is an overtaking vessel, and keep out of the way. ('09 c. 278 § 13) [2662]

2734. In narrow channels—In narrow channels every steam vessel shall, when it is safe and practicable, keep to that side of the fair-way or mid-channel which lies on the starboard side of such vessel. ('09 c. 278 § 14) [2663]

2735. Sailing vessels to keep out of way—Sailing vessels under way shall keep out of the way of sailing vessels or boats fishing with nets, or lines, or trawls. This rule shall not give to any vessel or boat engaged in fishing the right of obstructing a fair-way used by vessels other than fishing vessels or boats. ('09 c. 278 § 15) [2664]

2736. Construction of rules—In obeying and construing these rules due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger. ('09 c. 278 § 16) [2665]

2737. Steam vessel under way—When vessels are in sight of one another a steam vessel under way whose engines are going at full speed astern shall indicate that fact by three short blasts on the whistle. ('09 c. 278 § 17) [2666]

2738. Rules not to exonerate—Nothing in these rules shall exonerate any vessel, or the owner or master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case. ('09 c. 278 § 18) [2667]

2739. Violation of rules—Penalty—That every pilot, engineer, mate, or master of any steam vessel, and every master or mate of any barge, who neglects or refuses to observe the provisions of this act, or the regulations established in pursuance of the preceding sections shall be liable to a penalty not to exceed fifty dollars, and for all damages sustained by any passenger in his person or baggage by such neglect or refusal. Provided, that nothing herein shall relieve any vessel, owner, or corporation from any liability incurred by reason of such neglect or refusal. ('09 c. 278 § 19) [2668]

2740. Lights on launches and sailboats—Every person who navigates any steam launch, gasoline launch or sailboat, or who permits any such boat owned by him to be navigated, at night, on any waters of this state without having such boat equipped with a suitable light, placed at the bow of any such launch or at the mast of any such sailboat, and so arranged as to be plainly visible for at least one hundred yards, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment for not less than ten days nor more than thirty days. (09 c. 146 § 1) [2669]
1940 Supplement

To

Mason’s Minnesota Statutes

1927

(1927 to 1940)
(Superseding Mason’s 1931, 1934, 1936 and 1938 Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, 1937 and 1939 General Sessions, and the 1933-34, 1935-36, 1936 and 1937 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with digest of all common law decisions.


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William H. Mason

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The treasurer of the corporation created under Section 13 of this act shall give a bond to the corporation in such sum and with such surety as the corporation may determine, conditioned in like manner as the bonds of treasurers of public bodies, to be approved and filed as the corporation may determine. (c) The corporation created under Section 13 of this act may designate one or more state or national banks as depositories of its funds, and may provide, upon such conditions as the corporation may determine, that the treasurer of the corporation shall be exempt from personal liability for loss of funds deposited in any such depository due to the insolvency of other acts or omissions of such depository. (Laws 1931, c. 358, §14; Laws 1933, c. 332, §8; Mar. 11, 1935, c. 40, §2.)

Act Apr. 20, 1933, cited, adds sections 12, 13 and 14 to Act 1931, c. 358. The enacting part provides that the words "this act" shall be deemed to refer to the amended act as amended.


NAVAL MILITIA

2520. Naval Militia not to exceed eight companies.

The Naval Militia shall consist of not to exceed eight divisions or companies and a squadron of air service, organized into such number of battalions as the tactical situation may require. (Laws 1911, c. 355; '05, c. 34, §1; '09, c. 389, §1; G. S. '13, §15, Laws 1933, c. 353, §1; Apr. 25, 1929, c. 296.)

(e) The corporation created under Section 13 of this act may designate one or more state or national banks as depositories of its funds, and may provide, upon such conditions as the corporation may determine, that the treasurer of the corporation shall be exempt from personal liability for loss of funds deposited in any such depository due to the insolvency of other acts or omissions of such depository. (Added as §14, Laws 1931, c. 358, by Act Apr. 20, 1933, c. 332, §8; Mar. 11, 1935, c. 40, §2.)

WAR RECORDS


CHAPTER 13

ROADS

GENERAL HIGHWAY ACT

2549. Scope of act.

175M683, 225NW358; note under §2554.


A village approving plans of construction by state highway commissioner of a trunk highway upon a village street and authorizing a change of grade according to such plan, makes itself liable for the damage caused by change in the grade, in the absence of any acquiescence of liability by the state. 175M644, 226NW358.

Folowed in Foss v. M., 175M430, 227NW357.

State cannot reimburse county out of trunk highway fund approved for a right-of-way for an armory built by county and later designated and taken over by state as trunk highway. State v. Babcock. 186M132, 235NW474. See Dun. Dig. §492.

There is no statutory provision by which one town can compel another to maintain its half of a town line road where there has been no agreement for the division of the road for purpose of maintenance, the only remedy being application to the county board under §2507. Op. Atty. Gen., June 27, 1939.

Where "state rural highway" was established and constructed under Laws 1911, ch. 284, and was later designated as a temporary trunk highway and was turned back to county by state under §2554(4)(a) as the highway could not revert to its former status of "state rural highway" but became a county road that could not be turned over to the county for maintenance except pursuant to §2582. Op. Atty. Gen. (277a-15), Nov. 7, 1925.

(d) The treasurer of the corporation created under Section 13 of this act shall give a bond to the corporation in such sum and with such surety as the corporation may determine, conditioned in like manner as the bonds of treasurers of public bodies, to be approved and filed as the corporation may determine.

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Where "state rural highway" was established and constructed under Laws 1911, ch. 284, and was later designated as a temporary trunk highway and was turned back to county by state under §2554(4)(a) as the highway could not revert to its former status of "state rural highway" but became a county road that could not be turned over to the county for maintenance except pursuant to §2582. Op. Atty. Gen. (277a-15), Nov. 7, 1925.
§2544. Width of Roads.
Land taken for a public cartway is taken for a public purpose although the one to whose land the cartway extends is paid for the improved highway, 170M115, 221NW587. Each road on county line remained open for entire width, though only part of width was constructed. Op. Atty. Gen., June 21, 1932.

2545. Width of bridges and culverts.—All bridges and culverts, and approaches thereto, on any road hereafter constructed, except car-tracks for improved trunk highway shall be at least twenty (20) feet wide; and when such bridge in its construction or repair shall be raised three feet or more above the level of the bank on either side of the river, stream, gully, or drainage ditch, then such bridge and approaches shall be at least twenty-four (24) feet wide and provided with substantial railings. (As amended Apr. 20, 1939, c. 314.)

2546. Width and clearance of railroad bridges.—Whenever any railroad company shall hereafter construct or substantially reconstruct a bridge over a public highway, the same shall be constructed so as to leave a clear opening for the highway at least twenty-eight (28) feet wide and at least fourteen (14) feet clear space from the surface of the highway to the center line of the bridge; provided, however, that the requirement for the clear opening for the highway may be modified by the Commissioner of Highways upon plans approved by him. (As amended Apr. 21, 1939, c. 393.)

Negligence of railroad in failing to comply with this section is a sufficient title to support an application for an in- juction. State v. Nelson, 189M87, 248NW751. See Dun. Dig. 8121.

2547. Width and clearance of railroad bridges.—Any bridge hereafter constructed on any public highway, the same shall be constructed so as to leave a clear opening for the highway at least twenty-four (24) feet wide and the approaches thereto shall be at least two-ty-eight (28) feet wide and the grade of such approach shall not exceed five (5) feet per hundred feet (100) feet. Such bridge shall leave a clear space above the railroad rails of at least twenty-one (21) feet measured vertically; provided, however, that the requirements for the width of the bridge and for the width of the approach may be modified by the Commissioner of Highways upon plans approved by him. (As amended Apr. 21, 1939, c. 592.)

2548. Trunk highways.
A highway is a road, a grade, or a platform of construction by state highway commissioner of a trunk highway upon a village street and authorizing a change of grade according to section 2554, the court shall not itself liability, the damages caused abutting property by such change, in the absence of assumption of such liability by the state. 170M114, 226NW398. Followed in Pees v. M., 178M420, 277NW157. Exemption of cause of action for highway purposes is a sufficient title to support an application for an injunction. Acorn v. Hanson, 189M87, 248NW1571. See Dun. Dig. 4155, 4157, 4180.

Supervision and control by highway commissioner over trunk highways,的程度 than provided for, but extended to entire right of way. Otten v. B., 185M86, 270NW153. See Dun. Dig. 6452.

2550. State aid roads.

2551. County roads.


A railroad company which constructs an overhead railroad bridge on which there was a defective reflector was guilty of contributory negligence, held for jury. Murphy v. G., 189M10D, 248NW715. See Dun. Dig. 8120, 8121.

A railroad company owes common-law duty to provide protective measures for safety of traveling public. Id. See Dun. Dig. 8452.

Followed in Foss v. M., 178M430, 227NW357.

County is not liable for injuries arising from collision of automobile with tree which blew down in the highway, or for the negligence of a snowplow driver in backing into an automobile. Op. Atty. Gen., June 27, 1930.

Order that portion of road within county should be sold may be made by the county with the consent of the property owner. Whether driver of automobile striking middle pier of bridge in its construction or repair was not within owner's control in sight of automobile, held not contributory negligence. Op. Atty. Gen., Aug. 19, 1932.

County has no legal authority or power to grant privilege to individuals of installing gasoline curb pumps on state trunk highway, and a village would be liable for any injuries caused by such an obstruction to public travel. Op. Atty. Gen., June 18, 1936.

2552. Town roads.

If the town board, acting in good faith, replaces a culvert or bridge 14 ft. wide by a cement culvert 48 in. in diameter, the members of the board are not personally liable for injury to surrounding property by incompetence of the department of public works, but may make at the discretion pay premiums on insurance policy for protection of individual driver. Op. Atty. Gen. (152a-61), Mar. 17, 1937.

County was liable to telephone company for negligence of its employees in setting fire to poles while burning weeds on county aid road. Op. Atty. Gen. (125a-29), June 20, 1928.

2553. Gravel roads.
Any bridge hereafter constructed on any public highway, the same shall be constructed so as to leave a clear opening for the highway at least twenty-eight (28) feet wide and the approach thereto shall be at least twenty-four (24) feet wide and the grade of such approach shall not exceed five (5) feet per hundred feet (100) feet. Such bridge shall leave a clear space above the railroad rails of at least twenty-one (21) feet measured vertically; provided, however, that the requirements for the width of the bridge and for the width of the approach may be modified by the Commissioner of Highways upon plans approved by him. (As amended Apr. 21, 1939, c. 592.)

A railroad company owes common-law duty to provide protective measures for safety of traveling public. Id. See Dun. Dig. 8452.

County board advertised for bids for graveling a highway as a county road, when it was in fact a town road, it was without authority to proceed with the contract, and was not justified in awarding the contract for return in order to execute the contract. Op. Atty. Gen., Sept. 8, 1920.

If county board constructs a gravel road or extends a gravel road, it shall be at least twenty-eight (28) feet wide and at least fourteen (14) feet clear space from the surface of the highway, and shall be provided with substantial railings. (As amended Apr. 20, 1939, c. 314.)


County is not liable for injuries arising from collision of automobile with tree which blew down in the highway, or for the negligence of a snowplow driver in backing into an automobile. Op. Atty. Gen., June 27, 1930.

Order that portion of road within county should be sold may be made by the county with the consent of the property owner. Whether driver of automobile striking middle pier of bridge in its construction or repair was not within owner's control in sight of automobile, held not contributory negligence. Op. Atty. Gen., Aug. 19, 1932.

County has no legal authority or power to grant privilege to individuals of installing gasoline curb pumps on state trunk highway, and a village would be liable for any injuries caused by such an obstruction to public travel. Op. Atty. Gen., June 18, 1936.
County constructing a county aid road in a township where a farmer's adjoining field was damaged by blasting stump, if its officers or agents were negligent. Op. Atty. Gen., Mar. 28, 1934.


A town is not liable for damages resulting from negligence of officers in repairs, but officer may be personally liable. (377a-6-3), July 24, 1934.

Cost of constructing town roads is imposed upon township, though county is authorized to appropriate money to towns in aid of construction and maintenance. Op. Atty. Gen. (377b-10(f)), October 20, 1936.


2553-1. Town clerks to report miles of highway.—On or before June first, 1931, and on or before June first of every odd-numbered year thereafter, the clerk of each township shall file with the county auditor of his county a verified written statement showing the number of miles of public highways within the township under the supervision and jurisdiction of the town board. (Act Apr. 9, 1931, c. 131, §1.)

2553-2. County auditor to report to commissioner of highways.—On or before September first, 1931, and on or before September first of each odd-numbered year thereafter, the county auditor of the several counties shall make and file with the commissioner of highways a verified written statement showing the number of miles of public highways within the county, other than trunk highways, whether under the jurisdiction of the county or the towns therein. (Act Apr. 9, 1931, c. 131, §2.)

2553. Commissioner of highways.—Sub. 1. The office of the Commissioner of highways, the incumbency whereof shall have the powers, duties and privileges herein declared, is hereby created; the term of such office shall be four years and the governor of the state with the consent of the senate shall appoint a suitable person thereto. The Commissioner of highways shall be subject to the removal by the Governor only for malfeasance or nonfeasance in office, and shall be entitled to written notice of the charges against him, and allowed a reasonable opportunity to be heard thereon. Any appointment to fill a vacancy made by the Governor shall be made from among the qualified persons or persons otherwise entitled to such appointment, and the successor shall hold office for the term for which the person appointed to fill such vacancy was appointed, or until his successor is appointed and qualifies. The term of such appointment shall not exceed the sum of One Hundred and Fifty Thousand ($150,000) Dollars per annum. None of such persons shall be required to possess any other qualifications than may be prescribed by the commissioner of highways.

Sub. 2. Said commissioner of highways, as an act of such official duties may maintain an action on his bond for the recovery of the damages so sustained. (As amended Apr. 17, 1937, c. 262, §3.)

Sub. 3. * * *

Sub. 4. The commissioner of highways shall appoint an assistant commissioner of highways who shall be an experienced highway engineer. The salary of the assistant commissioner of highways shall be fixed by the commissioner of highways, but in an amount not to exceed the sum of six thousand dollars per year payable semi-monthly.

Such assistant shall devote his entire time to the performance of his official duties and shall receive as compensation therefor a yearly salary of six thousand seven hundred fifty dollars, payable semi-monthly. (As amended Apr. 17, 1937, c. 262, §4.)

Sub. 5. * * *

2554. Powers of Commissioner of Highways.—Sub. 1. The commissioner of highways is empowered to carry out the provisions of Section 1 of Article 16, of the constitution of the state, and is hereby authorized to acquire by purchase, gift, or condemnation as provided by state law, all lands needed in laying out and constructing the trunk highway system, and to locate, construct, reconstruct, improve and maintain such trunk highway system, to contract on an equitable basis with railroad companies for the construction of bridges and approaches necessary for the separation of grades at points of intersection between railroads and trunk highways, to let all necessary contracts therefor, and to purchase all needed road material, machinery, tools and supplies necessary for the construction and maintenance thereof, and to purchase or rent grounds and
building, necessary for the storing and housing of such material, machinery, tools and supplies; and in carrying out the provisions of said Section 1, Article 16 of the Constitution of the State, is hereby authorized to expend out of trunk highway funds such portions thereof as may be available for the purposes herein provided, and there is hereby appropriated, annually, from such fund the entire amount or so much as shall be necessary for the location, construction, reconstruction, improvement and maintenance of the trunk highway system including the cost of acquiring title to any needed right of way, and the cost of purchasing or renting ground and buildings for such storage and housing the purchase of the necessary road material, tools, machinery and supplies for the construction and maintenance of said trunk highway system and for the compensation of all persons employed and the necessary expenses incurred in the execution of such work, such expenditures to be made as provided in this act. The Commissioner of Highways shall continue under the provisions of Chapter 426, Laws of 1925 as amended [§53-36]. Where any trunk highway or portion thereof has been by him determined, he shall designate the same by order or orders. Provided, that when the County Board of any county interested asks for a public hearing with reference to the final location of any trunk highway or portion thereof held by the Commissioner within the section, county or counties interested before making any such final location. Copies of such order or orders shall be certified by the Commissioner of Highways to the county auditor or auditors and the county register or registers of deeds, or in event of Torrens or registered property, the registrar of titles, of the county or counties wherein such highways are located. Said county auditor or auditors and the county register or registers of deeds, or in event of Torrens or registered property, the registrar of titles, shall receive and file any and all such order or orders or certified copies thereof and shall immediately number and index same and shall enter in permanent index books the number given to each and every such order or orders or certified copies thereof, together with the number given such order or orders by the Commissioner of Highways. No such order or orders or certified copies thereof shall be certified by the county auditor or auditors to the county register or registers of deeds, or in event of Torrens or registered property, the registrar of titles, shall thereupon be relieved from responsibilities and duties thereon, provided that in the event the final location of any trunk highway or portion of the temporary trunk highway, the portion of such temporary location which is not included in the final location shall, upon notice from the Commissioner of Highways, revert to the county or subdivision thereof originally charged with the care thereof. (As amended Mar. 25, 1935, c. 63, §1.)

Orders to be filed and entered.—Any orders previously certified by the Commissioner of Highways to the county auditor or auditors shall be filed and entered in said permanent index book by said county register or register of deeds.

The Commissioner of Highways shall also furnish to the county register or registers of deeds, or in event of Torrens or registered property, the county registrar or registrars of titles, certified copies of all previous order or orders which shall all be filed and entered in proper index books by such registrars of deeds and/or registrars of titles as hereinabove provided. (Added by Act Mar. 25, 1935, c. 63, §2.) Sec. 2 of Act Mar. 25, 1935, cited, provides that the act shall take effect from its passage.

Sub. 5. (a) The Commissioner of Highways shall adopt a suitable marking design with which he shall mark or blaze the routes so selected, and as the right of way and for construction purposes on the trunk highway system, provided the same shall be expended among the various sections of the state in equitable proportions as far as practicable in the construction of said unfinished portions of the trunk highway. Provided further, that the Commissioner of Highways shall have authority to use for construction purposes on the unfinished portions of the trunk highway system any portion of the fund set aside as provided that said portion shall not be needed as a part of the fund so set aside, and is further authorized to expend any portion of the trunk highway fund, set aside for maintenance in any one county, for construction purposes in such county when not needed for maintenance therein. (As amended Apr. 17, 1937, c. 262, §5.)

Sub. 4. (a) The Commissioner of Highways shall by order or orders designate such temporary trunk highway or highways, and when the final and definite location of any trunk highway or portion thereof has been by him determined, he shall designate the same by order or orders. Provided, that when the County Board of any county interested asks for a public hearing with reference to the final location of any trunk highway or portion thereof held by the Commissioner within the section, county or counties interested before making any such final location. Copies of such order or orders shall be certified by the Commissioner of Highways to the county auditor or auditors and the county register or registers of deeds, or in event of Torrens or registered property, the registrar of titles, of the county or counties wherein such highways are located. Said county auditor or auditors and the county register or registers of deeds, or in event of Torrens or registered property, the registrar of titles, shall receive and file any and all such order or orders or certified copies thereof and shall immediately number and index same and shall enter in permanent index books the number given to each and every such order or orders or certified copies thereof, together with the number given such order or orders by the Commissioner of Highways. No such order or orders or certified copies thereof shall be certified by the county auditor or auditors to the county register or registers of deeds, or in event of Torrens or registered property, the registrar of titles, shall thereupon be relieved from responsibilities and duties thereon, provided that in the event the final location of any trunk highway or portion of the temporary trunk highway, the portion of such temporary location which is not included in the final location shall, upon notice from the Commissioner of Highways, revert to the county or subdivision thereof originally charged with the care thereof. (As amended Mar. 25, 1935, c. 63, §1.)

Orders to be filed and entered.—Any orders previously certified by the Commissioner of Highways to the county auditor or auditors shall be filed and entered in said permanent index book by said county register or register of deeds. The Commissioner of Highways shall also furnish to the county register or registers of deeds, or in event of Torrens or registered property, the county registrar or registrars of titles, certified copies of all previous order or orders which shall all be filed and entered in proper index books by such registrars of deeds and/or registrars of titles as hereinabove provided. (Added by Act Mar. 25, 1935, c. 63, §2.)

Sec. 2 of Act Mar. 25, 1935, cited, provides that the act shall take effect from its passage.

Sub. 5. (a) The Commissioner of Highways shall adopt a suitable marking design with which he shall mark or blaze the routes so selected, and as the right of way and for construction purposes on the trunk highway system, provided the same shall be expended among the various sections of the state in equitable proportions as far as practicable in the construction of said unfinished portions of the trunk highway. Provided further, that the Commissioner of Highways shall have authority to use for construction purposes on the unfinished portions of the trunk highway system any portion of the fund set aside as provided that said portion shall not be needed as a part of the fund so set aside, and is further authorized to expend any portion of the trunk highway fund, set aside for maintenance in any one county, for construction purposes in such county when not needed for maintenance therein. (As amended Apr. 17, 1937, c. 262, §5.)

Sub. 4. (a) The Commissioner of Highways shall by order or orders designate such temporary trunk highway or highways, and when the final and definite location of any trunk highway or portion thereof has been by him determined, he shall designate the same by order or orders. Provided, that when the County Board of any county interested asks for a public hearing with reference to the final location of any trunk highway or portion thereof held by the Commissioner within the section, county or counties interested before making any such final location. Copies of such order or orders shall be certified by the Commissioner of Highways to the county auditor or auditors and the county register or registers of deeds, or in event of Torrens or registered property, the registrar of titles, of the county or counties wherein such highways are located. Said county auditor or auditors and the county register or registers of deeds, or in event of Torrens or registered property, the registrar of titles, shall receive and file any and all such order or orders or certified copies thereof and shall immediately number and index same and shall enter in permanent index books the number given to each and every such order or orders or certified copies thereof, together with the number given such order or orders by the Commissioner of Highways. No such order or orders or certified copies thereof shall be certified by the county auditor or auditors to the county register or registers of deeds, or in event of Torrens or registered property, the registrar of titles, shall thereupon be relieved from responsibilities and duties thereon, provided that in the event the final location of any trunk highway or portion of the temporary trunk highway, the portion of such temporary location which is not included in the final location shall, upon notice from the Commissioner of Highways, revert to the county or subdivision thereof originally charged with the care thereof. (As amended Mar. 25, 1935, c. 63, §1.)

Orders to be filed and entered.—Any orders previously certified by the Commissioner of Highways to the county auditor or auditors shall be filed and entered in said permanent index book by said county register or register of deeds. The Commissioner of Highways shall also furnish to the county register or registers of deeds, or in event of Torrens or registered property, the county registrar or registrars of titles, certified copies of all previous order or orders which shall all be filed and entered in proper index books by such registrars of deeds and/or registrars of titles as hereinabove provided. (Added by Act Mar. 25, 1935, c. 63, §2.)

Sec. 2 of Act Mar. 25, 1935, cited, provides that the act shall take effect from its passage.

Sub. 5. (a) The Commissioner of Highways shall adopt a suitable marking design with which he shall mark or blaze the routes so selected, and as the right of way and for construction purposes on the trunk highway system, provided the same shall be expended among the various sections of the state in equitable proportions as far as practicable in the construction of said unfinished portions of the trunk highway. Provided further, that the Commissioner of Highways shall have authority to use for construction purposes on the unfinished portions of the trunk highway system any portion of the fund set aside as provided that said portion shall not be needed as a part of the fund so set aside, and is further authorized to expend any portion of the trunk highway fund, set aside for maintenance in any one county, for construction purposes in such county when not needed for maintenance therein. (As amended Apr. 17, 1937, c. 262, §5.)
which hereby are or may be added, and in order to avoid duplication in numbers used on Interstate routes, the Commissioner of Highways is authorized to revise the maps and route numbers by which the routes within the system from time to time, provided that whenever the Commissioner of Highways does so revise the marking and/or numbering he shall prepare a map showing the existing routes and identifying numbers and also the routes and identifying numbers or design of the revised system. That said map shall be authenticated by a certificate of the Commissioner of Highways certifying the same as being the map showing the revised markings under the provisions of this Act. Said map or maps shall be filed in the office of the Secretary of State and a duplicate thereof shall be filed in the office of the Commissioner of Highways. Said map shall thereafter govern the identification of the several routes or portions thereof in the trunk highway system, and all proceedings, records and accounts thereafter shall be governed accordingly. Proceedings pending and under way at the time such map is filed shall cite both the old and new identifications. (As amended Apr. 22, 1933, c. 304, § 5.)

Sub. 6. The Commissioner of Highways may conduct the work or any part thereof, incidental to the construction and maintenance of the trunk highways by labor employed therefor or by contract. In cases of necessity, the Commissioner of Highways shall first advertise for bids for contracts and if no satisfactory bids are received, he shall have the right to reject all bids and re-advertise or do the work by labor employed thereby. When work is to be let under contract he shall publish notice to that effect, for three successive weeks prior to the date such bids are to be received, in such local newspaper or other periodicals as may be deemed advisable, provided that in case of emergency requiring immediate action, contracts may be awarded without public notice. Emergency shall be defined as the doing of such work on the highways of the State of Minnesota as is necessary for immediate action in order to maintain existing highways in a passable condition. Provided, no emergency shall be declared to exist except upon the written authority of the highway commissioner or his deputy. (As amended Apr. 26, 1937, c. 440, § 3; Apr. 15, 1939, c. 277.)

Sub. 7-17. ****

Sub. 18. (a) The Commissioner of Highways is hereby authorized to employ and designate not to exceed *10* persons during the calendar year 1939 and $500 per month to exceed three assistant supervisors to enforce the provisions of the laws relating to the protection of and use of trunk highways, who shall have upon all trunk highways the same powers with respect to the enforcement of laws relating to crimes, as sheriffs, constables, and police officers have within their respective jurisdictions, so far as may be necessary for the protection of life and property upon such trunk highways. Under instructions and regulations of the Commissioner of Highways, said employees shall cooperate with all sheriffs and other police officers, and to that end are authorized to exercise the powers herein conferred upon all trunk highways and, for the purpose of continuing pursuit from such trunk highways of offenders thereon, upon all public highways connecting and traversing such trunk highways, provided that said employees shall have no power or authority, except in the case of strikes or industrial disputes. Employees thus employed and designated shall subcribe an oath and furnish a bond running to the State of Minnesota, said bond to be approved and filed in the office of the Secretary of State. (As amended Apr. 27, 1935, c. 204; Apr. 22, 1939, c. 600.)

(b) All fines, from traffic law violations, collected from persons apprehended or arrested by such employees, shall be paid into the state treasury, and shall be credited to a separate fund hereby established, and no such employee shall first be paid out of such fund. Any costs and expenses incurred by them in the prosecution and punishment of persons so arrested and for which such counties have not been reimbursed by the payment of such costs and expenses by the United States government, or a duly constituted agency, bureau or department thereof, shall first be paid to counties all costs and expenses Incurred by the United States government, provided, however, that upon completion of such work the state of Min-
neotasa shall have a claim against the county, city, village, borough, town or school district, requesting such snow removal to reimburse the trunk highway fund, and the Commissioner of Highways may order the removal in the manner provided by law in the case of other claims against such governmental agency, school district or public sanatorium, in the manner provided by law in the case of other claims against such governmental subdivision or agency. (As amended Laws 1935-36, c. 17, § 1.)

The title of Act Apr. 22, 1933, c. 440, does not specifically include the addition of subdivision (19) to this section. Finding 23, 208, 221, 230, see § 31-711, et seq.


The highway commissioner's order designating the permanent location for a trunk highway does not in itself constitute a taking of the property within the designated route. It is the exercise of a legislative function to construct the road and the control of the commission of administration and finance. State v. Erlckson, 185 M. 307, 214 NW 908. See Dun. Dig. 156.

An enlargement by the court against objection of condemnation proceedings to include easements over lands or lots not sought in the state's petition, is an unwarranted interference with properly delegated legislative functions. State v. Erlckson, 183 M. 60, 203 NW 208. See Dun. Dig. 4158(71).

When state institutes a condemnation for a right of way for a trunk highway, it has the right of entry, and the owner's testimony as to scope of such damages is unnecessary. Lundstrom v. G., 194 M. 624, 247 NW 509. See Dun. Dig. 3014, 3027, 8831.

The exercise of judgment and discretion and he is not personally liable in absence of corruption or malice. 179 M. 584, 248 NW 49. See Dun. Dig. 8001.


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Any property owner who determines as alleged involved in determining damages, and verdict held not excessive. Nelson v. B., 179 M. 584, 248 NW 49. See Dun. Dig. 8001.

The highway commissioner’s order designating the permanent location for a trunk highway does not in itself constitute a taking of the property within the designated route. It is the exercise of a legislative function to construct the road and the control of the commission of administration and finance. State v. Erlckson, 185 M. 307, 214 NW 908. See Dun. Dig. 156.

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The exercise of judgment and discretion and he is not personally liable in absence of corruption or malice. 179 M. 584, 248 NW 49. See Dun. Dig. 8001.

CH. 13—ROADS §2554-1

2554-1/4b. Charges to be made in writing.—The charge or charges against any such state employee shall be made in writing, signed and sworn to by the person making the same, which written charge or charges shall be filed with the commissioner of highways. Upon the filing of same, if the commissioner shall be of the opinion that such charge or charges constitute a ground for suspension, demotion or discharge, he shall order a hearing to be had thereon, and fix a time for such hearing. Otherwise, he shall dismiss such charge or charges. At least ten days before the time appointed for such hearing, written notice specifying the nature of such charge or charges filed and stating the name of the person making the charge or charges shall be served on said employee personally or by leaving a copy thereof at the usual place of abode of such employee, with some person of suitable age and discretion, then residing therein. If the said commissioner of highways orders a hearing, he may suspend such employee pending his decision to be made after such hearing. (Act Apr. 24, 1935, c. 254, §3.)

2554-1/4c. Commissioner may compel attendance of witnesses.—The commissioner of highways shall have power to compel the attendance of witnesses at any hearing under this section, and to require the production of books, papers and other evidence at any such hearing and for that purpose issue subpoenas and cause the same to be served in any manner. If any person accused shall be entitled to be confronted with the witnesses against him and have an opportunity to cross-examine the same and to introduce at such hearing testimony in his own behalf, and shall be entitled to be represented by counsel at such hearing. The commissioner of highways within 25 days after such hearing shall render his decision in writing and file the same in his office. If after such hearing be holds that any such charge made against such state employee is true, he may punish the offending party by reprimand, suspension without pay, demotion or dismissal. (Act Apr. 24, 1935, c. 254, §4.)

2554-1/4d. Right of appeal.—Any such state employee who is so suspended, demoted or dismissed may have such decision or determination of the commissioner of highways reviewed by a writ of certiorari in the district court of the county wherein such state employee resides. If such decision or determination of the commissioner of highways is modified by the court, the said state employee shall be reinstated in his position and the commissioner of highways shall pay to the said state employee so suspended out of the funds of the state any salary or wages withheld from such state employee pending the determination or decision of the commissioner upon such charges shall be paid to the said state employee by the commissioner of highways out of state funds. (Act Apr. 24, 1935, c. 254, §5.)

2554-1/4e. Application of act.—This act shall apply to all persons employed and designated under and pursuant to Laws 1929, Chapter 355, and acts amendatory thereof, except the chief supervisor of the state highway patrol. (Act Apr. 24, 1935, c. 254, §6.)

2554-1. Relinquishment of highway easements.—The governor in behalf of the state may, upon recommendation of the commissioner of highways and upon payment to the state for deposit in the trunk highway fund of any moneys paid for the acquisition thereof, relinquish and quitclaim to the fee owner or owners any easement or portion thereof owned but no longer needed by the state for trunk highway right
of way purposes, or may quitclaim to any person the fee title to any lands owned by the state for trunk highway right of way purposes, but no longer needed for such purposes; provided, however, that whenever less than the entire easement or part of the fee title of any such land owned by the state is to be relinquished or over any such toll bridge as will enable the public to use any such bridge for highway traffic free of toll.

The Commissioner of Highways, if and when he shall deem and determine that it is to the best interests of the public and necessary in the location, construction, improvement or maintenance of any trunk highway, is hereby authorized and empowered to designate, by order, as a part of the temporary trunk highway system, any bridge or part thereof wholly within the state, and to acquire by purchase, gift or condemnation, as provided by statute, such public rights or easement on behalf of the State of Minnesota, in, to or over any such toll bridge as will enable the public to use any such bridge for highway traffic free of toll. (Apr. 14, 1937, c. 218, §1.)

The commissioner of highways for and on behalf of the state is hereby authorized to enter into an agreement with any city, town, village or incorporated group of towns, cities or villages for the construction, improvement, or maintenance of any part of the trunk highway in such city, town or village. Such an agreement shall not be for a term of years in excess of 10 years, and shall be in such form as the commissioner of highways shall approve. Such agreement shall contain provisions for the payment of all money expended for the construction, improvement, or maintenance of the trunk highway or any part thereof. (Sub. 4.)

The commissioner of highways is hereby authorized to undertake and perform such work and improvement as may be necessary and advisable for the construction of new trunk highways and the improvement of existing trunk highways. (Sub. 5.)

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Section applies uniformly to all cities throughout the state, and city of Pipestone, operating under home rule charter, may do paving and pay for it out of general funds. Op. Atty. Gen. (326c-11), Apr. 15, 1936.

City of Pipestone under its charter may issue bonds to enter into agreement with the state highway commissioner for improvement of street without vote of electors, but resolution authorizing bonds must receive 4/5 vote of all members of council. (Minn. Stat. 1937, c. 218, §2.)


The city enters into contract with highway department for construction of street, a warrant to pay for this work may be issued without any additional resolutions. Op. Atty. Gen. (130b-19), Dec. 3, 1933.

It is duty of railroad to construct and maintain railroad beds and approaches where track crosses trunk highway on grade. Engstrom v. D., 199 Minn. 288, 261 N.W. 145. See Dun. Dig. §119.

Logging railroads across highways. This act is valid. Ottersetter v. S., 143 Minn. 424, 174 N.W. 386; Town of Kinghurst v. L., 174 Minn. 305, 219 N.W. 172.

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Sec. 2 of Act Apr. 14, 1937, cited, provides that the Act shall take effect from its passage.

Construction and maintenance of trunk highways in cities and villages. Sub. 3.

A village approving plans of construction by state highway commissioner of a trunk highway upon a village street and authorizing a charge of grade according to such plan, makes itself liable for the damage caused by such change in the absence of assumption of such liability by the state. Maucure v. Village of Crosby, 178 Minn. 204, 226 N.W. 398.

Followed in Fees v. M., 178 Minn. 440, 227 N.W. 527.

It is duty of municipality maintaining a bridge to use ordinary care to make it as safe as reasonably anticipated ordinary travel but not extraordinary. United States v. Tracey v. C., 185 Minn. 390, 241 N.W. 999. See Dun. Dig. §60.

In action against city, proximate cause of car going through railing of bridge held collision of two cars and Alleman v. Bridge fund in the manner provided by law.

Sub. 5. That any state aid heretofore apportioned to any county may be used for maintenance of state aid roads therein in conformity with the provisions of law now existing governing such expenditure on county aid and state aid roads, provided that at least 40 per cent of the money so apportioned to each county shall be used for maintenance of state aid road and bridges therein.

Sub. 6. That state aid hereafter apportioned to any county may not be used for construction of street, a warrant to pay for this work may be issued without any additional resolutions. Op. Atty. Gen. (449c-29), May 30, 1936.

A village is not liable for any injury resulting from failure to maintain any part of the sidewalk or, unless specifically mentioned to any county.

Sub. 3. Not less than one per cent nor more than three per cent of the state road and bridge fund available in any year and remaining after setting aside the funds herebefore provided for, shall be apportioned to any county.

Sub. 4. The amount so apportioned to each of the counties as herebefore provided shall be expended by the county board of each county in constructing, improving and maintaining county aid and state aid roads therein in conformity with the provisions of law now existing governing such expenditure on county aid and state aid roads, provided that at least 40 per cent of the money so apportioned to each county shall be used for maintenance of state aid road and bridges therein.

Sub. 5. That any state aid heretofore apportioned to any county, but not yet paid over to such county, shall be paid to such county when and as soon as said state aid shall become due and payable under existing law notwithstanding any provision in this Act. (38, c. 323, §18; Feb. 18, 1929, c. 22; Apr. 1, 1933, c. 148.)

County may not purchase out of its road and bridge fund a garage building in which to house highway trucks. Op. Atty. Gen. (1256-40), June 1, 1933.

County may use a small part of gas tax money to construct a shelter for road machinery if reasonably neces-
2560. Designation, state aid roads—Revocation.
Evidence does not show road to have been designated a state-aid road under §2560, so as to be immune to taxation under §2563. Peterson v. B., 193 M. 460, 272 N.W. 931. See Dun. Dig. 8456.
Rejection of state aid road vacated portion result of change in county line a case where the general course of such road is not materially altered the county board shall have power to acquire such easement by purchase or gift or by condemnation in accordance with the provisions of General Statutes 1923, §23, as amended. (Act Apr. 11, 1929, c. 156.)
2561. Designation of road on county line a state aid road—Whenever there is an established road running along or near the common boundary line or lines of two or more counties, the county boards of two or more of such counties may make application to the commissioner of highways for the designation of such road as a state aid road. The commissioner of highways shall then investigate the desirability of such designation, and, if he shall decide that it is desirable so to do, shall so designate such road and determine and fix the part of the cost of the improvement and maintenance thereof to be paid by each of the counties abutting upon and adjoining such road. (21, c. 323, §20; Apr. 17, 1979, c. 216.)
2562. Maintenance of state aid roads.
(2) Any such county shall certify the fact of such payment, the date and amount thereof to the state auditor who shall thereupon issue and transmit to the treasurer of such county a warrant for such amount. The proceeds of such warrant shall be placed in the state-aid road and bridge fund and shall be disbursed in the same manner as other county funds are disbursed but only for the payment of the cost of constructing and maintaining state aid roads.
2564-1. Interstate bridges connecting state trunk highway system with systems of adjoining states—Purpose of law.
Acquisition by certain cities of toll bridges across interstate waters. Laws 1939, c. 216.
within which such bridge may be desired may singly or in conjunction with other such subdivisions unite in the construction and maintenance of said bridge with any one or more of the local subdivisions in the adjoining state or province into which any such bridge may extend; provided, that in such construction and maintenance of said bridge, the rights of adjoining states and provinces shall in no wise be infringed. ('07, c. 399, §1.)

Omitted from 1923 and 1927 compilations as not of general application.

2564-16. Bridges over navigable river forming state boundary—Appropriation by county board of not over seven per cent of assessed valuation of county—If the twofifths portion of the assessed valuation of any county, whose county line is the boundary line of a state, as appears by the last assessment record of such county, shall be lawful for such municipality to make a sufficient tax levy for general purposes and the necessary expenditure in the construction of such bridge, and when the same shall be completed and accepted the share of the cost thereof to be borne by such municipality shall be paid out of the general fund by orders drawn in the usual form and manner. ('09, c. 425, §2.)

2564-19. Same—Not more than one wagon bridge—Limit of cost.—Not more than one wagon bridge across a navigable river in each county shall be built under this article, and the total cost of such bridge shall in no case exceed the sum of fifty thousand dollars. ('09, c. 425, §4.)

2564-20. Designation of state aid parkways—powers of county board.—The County Board of any county may, with the consent of the Commission of Highways and the Commissioner of Conservation, designate any established road or specified portion thereof, including portions lying within an established public park or public recreational area, in its county, as a state aid parkway, whereby said county may, with a tract of land. park or public or public recreational center outside the corporate limits of any borough, village or city, and construct, reconstruct, improve and maintain the same in accordance with the regulations of the commissioner of highways relative to state aid parkways. (Act Jan. 9, 1934, Ex. Ses., c. 61, §1; Apr. 21, 1939, c. 357.)


Chapter 323, Section 19, the same being Mason's Minnesota Statutes of 1927, Section 2556; and said laws are hereby made a part of this Act. (Act Jan. 9, 1934, Ex. Ses., c. 61, §2.)

2564-21. Same—Constructed under state aid road laws—State Aid Parkways shall be constructed, reconstructed, improved and maintained in the same manner and under the same laws as State Aid roads and shall be designed, constructed, improved and maintained pursuant to the Laws of 1921, Chapter 323, Section 9, the same being Mason's Minnesota Statutes of 1927, Section 2556; and said laws are hereby made a part of this Act. (Act Jan. 9, 1934, Ex. Ses., c. 61, §2.)

2564-22. Same—term “state aid road” to apply to state aid parkway.—Wherever the words, "State Aid Road" or "State Aid Roads," or either of them, appear in the provisions of the existing laws applicable to State Aid parkways, as hereinafter defined, the term "state aid road" shall, for the purposes of this Act, be deemed to include State Aid Parkway or Parkways. (Act Jan. 9, 1934, Ex. Ses., c. 61, §2.)

Sec. 4 of Act Jan. 9, 1934, cited, provides that the act shall take effect from its passage.
Sub. 2. The county board of any county may appropriate from its road and bridge fund to any town, village, or city of the third or fourth class in its county, such sums of money as are available and which it deems advisable to aid such towns, villages, or cities of the third or fourth class in the construction and maintenance of roads, streets, or bridges therein, and such appropriations may be directly expended by the county board, upon such roads, streets, or bridges, as shall be designated by the governing body of such towns, villages, or cities of the third or fourth class, provided, that in counties having a population of two hundred twenty-five thousand (225,000) inhabitants or over, such county board, shall expend in accordance with the provisions of Chapter 154, Laws of 1916, as amended by Chapter 209, Laws of 1909. Provided, further, that no village, town, or city of the third or fourth class shall receive an appropriation hereunder exceeding twenty per cent of the annual tax levy for road and bridge maintenance paid by such village, town, or city of third or fourth class. (21, c. 323, § 24; '25, c. 435, § 4; Apr. 13, 1929, c. 179.)

Act authorizing county board of certain counties to pay actual personal or property damages sustained by reason of negligence of county highway engineer or other person in leaving road in dangerous condition for public travel. Laws 1921, c. 41.

Act authorizing county commissioners and county highway engineers to indemnify certain counties to indemnify employes against liability in tort involving county highways. Laws 1931, c. 42.


There is no limit upon the amount which a county may appropriate from its road and bridge fund to a town, or may pay actual personal or property damages sustained by reason of negligence of county highway engineer or other person in leaving road in dangerous condition for public travel. Laws 1921, c. 41.


Subd. 3. County board may appropriate funds for removal of safety boxes from town road in danger to public, and may direct county board to appropriate money in road and bridge fund raised pursuant to Laws 1929, c. 282. Op. Atty. Gen. (107a-12), July 3, 1936.

Subd. 4. County board may appropriate money to cities in certain cases.—The county board of any county in this state now or hereafter having a population of not less than 250,000 inhabitants nor more than 600,000 inhabitants, may annually appropriate from its Road and Bridge Fund to towns or directly by county board. Op. Atty. Gen. (107b-16), Dec. 15, 1935.

Subd. 5.—Tax levy.

Cited in connection with holding that Laws 1927, c. 47, is valid. 171M9214.

Moneys in road and bridge fund raised pursuant to subd. 5, may be transferred or borrowed from such fund to pay for any additional road improvements within such county and not exceeding two hundred thousand (200,000) dollars, and may be transferred or borrowed from such fund to the county in connection with employment of poor persons on such work. Laws 1929, c. 282. Op. Atty. Gen. (107b-16), Sept. 29, 1934.

Authority of public to care for the poor is absolute and any fund may be transferred to poor fund, except where money is needed for the construction and maintenance of road or bridge or for the construction of a dam or retaining works. Law 1929, c. 282. Op. Atty. Gen. (107b-16), June 3, 1938.


Subd. 7. Provided that the county board may appropriate such money as may be necessary therefor from the county road and bridge fund, not exceeding during any year the amount of taxes paid into the county road and bridge fund during the preceding year, on property within the corporate limits of said village or city. Such appropriation shall be made upon the petition of the council, which petition shall be filed by the council with the county board prior to the fixing by said board of the annual county tax levy. The county shall determine the plans and specifications, shall let all necessary contracts, shall have charge of construction, and upon its requisition warrants in payment thereof shall be issued by the chairman of the board and county auditor from time to time as the construction work proceeds. Any unpaid balance may be paid or advanced by the village or city. On petition of the council, the appropriations of the county board, during not to exceed three successive years, may be made to apply on the construction of the same item and to repay any money advanced by the village or city whose assessed valuation exceeds $500.00 per capita of its population. (25, c. 232, § 1; Apr. 30, 1955, c. 343.)
erating body of any such towns, villages and cities of the 1st or 2nd class therein. (Act Apr. 20, 1931, c. 264, §1.)

County may not add five per cent "handling charge" to actual cost of work done in village, unless it repre-
sents real and personal property of which money appro-
priated by county board may be expended, and employ-
ment and control over such money fund, as provided herewith are repealed. (Act Apr. 20, 1931, c. 264, §2.)

2565-8. Collected amount to be set apart as a sep-
clusive of moneys and credits, may be expended In

2565-7. Duty of auditor in extending the tax levy.
—If any county board deems it desirable to levy a tax on such property, it may at the time it
levies such tax on such property, it may at the time it
levies the county taxes, by resolution reciting such
fact, determine the amount so to be levied in each
municipal township of such unorganized territory
for the current year. It shall be the duty of
the auditor to extend such tax so levied upon the tax
books of the county, at the same time and in the
manner as other taxes for county purposes are
extended, as to property in such unorganized
territory, and the same shall be collected and the payment thereof enforced at the same time and in the same
manner as other county taxes on such property,
with like penalties for non-payment at the time pre-
scribed by law. (15, c. 44, §2.)

2565-8. Collected amount to be set apart as a sepa-
rate road and bridge fund.—Such tax, when col-
lected, shall be set apart in separate funds in the
county treasurer: such funds shall be designated in
such a manner as to describe each thereof as the road
and bridge fund for the congressional township
the property of which is so taxed to create such fund.
(15, c. 44, §2.)

2565-9. Expenditure of fund in adjoining or other townships authorized.—Such fund shall be
expended under the direction of the county board for
the construction, improvement, maintenance and re-
pair of roads and bridges in the congressional town-
sip the property of which was so taxed to create
such fund. Provided, however, that such fund, in
any county having not less than thirty-five nor more
than forty congressional townships and having an as-
nessed valuation of not less than sixteen million or
more than thirty-five million dollars, may be expended in any adjoining organized or unorganized township,
or portion thereof, upon a petition being presented to
the county board, signed by a majority of the resi-
dents, taxed for county road and bridge purposes, from
which said petition emanates, requesting that all or
part of said money so collected in said unorganized
township, shall be expended in the adjoining organ-
ized or unorganized township, or portion thereof.
Provided, further, that such fund in any county
having not less than one hundred and five full and fractional townships and
having an assessed valuation of not less than
three million dollars nor more than five million dollars, ex-
clusive of moneys and credits, may be expended in any
organized or unorganized township or portion thereof in such county upon resolution by the county
board. (15, c. 44, §4; 19, c. 528, §1; July 14, 1937, Sp. Ses., c. 30.)

2565-10. Tax levy.—The tax above provided for
may be levied on all or a part of the unorganized
territory in any county, provided, however, that no part of such organized territory less than a congres-
sional township shall be so taxed. (15, c. 44, §5; 19, c. 528, §2.)

2569. County highway engineer.
Sub. 1. The county board of each county shall ap-
point and employ as hereinafter provided a county
highway engineer, who shall have charge of the high-
way work of the county and the forces employed
therein for not less than three years immediately
preceding the date of his appointment. The salary of
the county highway engineer shall be fixed by the
county board in such county.

Sub. 2. Such county highway engineer may be
selected from a list of eligible, competent highway
engineers which list shall be submitted by the com-
missioner of highways to the county board when a
vacancy exists. He shall be appointed at the first
meeting of the county board in May of the year in
which the term of office shall expire, and shall be
appointed for a term of two years, provided, that
when a new county highway engineer is appointed
he may be appointed for one year only, and thereafter
his appointment shall be made as hereinbefore set
forth. The county highway engineer shall be ap-
pointed by the county board from a list of eligible,
competent highway engineers of the state of Minnesota, and must have resided therein for not less than three years immediately preceding the date of his appointment. The salary of the county highway engineer shall be fixed by the
county board and be paid to him as the same as other county officers are paid. His salary shall not be reduced during
during his term of office, provided, however, that the salary of the county highway engineer may be re-
duced in the same proportion as the salary of the
county board in such county.

Sub. 3. The county highway engineer shall de-
vote his entire time to his official duties, and shall before entering upon the duties of his office, give bond to the
state in the penal sum of $2,000, to be approved and
filed in the same manner as are the bonds of the other
county officers. The state, the several governmental
subdivisions thereof, or any person damaged by any
wrongful act or omission of said county highway
engineer in the performance of his official duties, may
maintain an action on his bond for the recovery of
the damages so sustained.

Sub. 4. The county highway engineer shall pre-
pare and submit to the county board at its regular
meetings in July, a report of all expenditures and
work done since the last report, and an estimate of
probable expenditures for the balance of the year. He
shall also prepare and submit, prior to the time the
levy for county road and bridge purposes is made, a
recommendation with estimates of cost, of work which
he considers necessary or advisable for the following
year.
Sub. 5. Within 30 days after the completion of a construction job, and once each with other work, he shall submit a report thereof to the county board and to the commissioner of highways, and shall submit such other reports as the rules and regulations of the commissioner of highways shall require.

Before Jan. 1st of each year the county highway engineer shall prepare a complete report covering the highway work of the county, and submit one copy to the county board and one copy to the commissioner of highways.

With regard to the duties of any other engineer or surveyor as now charged by law with duties in connection with, and supervision of road or highway work for the county he is hereby relieved at the expiration of his present term, and the county highway engineer at that time is duly empowered with, and shall assume such duties, provided that the duties of the county highway engineer as specified in this section shall be performed by the county surveyor in all counties in the state having a population of not less than 225,000 or more than 225,000, and wherever it shall appear to the attorney general that the service of the county highway engineer is unnecessary, that act shall not apply to any county whose population according to the 1930 Federal census was not less than 24,000 nor more than 26,000, and whose valuation was not less than $7,500,000 nor more than $9,000,000, exclusive of all credits and deductions of estates and homestead exemptions and which counties contain, not less than 40 nor more than 45 full and fractional townships. (As amended Apr. 15, 1937, c. 273, § 6.)

Laws 1929, c. 20, § 2, fixed salary of engineer at $2,600, and 9 cents mileage, and not to exceed $4,000 for clerk hire in counties with 41 to 43 congressional townships and population of 25,000 to 30,000. As to mileage see H.L. 1932, c. 202, § 2.

Act Apr. 21, 1933, c. 432, § 9, effective May 1, 1933, amends § 12 of Laws 1929, c. 20, by making the salary of the engineer $2,600 and a 9-cent mileage, and not exceeding $4,000 for clerk hire.

This section provides that all county highway engineers having 41 to 43 townships and valuation of $6,000,000 to $12,000,000 and population of 25,000 to 30,000, Laws 1939, c. 43.


Where an insurer issued a liability policy to a county containing an omnibus clause by terms of which insurance covered an employee while driving county's automobile with (or more) an inside pass, for lack of information to that question, will not be heard to question right of county to hire an automobile, N.L.A. v. K., 204 Minn. 585, 284 N.W. 782. See Dun. Dig. 4470, 7682.

Salary of engineer is not limited to $5,000 but is to be fixed by annual act. He may be provided with a mobile and assistants. Op. Atty. Gen. Feb. 23, 1932.

It is not the right of a town board to hire an automobile at rate of five cents per mile and 35 cents per hour for driver for purposes other than those provided for in the compensation therefor. Op. Atty. Gen. Apr. 25, 1932.


Salary of county highway engineer is not excessive if he is a county engineer who is registered in state and who is graduate of accredited university. Op. Atty. Gen. Mar. 4, 1938.


Expenses of county highway engineer outside of county on state aid or any other project, cooperative state and federal governments in carrying out relief programs may be reimbursed by the county, if such expense were first authorized by the county. Op. Atty. Gen. 1930, c. 283, § 4.


It is mandatory that county highway engineer be selected from list of eligibles furnished by commissioner of highways. Op. Atty. Gen. 1934, c. 217.


Office of county highway engineer and that of surveyor are incompatible and may not be occupied by same person. Op. Atty. Gen. (122a-2).

Offices of county highway engineer and county surveyor are incompatible, and approval and removal of one who has already qualified as county surveyor constitutes an election to vacate latter office. Op. Atty. Gen. 1938, c. 255.


Engineer may be required to furnish new bond for each term for which he is appointed. Op. Atty. Gen., Mar. 17, 1934.

2560-7. Same—Road and highway duties of other county engineers or surveyors transferred to.

Act Apr. 5, 1933, c. $59, authorized organized towns with more than 15,000 population, assessed valuation of over $10,000,000 and over 200 miles of town roads, to create department of highway engineers.

2571. Power of town board.

Act Sep. 21, 1931, c. 190, authorizes supervisors of towns having more than 16,000 population, assessed valuation of over $7,000,000, and 200 miles of town roads, to create department of highway engineers. Healey Laws 1933, c. 155. Omitted as local.


25651. Duties of town supervisors in the general maintenance, repair and improvement of town roads are discretionary. 173 M. S., 220 N.W. 166.

Where discretion of town supervisors with respect to the opening of a road has been exercised in an arbitrary and capricious manner, the court may exercise control, but it must be made to appear that there are not only available funds but also sufficient available funds to do whatever else may, in the reasonable judgment of the town board, need to be done on the other town roads. 170 M. S., 220 N.W. 155.

Lack of proof of proper attendance by members of town boards did not preclude recovery for construction and repair of a town line road. Lindgren v. T., 187 M. S., 244 N.W. 710. See Dun. Dig. 4704.


Department of conservation shall first get proper permission from local towns through the operation of § 2569-7. This section authorizes local towns to do right of way or develop road bed in connection with emergency conservation work. Op. Atty. Gen. (277a-4), Apr. 16, 1935.

Electors have no authority to set aside funds from tax levy to be made in future years for purpose of purchasing road, highway or snow removal equipment, but may do so by means of a direct vote. Laws 1935, c. 161, ch. 46, § 17.


Town board could hire an automobile at rate of five cents per mile and 35 cents per hour for driver for purpose of inspecting its 100 miles of town highway. Op. Atty. Gen. (437a-8), April 15, 1939.


2571-8. Transfer of funds validated.—Where the Board of County Commissioners, in any county containing any unorganized townships in which a tax has been levied and collected for dragging roads in such unorganized townships, has transferred such funds to the ditch funds and applied the same in payment of road benefits assessed against said townships on account of ditches, such action of the County Board is legalized, validated and made effective. (Acts 1930, c. 55, § 207.)

2572. Town bonds for paving.

Ordinarily graveling a road is not a "permanent improvement" within this section for which bonds may be levied and levied but such graveling may be of such a character as to come within the statute. Op. Atty. Gen., May 14, 1936.
§2573. Taxation for road purposes by towns.


Towns no longer have authority to vote a labor tax to be worked out on town roads. Op. Atty. Gen., June 16, 1927.


Town levy for town road drainage is subject to maximum limitations in §§2573(b) and 2530(a). Op. Atty. Gen. (513b), Feb. 9, 1937.


Tax levy for road and bridge purposes limited by §2560-3 where such statute is applicable, and may be exceeded only if needed to meet minimum corporate expenses. Op. Atty. Gen. (513a), Aug. 21, 1927.

Whether an emergency would be created by reason of facts which would be completed as a Works Progress Administration Project provided township had contributed a "small part of the expense" is a question of fact for determination by the town board. Op. Atty. Gen. (518d), Oct. 21, 1927.


2574. Town dragging fund and tax.

A road was constructed over part of the path lying beyond corporate limits, provided road is within limits of state and leads into village. Op. Atty. Gen., Aug. 22, 1930.


2575. Town road overseer.—Each town shall constitute one road district, except when otherwise provided. When directed so to do by the voters of the town at the annual town meeting, the town board shall divide each town into as many road districts, not exceeding four, as shall be directed by the voters at the annual town meeting. Provided, that if a town constitutes but one road district, the road overseer must be appointed by the town board and not by vote of the people. Op. Atty. Gen., Nov. 19, 1937.


2576. Road district.—If the voters of a town shall at the annual town meeting, vote as hereinafter provided to authorize the town board to do so, the town board may levy and assess on the real and personal property of all town and county roads therein, the maximum amount which may be fixed and allowed by town board. Op. Atty. Gen., June 13, 1928.

2577. Expense of township line roads.

This section is not applicable to the tax authorized to be levied by Laws 1913, c. 44, as amended by Laws 1919, c. 528, set forth herein as §§2565-4 to 2565-8. Op. Atty. Gen., June 13, 1928.


A village may construct a road without its boundaries leading into places where a town Dragging Fund Tax applies only in drainage proceedings. 178M, 221NW.

2578. Improvement of ferries by municipalities.

This section is not applicable to the tax authorized to be levied by Laws 1913, c. 44, as amended by Laws 1919, c. 528, set forth herein as §§2565-4 to 2565-8. Op. Atty. Gen., June 13, 1928.

2580. Town Road Drainage Tax.

(a) Any town wherein the voters shall at the annual town meeting, vote as hereinafter provided to authorize the town board so to do, the town board may levy and assess on the real and personal property of all town and county roads therein, the maximum amount which may be fixed and allowed by town board. Op. Atty. Gen. (434a-7), May 8, 1936.


2580. Town Road Drainage Tax—

(a) In any town wherein the voters shall at the annual town meeting, vote as hereinafter provided to authorize the town board so to do, the town board may levy and assess on the real and personal property of all town and county roads therein, the maximum amount which may be fixed and allowed by town board. Op. Atty. Gen. (434a-7), May 8, 1936.
Provided, that in towns having an assessed valuation of not less than one million nor more than eight million dollars ($8,000,000 to $80,000,000) and which otherwise comply with the provisions of Laws of 1929, ch. 254, subd. 7, the power to establish a highway on the line between two counties is vested by statute in the district court. Prior order establishing the highway has the force of a judgment and effect of a decree, and the court may issue a writ of mandamus to compel the county board to comply with the order and to do the acts required in the order. If the county board does not comply with the order, the board shall be removed and new members shall be appointed. The petition and may retain a portion of the road which has been levied and collected shall not be deemed to have been levied and collected for road and bridge purposes within the meaning of any law limiting the amount of revenue which may be levied or borrowed by the county board at any one time or at any annual meeting. (As amended Apr. 24, 1937, c. 402, §1.)

 Township levy for town road drainage is subject to maximum limitations contained in §2573(b) and §2580(a). Op. Atty. Gen. (615a), Feb. 9, 1937.

23581. Establishment of road by judicial proceedings.

Decision denying petition need not be sustained by evidence practically conclusive against the propriety of establishing a road. State v. W. & G., 1925, 252 W. 518.

The power to establish a highway on the line between two counties is vested by statute in the district court. Prior order establishing the highway has the force of a judgment, and the court may issue a writ of mandamus to compel the county board to comply with the order and to do the acts required in the order. If the county board does not comply with the order, the board shall be removed and new members shall be appointed. The petition and may retain a portion of the road which has been levied and collected shall not be deemed to have been levied and collected for road and bridge purposes within the meaning of any law limiting the amount of revenue which may be levied or borrowed by the county board at any one time or at any annual meeting. (As amended Apr. 24, 1937, c. 402, §1.)

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the county which is not accessible to the general pub-
lic by reason of the fact that there is no public high-
way leading up to the same, and (b) that the estab-
lishing and opening of a county road of not more
than one mile in length and sixty-six feet in width
would connect such lake or navigable stream with a
public highway and would afford the general public
a means of access to such lake or stream, it may be
the duty of such board, if after an investigation
it finds the statement in the petition to be true, to
adopt a resolution establishing a public highway not
more than one mile long nor sixty-six feet wide, at
some location to be designated by it, so as to con-
nect such lake or stream with some previously estab-
lished and traveled highway, and to that end the
county boards shall have power to acquire any
land, or any easement or interest therein deemed
necessary, including the right to acquire the fee of
the land to the width of the road only at the point
where the road meets the lake by purchase, gift or
condemnation proceedings. (Act Apr. 9, 1929, c.
1.)

County may establish road to lake shore. Op. Atty.

Provision only makes a road not longer than one mile
to connect a meandered lake or navigable stream with
(377c-7), March 26, 1929.

2583. Establishment, alteration, or vacation by town
boards.


As to evidence, see sub. 6, where the validity for
vacation of certain town roads in counties having 21,000
to 26,000 population, exclusive of moneys and
credits, of $12,000,000 to $15,000,000, and 30 to 32 town-
of certain town roads in counties having 21,000 to 26,000
population, assessed valuation, exclusive of moneys and
credits, of $12,000,000 to $15,000,000, and 30 to 32 town-
ships.

Where a town board may establish a road in
part over lands held by the Government in trust for
commissions. (As amended Apr. 14, 1937, c. 208, §1.)

Where a person having easement to travel over a strip
of land which is to be paid damages when such strip of land is
included in a public road. 175M168, 220NW419.

The 20 day term for filing final order under subd. 6,
July 23, 1932.

Town board has right to make settlement with land-
owners for damages without making final order, but this
is limited to cases where road is established on petition

Procedure by town board for vacation of town road,

Where petition to town board for vacation of town road
was denied merely because it did not contain the
required number of signers, there was no denial of the
petition on its merits, and a new petition may be filed

Where town road was established along a section line
and facts found to show that by inaction town board
had denied a petition for the same road within one
year of filing the petition. Id. See Dun. Dig. 8459.

The 20 day term for filing final order under subd. 6,
common-law dedication, see §2585.

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The 20 day term for filing final order under subd. 6,
common-law dedication, see §2585.
same at their own expense did not tend to show
conclusion on part of town board, 172M45, 217NW459.
Now to show that the same land for cartway was
for a public use and town board had jurisdiction.
173M448, 217NW459.

[Paragraphs not transcribed due to formatting issues]

Petitioner for cartway may pay damages and town

[Paragraphs not transcribed due to formatting issues]
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ing out and construction of such portage, in the case of the establishment of a new portage or the alteration of an existing portage or portages, and carrying into effect the vacation of an existing portage or portages, when such action is petitioned for. (Act Apr. 22, 1933, c. 424, §6.)

2585-9. Damage to be paid by county.—All damages resulting from the establishment, alteration or vacation of such portage shall be paid by the county. (Act Apr. 22, 1933, c. 424, §7.)

2585-10. Appeal to district court.—Any person aggrieved by the decision of a County Board establishing, altering or vacating or refusing to establish, alter or vacate any portage, or by any award of damages made by such County Board, may appeal therefrom to the district court of such county within 30 days from such award is made. (Act Apr. 22, 1933, c. 424, §8.)

2585-11. May be altered or vacated.—A public portage may be altered or vacated in the same manner as it may be established. (Act Apr. 22, 1933, c. 424, §9.)

2585-12. Cartways crossing township line.—Appointment of appraisers.—Whenever a petition praying that a cartway two rods wide is signed and presented to one of the judges of the district court of the county in which the land of the petitioner or petitioners is situated, praying for the establishment of such cartway from the land of the petitioner or petitioners over the land of another or others so as to connect with a public highway, where such cartway commences in one township and terminates in another township, such judge is hereby authorized to appoint three appraisers to examine the route of such proposed cartway, determine the cost of the construction thereof on and over lands other than that belonging to the petitioner or petitioners, and assess the damages, including the cost of the right of way, that may be caused to the lands of others on and over which said cartway is proposed to be established and laid out. (Act Apr. 21, 1939, c. 347, §1.)

2585-13. Same.—Contents of petition.—Such petition shall be signed by the owner or owners of any tract of land less than ten acres in area and which is improved and actually used and occupied as an exclusive place of residence by the owner or owners thereof for farming or agricultural purposes, and which is connected with or over which such cartway is proposed to be located and established at least ten days before the meeting of the appraisers, and also cause ten days’ posted notice thereof to be given in each of the townships in which the proposed cartway is sought to be located and established, and file one copy thereof in the office of the township clerk of each of the townships in which any part of such cartway is proposed to be located, and furnish a copy of such service, posting and filing. (Act Apr. 21, 1939, c. 347, §2.)

2585-14. Same.—Order on petition.—Upon the filing of such petition in the office of the clerk of the district court of the county the same shall be immediately presented to one of the district court judges thereof, who shall thereupon make and file an order appointing three disinterested freeholders who are not residents of any of the townships in or through which such proposed cartway is to be established and laid out; he shall in such order fix the time and place of the meeting of such appraisers, require that they shall make and subscribe in open court their examination of the damages and the assessment of the cost of the right of way, and the performance of their duties and cause the same to be filed in the office of the clerk of such court; require that they shall examine the route of such proposed cartway, determine and assess the damages on account of the establishment and opening of such cartway, including the value of the land taken for right of way separately in each township; and determine also the cost of the construction of such cartway on and over the lands of others that of that of the petitioner or petitioners, separately as to each township, and require that such appraisers shall make a full and complete report of their findings and assessments or awards to the judge of such court at a time and place specified in the order of their appointment, and in addition thereto that they shall also find and determine whether the route of such proposed cartway is practical and feasible and the least expensive of any route that may furnish an outlet from the tract of the owner or owners to a public highway. (Act Apr. 21, 1939, c. 347, §3.)

2585-15. Same.—Notice.—Service.—The petitioner or petitioners shall cause personal service of such order on the residents of any of the townships in which the proposed cartway is sought to be located and established, and also cause such order to be served on and over which such cartway is proposed to be located and established at least ten days before the meeting of the appraisers, and also cause ten days’ posted notice thereof to be given in each of the townships in which the proposed cartway is sought to be located and established, and file a copy thereof in the office of the township clerk of each of the townships in which any part of such cartway is proposed to be located, and furnish a copy of such service, posting and filing. (Act Apr. 21, 1939, c. 347, §4.)

2585-16. Same.—Duty of appraisers. That thereupon it shall be the duty of the said appraisers to proceed with the performance of their duties as required of them in and by the order of their appointment, and they shall hear all persons interested both for and against the establishment of such cartway and make report of their findings and assessments within the time and in the manner provided by the order of the court. (Act Apr. 21, 1939, c. 347, §5.)

2585-17. Same.—Judge to order road constructed.—If upon the hearing of the report of such appraisers the judge shall find that the route of such cartway as hereinafter provided, shall be filed in the office of the county auditor of such county, and in the office of the clerk of each of the townships affected. (Act Apr. 21, 1939, c. 347, §6.)

2585-18. Same.—May demand jury trial.—That the owner of any land on or over which such cartway is established, may demand a jury trial as to the amount of damages including cost of right of way
awarded by the appraisers for the establishment of such cartway thereon or thereover, by filing in the office of the clerk of such court, within 10 days after the entry of such order, a written demand therefor, that if no such demand is made within such 10 days, the court shall determine the result of such trial. That if no such demand is filed the order of such district court establishing such cartway shall become final and in the event of a demand for a jury trial, such order shall become final 30 days after the entry of judgment on the verdict of the jury therein, unless the time shall be extended for cause by an order made and filed in the proceedings by the judge of such court. (Act Apr. 21, 1939, c. 347, §7.)

2585.19. Same—Cost to be deposited with clerk of district court.—That the townships shall not be required to proceed with the construction of such cartway until there shall have been deposited in the office of the clerk of the district court the sum of $250.00, and furnishing to the county in which such proceedings are pending a bond in the sum of $250.00, conditioned that the demandant shall prosecute such demand with dispatch, and in case the amount of the damages is not increased that he will pay all the costs and disbursements of the petitioner assessed as the result of such trial. That if no such demand is filed the order of such district court establishing such cartway shall become final and in the event of a demand for a jury trial, such order shall become final 30 days after the entry of judgment on the verdict of the jury therein, unless the time shall be extended for cause by an order made and filed in the proceedings by the judge of such court. (Act Apr. 21, 1939, c. 347, §7.)

2586. Section line roads.
If road is to be established in unorganized township, a petition filed by landowners, unless such road is on the township line. Op. Atty. Gen. (377a-10(d)), Apr. 29, 1932.
Roads may be established along section line in either unorganized or dissolved township under either §2582 or §2585, and provided no damages in either case is found in §2582, while §2588 prescribes procedure relative to appeal in both cases. Op. Atty. Gen. (377b-10(d)), Dec. 20, 1935.
Original established right of way remains public property for highway purposes, and fact that road was not maintained exactly on section line for a few years did not prevent the using of road without payment of damages to adjoining owners. Op. Atty. Gen. (377b-10(d)), July 18, 1938.

2587. Roads on town line.
Two towns may agree to maintain jointly a bridge upon a part of the road assigned to one of them. 175M3, 221NW3.
Evidence held to sustain a finding that an agreement was made for joint maintenance of a bridge. 175M3, 221NW3.
Record held to establish laying out of highway and its maintenance. Freeman v. F, 286NW239. See Dun. Dig. §461.
Where a bridge on a town line road is washed out, the board or boards relating thereto as to two towns shall contribute for the expense of replacing the bridge depends on the agreement between the townships, unless the road is on a county line. Op. Atty. Gen., July 3, 1930.
Where townships agree upon maintenance of a township line road, the state takes over a portion of the road maintained by one of the townships, the division must stand as it was before the taking over of the road by the state. In the absence of a new agreement between the townships, especially where the road is on a county line. Op. Atty. Gen., May 6, 1931.
Survey by county some years previous to petition for town line road the unorganized county established the road and control. Op. Atty. Gen., May 12, 1932.
Property line line road in jurisdictional and defects should be pointed out by board to signer. Op. Atty. Gen., May 12, 1932.
Signors of petition for town line road may be residents of either town, and must be voters residing within the town as to which petition is made. Op. Atty. Gen., May 13, 1932.
There is no law or method of enforcing collection of taxes and maintenance of state line road. Op. Atty. Gen. (377E), April 21, 1933.
Town boards of two towns situated in adjoining counties have authority to establish a road between such towns on line between such counties and are authorized to maintain their proportionate shares, at least where they have been kept in repair after lapse of two years. Op. Atty. Gen., Feb. 7, 1938.

2588. Appeal.
Form of judgment allowing compensation for cartway through land held in proper form. Burns v. T., 186M 588, 243NW74.
Roads may be established along section line in either unorganized or dissolved township under either §2582 or §2585, and procedures relating to assessment of damages in either case is found in §2582, while §2588 prescribes procedure relative to appeal in both cases. Op. Atty. Gen. (377a-16(d)), Dec. 20, 1935.

2590. Dedication by user.
Op. Atty. Gen. (377b-10(e)), (631h), July 5, 1934; note under §2580.
Evidence held to justify finding of a public road by common-law dedication. 183M385, 235NW766. See Dun. Dig. §2655(41).
Common-law dedication of a roadway is established by proof of long-continued public use under such circumstances that the knowledge and assent of the owners, town, or unknown, are presumed. Metalak v. R., 184M3260, 235NW768. See Dun. Dig. §2646.
This section is not applicable to the opening of a road four rods wide as a part of highway route taken by the state by an order of the town board making it two roads wide. Op. Atty. Gen., Mar. 21, 1930.
Whether there has been a dedication by user is a question of fact. Op. Atty. Gen. (379c-13(b)), July 12, 1935.
When a road is established by user or common-law dedication, its width in absence of a statute is measured by the user. Op. Atty. Gen. (379a-4), Aug. 26, 1935.
This section relates to establishment of roads by user and not to roads or streets laid out by order of town board, village or city council. Op. Atty. Gen. (377c), Nov. 14, 1935.

2592. Alteration of road.
Order of board establishing alteration of road vacates the unused part of the old road after lapse of two years. Nelson v. Nicollet County, 184M358, 191NW921. See Dun. Dig. §1467.
When a permanent trunk highway is located by the Highway Commission, the pre-existing road along the general location is not thereby vacated, but reverts to the control of the county or town board as the case may be. 171M369, 214NW653.
Petition for change of highway the board has a reasonable discretion in varying the route proposed in petition and may retain a portion of the road which they have been kept in repair and worked for 15 years. Op. Atty. Gen. (377c-13(d)), Feb. 17, 1938.
This section relates to establishment of roads by user and not to roads or streets laid out by order of town board, and there was no dedication of a four rod road which a two rod road was established in first proceeding under statutes. Op. Atty. Gen. (373c-130), June 26, 1939.

2595. Contracts for bridges and roads.
Township could not let a valid contract for work on bridge where price was $400.00, before obtaining public approval of such contracts were on file with the town clerk when bids were called for, and there could not be a recovery, on a question of merit or otherwise, where there was also an order of bond filed on execution of the contract. 172M293, 214NW88.
This section is applicable to the construction of county aid roads. Op. Atty. Gen., May 1, 1939
Where a town, without advertisement for bids, and without formal offer to construct a road, the offer to improve a road, the contract was illegal, but there was a contract for services within the $500.00 limitation. Op. Atty. Gen., May 19, 1939.
Great inconvenience to the public from the collapse of a bridge is in dispensing with the statutory requirement of three weeks publication and reception of bids under this section. Op. Atty. Gen., June 19, 1933.
County board having rejected all bids for seasonal culverts, it may reconsider them but must readvertise. Op. Atty. Gen., June 4, 1933.
Where two culverts are to be used as one conduit, county may purchase as so to meet necessity of advertising for bids. Op. Atty. Gen., June 4, 1932.
This section relates only to work which is done by contract and has no application to work done by day labor, and if bridge is to be constructed by day labor and cost of bridge, therefore, will not be necessary for county to advertise for bids. Id.
Mower County is not required to advertise for bids in purchasing necessary machinery at a stipulated rate per hour, though no purchase of materials in excess of $250.00 is required for bids. Subdivision has no application to work done by day labor but does apply to a machine which, for contracts for construction in excess of $500.00 may not be made under terms of day labor work without first calling for bids. Op. Atty. Gen., (442a-9), Sept. 15, 1958.
Subdivision has no application to work done by day labor but does apply to a machine which, for contracts for construction in excess of $500.00 may not be made under terms of day labor work without first calling for bids. Op. Atty. Gen., (442a-9), Sept. 15, 1958.
$2506-1. Counties may pay for gasoline, etc., under certain conditions.—Whenever gasoline and oil has been furnished to a contractor in the construction of a county road and such contractor is insolvent and the bonding company issuing such contractor's bond is in the hands of a receiver, the county constructing such road may in its discretion pay for such gasoline and oil in the same manner as other county claims. "Op. Atty. Gen., June 4, 1932.
This section relates only to work which is done by contract and has no application to work done by day labor, and if bridge is to be constructed by day labor and cost of bridge, therefore, will not be necessary for county to advertise for bids. Id.
County board having rejected all bids for seasonal culverts, it may reconsider them but must readvertise. Op. Atty. Gen., June 4, 1933.
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'Towns in the improvement and maintenance of public highways are without authority substantially to change or interfere with the operation of duty established drainage systems. 174M317, 219NW158.
County boards as to state aid and county aid roads, and commissioners of highways are hereby given the right and power to determine upon the necessity and order the cutting down of hedges and trees within the road limits after
It is duty of town to construct and maintain approaches to a bridge constructed on a county road under this section. Op. Atty. Gen., May 31, 1939.
2007. Impassable roads—Complaint by freeholders. Sub. 1. Whenever a complaint in writing to the county board of the county reciting that a described road in or on the line of a town therein is neglected by the town charged by law with its maintenance and repair, or that a legally established road in or on the line of the town has not been constructed or opened, when the cost of opening and constructing such legally established road shall not exceed the sum of $1000.00 per mile, and that by reason of such neglect such road is not reasonably passable, and which said complaint is signed by five or more freeholders of said town or of an adjoining town in said county, the county board shall by resolution fix a time and place when and where it will consider the complaint, and thereupon the county auditor shall mail a copy of the complaint, together with a notice of the time and place when and where the county board will meet to consider the complaint, to the town clerk of the town and shall also mail a copy of the complaint to the county board under §2607. Op. Atty. Gen., June 27, 1937.
A binding contract may be entered into between two towns located in different counties and thereby to construct a bridge across a highway into districts to be maintained by respective towns. Op. Atty. Gen., (474a-7), Nov. 1, 1929.
In case of hedges growing on lands belonging to county board, it is the duty of the hedges committee of such county board to direct hedges committee of such county board to direct hedges committee of such county board to direct hedges committee of such county board to direct
appealing or bis attorney, and filing same with proof

to drift onto or accumulate upon said road in quan-

tities that materially obstruct travel. The said boards

can order the cutting down or removal of such
trees within thirty days after such notice. If the said owner or owners fail
or refuse to comply with such notice and order within
the time specified, the said board or commissioner of high-
ways shall have the power to cause such

trees to be cut down. The timber and wood
of such trees shall belong to the said owner or owners
of the abutting land; provided, they pay the expense
of cutting down said trees or hedges and remove the
same, if done at public expense, and the cost of mark-
ing or lighting dangerous places on the
public highways.

Sub. (3) The town boards of supervisors and the
county boards are hereby granted the further right
and power to appropriate and pay out of their
respective road and bridge fund, or from any other
fund available, the cost of cutting down such trees
and hedges and the removal or destruction of the
same, if done at public expense, and the cost of mark-
ing or lighting dangerous places on said highways.

Sub. (4) Any person aggrieved by any determina-
tion or order of a town board of supervisors or coun-
ty board of county commissioners, ordering or refus-
ing to order the cutting down or removal of such
hedges and the costs to the owners of the abutting
lands after deducting the costs of such cutting and
sale.

Sub. (5) Where in 1889 an order was made in regular proceed-
ing under the direction of the board of supervi-
sors of a town, ordering the cutting down of
hedges along a particular road, thereon which the
board did not pay for the cutting of hedges or,
thereinafter, did not cause them to be cut, the owner
was on section line, the passage of time and usu-
ality, and the not being notified of the
order, may cause the same to be put in the
proper condition at the expense of its owner, and,
whenever said board or commissioner of highways
shall deem the tunnel out of repair, it may cause
the necessary repairs to be made at the expense of
such owner. In either case the reasonable cost of such
repairs shall be certified to the county auditor and
by him assessed upon the land in the same manner
as the road taxes. Provided, that when any
public road is not on a section or sectional subdivi-
sion line, the owner of the lands on both sides of such
road shall be permitted to construct an appropriate
tunnel to be approved as aforesaid, which tunnel
shall maintain at his own expense for the first
year and which shall be thereafter maintained by the
county, town, county, or state, as the case may be.
Provided further that whenever the board of county com-
misssioners of any county, as to any county state aid or
county aid road therein, or the town board of any
town in any county, or city, within the county, city,
that the construction of such a tunnel is necessary for
the safety and welfare of the public, such board
may cause such tunnel to be constructed and main-
tained at the expense of the county or town in
such case may be, or may contract with the abutting
landowners for the equitable division of the cost of con-
struction and maintenance thereof between such land
owners and the county or town. ('21, c. 325, §70; Apr. 13, 1931, c. 147, §1.)


2012. Town and county boards to construct culverts.

This section is not applicable to a highway constructed along the banks of an established drain, and the town is not required to construct bridges over the drain that access to the highway. Op. Atty. Gen., July 19, 1936.

An abutting owner is entitled to a suitable culvert and to have it kept in good condition at expense of town. Op. Atty. Gen., Aug. 28, 1933.

Where township reconstructs town road, it is required to furnish culvert and also make fill for driveway. Op. Atty. Gen. (434a-7), July 25, 1925.

Separation of private owner's farms from highway by construction of ditch is an element of damage taken into consideration by viewers at time ditch is constructed, and cost of construction and maintenance must be borne by private landowners, except that burden will fall upon municipality that it is by damming ditch constructed for that purpose, and until exhaustion of the award. Op. Atty. Gen. (513a-41), July 30, 1937; Op. Atty. Gen. (612b-5), Aug. 16, 1937.


2013. Condemnation of gravel beds.

Act Mar. 9, 1936, c. 55, provides that counties having real and personal property of the value of $40,000,000 for gravel beds, and a population of 20,000, and having in the county not less than 500,000 acres containing road surfacing material with right of access thereto. A purchase of a quarter section of land in separate twenty acre tracts for use by the county to supply gravel would violate this section. Op. Atty. Gen., Apr. 28, 1933.


Since commission considered distance factor, it was unnecessary to draw the question. It is mandatory that distance be considered in fixing rates. Keit Constr. Co. v. F., 191M339, 245NW406. See Dun. Dig. 308a2.

2015. Obstruction of or damage to highways.

The construction and maintenance of a logging railroad across a highway under Mason's Minn. Stat., 1927, 355-2, etc. is not an unlawful obstruction under this section. 17M305, 213NW172.

In action to recover damages by an owner of or a trespasser on or over land used, for injury to person or improvements made for railroad, evidence held insufficient to support finding of negligence of defendant. W. St. v. St. Paul, 183M79, 235NW630. See Dun. Dig. 3437.

In action for injuries in tripping over door mat in front of defendant's property, jury had right to draw from evidence that the mat was either put there by defendant or that he permitted it to remain there. Utter v. St. Paul, 181M555, 229NW405. See Dun. Dig. 3446, 7084.

In action for injuries to motorist, colliding with unguarded concrete mixer placed in road to guard a building, evidence held insufficient to support finding of negligence of defendant. W. St. v. St. Paul, 181M555, 229NW405. See Dun. Dig. 3446, 7084.

Owner of fee in a highway can use it only in a way that is compatible with public travel thereon. State v. N., 183M695, 235NW702. See Dun. Dig. 4187.

Side road in abandoned village is a town or county road, and is not a fence erected thereon. Op. Atty. Gen., Apr. 28, 1933.

Fishing or loitering on a bridge is not prohibited, but dangers incident thereto may be obviated possibly under this section. Op. Atty. Gen., Jan. 28, 1934.

If township cut brush along right of way and piled it on right of way along main traveled part of highway with result that snow accumulated in large quantities on adjoining land and thereby blocked a driveway to a farmhouse, owner of lands on both sides of driveway was entitled to remove the brush and snow. Op. Atty. Gen., Jan. 28, 1934.

There is no other statutory provision requiring outlet of a private draining system emptying into ditch along a town road to be same distance from curb as outlet of ditch, but such outlet or water emptying therefrom must not obstruct public highway or ditch. Op. Atty. Gen. (662h), Aug. 13, 1938.

2016. Moving buildings over roads.

Power company held not liable for injury to employe who climbed to the top of a road-building machine and came in contact with a power wire. 17M564, 225NW323.


In not duty of county to remove snow from roads to open up driveways and entrances to side roads. Op. Atty. Gen. (377a-11), April 13, 1939.

There is no other statutory provision for a levy by a county for snow removal purposes than the 10 mill levy for road and bridge purposes, and county commissioners cannot make a levy against any township for removal of snow from township roads, but there is no legal objection to township entering into a contract with county for snow removal and expending available money. Op. Atty. Gen. (377a-11), July 14, 1936.

2018. Repeal.

Laws 1913, c. 235, and Laws 1921, c. 323, repealed Special Laws 1885, c. 178, requiring Mower County—"To build and maintain roads therein. State v. County of Mower, 185M320, 241NW656.


2620-1. Certain counties to improve roads outside of county._That in any county of this state now or hereafter having a total assessed valuation of all taxable property as fixed by the State Tax Commission of more than $220,000,000, and less than $296,000,000 exclusive of moneys and credits, and an area of less than 5,000 square miles, the board of county commissioners shall have authority to appropriate and expend upon any road, highway or bridge located upon or immediately adjacent to the boundary line between any city of the first class and any other city or village within such county, such sum or sums of money from the county road and bridge fund as said board shall deem proper for building, repairing or otherwise improving such road, highway, bridge or line along the construction and repairing of any bridge thereon. (25, c. 255, §1; Apr. 16, 1929, c. 189, §2.)

Sec. 1 of Act Apr. 15, 1926, c. 189, amends the title to Ch. 354, General Laws, 1913, to read as follows: "The board of county commissioners shall have authority, subject to the approval of the county commissioners of the county, to appropriate and expend from the county road and bridge fund upon any road, highway or bridge located upon or immediately adjacent to the boundary line between any city of the first class and any other city or village within such county, and to acquire by purchase or condemnation right-of-way thereto."

2620-2. Same.—Appropriations by county boards.—In any event said board of county commissioners shall determine to grade, pave or otherwise improve any road or highway, or construct or repair any bridge upon or immediately adjacent to the boundary line between any city of the first class and any other city or village within such county, said board shall proceed to build, repair or otherwise improve such road, highway, bridge or line along the construction and repairing of any bridge thereon. Provided that if any such road, highway or bridge so improved is upon a bound-
any line between any city or village and a city of the first class operating under a home rule charter within such county, and such road, highway or bridge is partly within such city of the first class, the amount so appropriated by said county shall not exceed one-half the cost of any such improvement as estimated by the county highway engineer of any such county. ('25, c. 255, §2; Apr. 15, 1929, c. 189, §2.)

2620-3. Same—Appropriations in special fund.

Sales, etc., so appropriated and paid to any city of the first class shall be set apart in a fund for the improvement of any such road, highway or bridge, or may be paid to any fund raised or to be raised under any proceeding authorized by the charter of any such city for improvement of any such road, highway or bridge, and shall be expended from such fund in the same manner as other funds therein. ('25, c. 255, §3; Apr. 15, 1929, c. 189, §3.)

2620-4. Same—Appropriations not invalid.—Such appropriation shall not be declared invalid because the same shall be more or less than one-half the total cost of such improvement as finally determined. ('25, c. 255, §4; Apr. 15, 1929, c. 189, §4.)

2620-5. Funding and payment of outstanding indebtedness.

Act (2620-6 to 2620-15) does not violate Const. Art. 4, §20, or §24, being remedial in character and intended to provide temporary relief for an unusual condition. 171 M312, 213 NW914.

2620-7. Same—Tax levy to pay bonds.

Ten-mill levy for road and bridge fund was lawfully made. Ten-mill levy extended for purpose of interest and principal due upon bonds issued pursuant to aforesaid act. State v. Koyes, 1832793, 246 NW947. See also Dug. 2286, 2925.

2620-9. County board to determine amount necessary.—Such county board shall annually, at its meeting on the first Monday in January in each succeeding year, determine the amount of funds which will be available during the current year for road and bridge purposes, from the proceeds of the tax levy, from the proceeds of any prior bond, and from state aid and from other sources known to be due and payable into the county treasury for such purposes during such year, and shall thereupon, at such meeting, make and spread on its minutes a definite budget of the expenditures made and to be made and indebtedness incurred and to be incurred for road and bridge purposes during such year, which expenditures and indebtedness shall in no case exceed the aggregate amount of revenues so determined to be available for such year, provided, however, that in counties having an area of 2500 square miles and an assessed valuation of more than $10,000,000,000 and less than $30,000,000,000, exclusive of moneys and credits when any item of new-road machinery will be available over a period of years, is purchased on bids, costing $4,000 and less than $6,000, that the payment thereof may, by the issuance of two warrants, be spread over a period of two years, one third of the aggregate amount represented by one warrant to be charged to and paid out of the funds determined and available in the year such item is purchased and the balance as represented by the second warrant to be charged to and paid out of the funds determined and available for the following year, and provided further that if the cost of the such item of road machinery is in excess of $6,000, that the payment thereof may, by the issuance of three warrants, be spread over a period of three years, one third of the aggregate amount, as represented by one warrant, to be paid out of the funds determined and available for the year in which said item is purchased, one third of said aggregate amount as represented by the second warrant to be paid out of and charged to the funds available and determined for the following year and the balance of one third of the aggregate, as represented by the third warrant, to be paid out of and charged to the funds determined available for the second year following the date of such purchase; provided, further, that the total cost of all road machinery purchased under this act shall not exceed the sum of $75,000, and that no warrants not payable in the year of their issuance shall be issued subsequent to January 1, 1933. Such budget shall first allot, and there shall be first payable out of the receipts for such year, so much of the road and bridge floating indebtedness of the county, including amounts borrowed from any other fund or funds, as is not retired by the bond issue hereinbefore authorized, together with interest thereon. There shall then be allotted not less than one-fifth of the anticipated current tax collections annually for maintenance and emergency funds, and what remains may be allotted to be expended on new construction for the year, which allotment shall include the payment of any additional expenditures made or indebtedness incurred by the county for all the purposes aforesaid in any year to exceed the total revenues of the county for all the purposes aforesaid in any year to exceed the total revenues of the county determined, as aforesaid, to be available for such year. The emergency fund may be used to pay for extraordinary repairs or replacements occasioned by emergency which could not be anticipated when the budget was made. ('27, c. 147, §8; Apr. 25, 1931, c. 387, §1.)

2620-17. Definitions.—The words, "Town Road" and "Town Roads" shall mean those roads and cart-ways which have heretofore been or which hereafter may be established, constructed and improved under the authority of the several town boards, and also all roads lying wholly within one township and not within the limits of any city or village including roads therein established by use. (Act Apr. 15, 1935, c. 228, §1.)

2620-18. Town boards to alter, vacate and abandon roads.—The several town boards may alter, vacate and abandon any town road upon petition of the owners and occupants of all the land contiguous thereto. Said petition shall be filed with the town clerk and proceedings thereon by the town board shall be in conformity with the provisions of Section 11 of Mason's Minnesota Statutes of 1927 insofar as the same are applicable. (Act Apr. 13, 1933, c. 228, §2.)


2620-19. Inconsistent acts repealed.—All Laws, Acts or parts thereof inconsistent herewith are hereby repealed. (Act Apr. 15, 1935, c. 228, §3.)
Laws Sp. Ses., 1935-36, c. 96, authorizes commissioner's act shall take effect from its "passage, approval and publication."

Commissioners of any county may when petitioned to an assessment in writing therefor reimburse any borough, village or city, which street or road was subsequently designated as a part of the State Aid Road system of that county, to an amount, however, of not to exceed $2000 for any one municipality. (Act Feb. 15, 1935, c. 12, §7.)

Laws 1935, c. 96, provides that the act shall take effect from its "passage, approval and publication."

County on July 9 at a point in the street or road was subsequently designated as a part of the State Aid Road system of that county, to an amount, however, of not to exceed $2000 for any one municipality. (Act Feb. 15, 1935, c. 12, §7.)

LOCAL AND SPECIAL ACTS

Laws 1929, c. 145, vacates road established by Sp. Laws 1923, c. 127. Counties containing first class city in which is located more than 96% of taxable property according to assessment are authorized to obtain from the federal government a road bridge fund money for installation of stop and go signs on N. 12th St. in St. Paul, Minn. (Laws 1932, c. 284, §2.)

Laws 1932, c. 41, authorizes county board in counties having over 200,000 inhabitants, and area of over 5,000 square miles, to assess and collect a street improvement assessment of not over $5,000,000 to improve roads and bridges to enable traffic to pass between trunk highways more than ten miles apart.

Laws 1931, c. 297, authorizes counties having assessed value of over $350,000,000 to $390,000,000, and population of over 53,000,000 and bonded indebtedness of not more than $3,000,000 to improve roads and bridges costing "more than $300."

Laws 1931, c. 297, authorizes counties having assessed valuation of over $310,000,000, exclusive of moneys and credits, to make expenditure for mutual benefit work in permanently improving trunk highways. Laws 1931, c. 168.

Laws 1931, c. 25, authorizes assessment of benefits, etc., and not an outright payment of part of the cost of a street improvement. Assessment of Benefits, Etc., 1892, c. 242.

Laws 1931, c. 113, authorizes issuance of state bonds to the amount of $10,000,000 In 1931, and a like amount in 1922.


State to reimbursement for moneys expended on trunk highways.

State cannot reimburse county out of trunk highway fund amount expended for right of way for new road built by county and later designated and taken over by state as trunk highway. State v. Babcock, 186M132, 341 NW474. See Dun. Dig. 8452.

Laws 1931, c. 111, limits scope of Laws 1915, c. 44, as amended by Laws 1929, c. 284, mentioned in note is set forth herein as §§2565-4 to 2565-8.

State cannot reimburse county out of trunk highway fund amount expended for right of way for new road built by county and later designated and taken over by state as trunk highway. State v. Babcock, 186M132, 341 NW474. See Dun. Dig. 8452.

Laws 1931, c. 111, limits scope of Laws 1915, c. 44, as amended by Laws 1929, c. 284, mentioned in note is set forth herein as §§2565-4 to 2565-8.

State cannot reimburse county out of trunk highway fund amount expended for right of way for new road built by county and later designated and taken over by state as trunk highway. State v. Babcock, 186M132, 341 NW474. See Dun. Dig. 8452.
westerly direction to a point on Route No. 9 at or near Spring Valley; affording Weaver, St. Charles, Chatfield and Spring Valley a reasonable means of communication each with the other and other places within the State.

Route No. 76. Beginning at a point on Route No. 3 in Winona, thence extending in a northeasterly direction to a point on the line between the states of Minnesota and Wisconsin.

Route No. 77. Beginning at a point on Route No. 43 at or near Wilson, thence extending in a southeasterly direction to a point on the line between the states of Minnesota and Iowa; affording Wilson, Houston and Caledonia a reasonable means of communication each with the other and other places within the State.

Route No. 78. Beginning at a point on Route No. 43 at or near Rushford, thence extending in a westerly direction to a point on Route No. 56 at or near Hayfield; affording Rushford, Chatfield, Stewartville, and Hayfield a reasonable means of communication each with the other and other places within the State.

Route No. 79. Beginning at a point on Route No. 20 at or near Harmony, thence extending in a southerly direction to the line between the States of Minnesota and Iowa.

Route No. 80. Beginning at a point on Route No. 9 southerly of Wykoff, thence extending in an easterly direction to a point on Route No. 20 at or near Preston.

Route No. 81. Beginning at a point on Route No. 9 easterly of Austin, thence extending in a southeasterly direction to a point on Route No. 59 easterly of LeRoy.

Route No. 82. Beginning at a point on Route No. 46 northerly of Bloming Prairie, thence extending in a westerly direction to a point on Route No. 15; affording Bloming Prairie, Ellendale, Mapleton, and St. James a reasonable means of communication each with the other and other places within the State.

Route No. 83. Beginning at a point on Route No. 5 westerly of Mankato, thence extending in a northwesterly direction to a point on Route No. 15 southerly of New Ulm.

Route No. 84. Beginning at a point on Route No. 7 at or near Sleepy Eye, thence extending in a southerly direction to the line between the States of Minnesota and Iowa; affording Sleepy Eye, St. James, and Sherburne a reasonable means of communication each with the other and other places within the State.

Route No. 85. Beginning at a point on Route No. 16 at or near Winch, thence extending in a southeasterly direction to a point on the line between the States of Minnesota and Iowa at or near Bigelow; affording Winch, Worthington, and Bigelow a reasonable means of communication each with the other and other places within the State.

Route No. 86. Beginning at a point on the line between the States of Minnesota and Iowa southerly of Lakefield, thence extending northerly through Lakefield to a point on Route No. 85 as herein established westerly of Windom.

Route No. 87. Beginning at a point on Route No. 9 westerly of Worthington, thence extending in a southerly direction through Kiester to a point on the line between the States of Minnesota and Iowa.

Route No. 88. Beginning at a point on the line between the States of Minnesota and South Dakota, and Route No. 9, thence extending in a northeast direction to a point on Route No. 12 at or near Montevideo; affording Jasper, Pipestone, Marshall, and Montevideo a reasonable means of communication each with the other and other places within the State.

Route No. 89. Beginning at a point on Route No. 6 at or near Pipestone, thence extending in a westerly direction to a point on the line between the States of Minnesota and South Dakota.

Route No. 90. Beginning at a point on Route No. 6 at or near Ivanhoe, thence extending in a westerly direction to a point on the line between the States of Minnesota and South Dakota.

Route No. 91. Beginning at a point on the line between the States of Minnesota and Iowa southerly of Adrian, thence extending in a northerly direction to a point on Route No. 88 as herein established at or near Russell; affording Adrian, Lake Wilson, and Russell a reasonable means of communication each with the other and other places within the State.

Route No. 92. Beginning at a point on Route No. 17 westerly of Currie, thence extending in an easterly direction to a point on Route No. 84; affording Currie and Jeffers a reasonable means of communication each with the other and other places within the State.

Route No. 93. Beginning at a point on Route No. 4 at or near Redwood Falls, thence extending in a southeasterly direction to a point on Route No. 70 at or near Sleepy Eye.

Route No. 94. Beginning at a point on Route No. 3 northerly of Hastings, thence extending in a southeasterly direction to a point on the line between the States of Minnesota and Wisconsin.

Route No. 95. Beginning at a point on Route No. 94 as herein established at Point Douglas, thence extending in a northerly direction through Bayport and Stillwater to a point on Route No. 46 at or near Taylors Falls.

Route No. 96. Beginning at a point on Route No. 95 as herein established at or near Stillwater, thence extending in a westerly direction to a point on Route No. 1 at or near New Brighton.

Route No. 97. Beginning at a point on Route No. 1 at or near Forest Lake, thence extending in an easterly direction to a point on Route No. 95 as herein established.

Route No. 98. Beginning at a point on Route No. 1 at or near Forest Lake, thence extending in an easterly direction to a point on Route No. 46.

Route No. 99. Beginning at a point on Route No. 21 east of Le Center, thence extending in an easterly direction to a point on Route No. 21 near General Sheldon Lake.

Route No. 100. Beginning at a point on Route No. 22 at or near Gaylord, thence extending in an easterly direction to a point on Route No. 3 westerly of Oakes. Affording Gaylord, Henderson, New Prague, Northfield, Cannon Falls, and Red Wing a reasonable means of communication each with the other and other places within the State.

Route No. 101. Beginning at a point on Route No. 1 at or near Faribault, thence extending in a northerly direction to a point on Route No. 50.

Route No. 102. Beginning at the present terminus of Route No. 1 on the southerly limits of the City of St. Paul, thence extending in a northerly direction through the City of St. Paul to the point of beginning of Route No. 1 on the northerly limits of the city of St. Paul.

Route No. 103. Beginning at the present terminus of Route No. 1 on the westerly limits of the City of Duluth, thence extending in a northerly direction to the point of beginning of Route No. 1 at the northerly limits of the City of Duluth.

Route No. 104. Beginning at the present terminus of Route No. 3 on the easterly limits of the City of St. Paul, thence extending in a northwesterly direction through the Cities of St. Paul and Minneapolis to the present point of beginning of Route No. 3 on the westerly limits of the City of Minneapolis.

Route No. 105. Beginning at a point on the southerly limits of the City of Minneapolis, thence extending in a northeasterly direction through Minneapolis to a point at the beginning of Route No. 5 on the northerly limits of the City of Minneapolis.

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Route No. 106. Beginning at a point on Route No. 8 in the westerly limits of the City of Duluth, thence extending in a southeasterly direction through Duluth to a point at the water's edge of St. Louise Bay and therfrom terminating.

Route No. 107. Beginning at the present terminus of Route No. 10 on the westerly limits of the City of Minneapolis, thence extending in an easterly direction to a point on Route No. 104 as herein established.

Route No. 108. Beginning at the present terminus of Route No. 13 on the easterly limits of the City of St. Paul, thence extending in a westerly direction through the cities of St. Paul and Minneapolis to a point on the westerly limits of the City of Minneapolis, connecting with Route No. 12.

Route No. 109. Beginning at the present terminus of Route No. 45 on the easterly limits of the City of St. Paul, thence extending into St. Paul in a southwesterly direction to connect with Route No. 102 as herein established.

Route No. 110. Beginning at the present terminus of Route No. 46 on the southerly limits of the City of Minneapolis, thence extending through Minneapolis and northerly to a point on Route No. 2 at or near Atkin, affording Minneapolis, Anoka, Oglivie, Isle and Aitkin, a reasonable means of communication each with the other and other places within the State.

Route No. 111. Beginning at the present terminus of Route No. 52 on the westerly limits of the United States Military Reservation at Fort Snelling, thence extending in a northerly direction through the Military Reservation into the City of St. Paul to connect with Route No. 102 as herein established.

Route No. 112. Beginning at the present terminus of Route No. 53 on the southerly limits of the City of Minneapolis, thence extending into Minneapolis in a southwesterly direction to connect with Route No. 105 as herein established.

Route No. 113. Beginning at a point on the northerly limits of the City of St. Paul, thence extending in a southeasterly direction into St. Paul to connect with Route No. 104 as herein established.

Route No. 114. Beginning at the present terminus of Route No. 62 on the northerly and easterly limits of the City of Minneapolis, thence extending into Minneapolis in a southeasterly direction to connect with Route No. 105 as herein established.

Route No. 115. Beginning at a point on Route No. 112 as herein established in St. Paul thence extending in an easterly direction to a point on Route No. 1 southwesterly of Wescott.

Route No. 116. Beginning at a point on Route No. 104 as herein established in the City of Minneapolis, thence extending in a southerly direction to a point on Route No. 21 at or near Kenyon; affording Minneapolis, Mendota, Hampton, and Kenyon a reasonable means of communication each of the other and other places within the State.

Route No. 117. Beginning at a point on Route No. 106 as herein established easterly of New Prague, thence extending in a northeasterly direction and crossing the Mississippi River, thence extending in a northwesterly direction to a point on Route No. 1 at or near White Bear.

Route No. 118. Beginning at a point on Route No. 119 at or near Clara City, thence extending in an easterly direction to a point on Route No. 22 at or near Gaylord, thence extending in a northeasterly direction to a point on Route No. 5; affording Gaylord, Norwood, and Victoria a reasonable means of communication each with the other and other places within the State.

Route No. 119. Beginning at a point on Route No. 5 in Mankato, thence extending in a northwesterly direction through Nicollet to a point on Route No. 22, southerly of Gaylord.

Route No. 120. Beginning at a point on Route No. 5 in Le Sueur, thence extending in a southeasterly direction to a point on Route No. 21.

Route No. 121. Beginning at a point on Route No. 25 at or near Wells, thence extending in a southeasterly direction to a point on Route No. 9 at or near Alden.

Route No. 122. Beginning at a point on Route No. 111 as herein established north of the Mississippi River, thence extending in a northerly direction to a point on Route No. 63.

Route No. 123. Beginning at a point on Route No. 104 as herein established in St. Paul at or near Rice Street, thence extending in a northerly direction to a point on Route No. 64.

Route No. 124. Beginning at a point on Route No. 29 at or near Wells, thence extending in a southeasterly direction to a point on Route No. 28 at or near Rice Street, thence extending in a northerly direction to a point on Route No. 27.

Route No. 125. Beginning at a point on Route No. 27 at or near St. Cloud, thence extending in a southerly direction to a point on Route No. 3.

Route No. 126. Beginning at a point on Route No. 5 northerly of Braham, thence extending in an easterly direction toward a point on the line between the States of Minnesota and Wisconsin.

Route No. 127. Beginning at a point on Route No. 25 at or near St. Cloud, thence extending in an easterly direction to a point on Route No. 3 at Osakis; affording St. Cloud, Clearwater, and Monticello a reasonable means of communication each of the other and other places within the State.

Route No. 128. Beginning at the present terminus of Route No. 57 in Mantorville, thence extending in a northerly direction through Wamaningo to a point on Route No. 29.

Route No. 129. Beginning at a point on Route No. 27 at or near St. Cloud, thence extending in an easterly direction to a point on Route No. 5.

Route No. 130. Beginning at a point on Route No. 37 at or near Randall, thence in an easterly direction to a point on Route No. 133.

Route No. 131. Beginning at a point on Route No. 124 at or near Gaylord, thence extending in a northerly direction to a point on Route No. 22.

Route No. 132. Beginning at a point on Route No. 27 at or near St. Cloud, thence extending in a northerly direction to a point on Route No. 5; affording St. Cloud, St. Paul, Princeton, Cambridge and Taylors Falls a reasonable means of communication each of the other and other places within the State.

Route No. 133. Beginning at a point on Route No. 5 northerly of Braham, thence extending in an easterly direction to a point on the line between the States of Minnesota and Wisconsin.

Route No. 134. Beginning at a point on Route No. 5 northerly of Grasswood, thence extending in a northerly direction to a point on Route No. 3.

Route No. 135. Beginning at a point on Route No. 28 at or near Gaylord, thence extending in a westerly and southwesternly direction to a point on Route No. 5 at Osakis; affording Little Falls, Long Prairie, and Osakis a reasonable means of communication each of the other and other places within the State.

Route No. 136. Beginning at a point on Route No. 8 norwesternly of Bemidji, thence extending in a northerly direction to a point on Route No. 11 at or near Roseau.

Route No. 137. Beginning at a point on Route No. 18 northwesterly of Garrison, thence extending in a northerly direction to a point on Route No. 34 at or near Roseau; affording Garrison, Dearwood, Crosby,
and Remer a reasonable means of communication each with the other and other places within the State.

Route No. 138. Beginning at a point on Route No. 19 at or near Pine River, thence extending in a northerly direction to a point on Route No. 18.

Route No. 139. Beginning at a point on Route No. 19 at or near Breckenridge, thence extending in a northerly direction to a point on Route No. 4.

Route No. 140. Beginning at a point on Route No. 19 at or near Pine River, thence extending in a northerly direction to a point on Route No. 28.

Route No. 141. Beginning at a point on Route No. 28 at or near Sauk Center, thence extending in a southerly direction to a point on Route No. 4.

Route No. 142. Beginning at a point on Route No. 4 at or near Paynesville, thence extending in a northerly direction to a point on the line between the States of Minnesota and North Dakota; affording Paynesville, Glenwood, and Elbow Lake a reasonable means of communication each with the other and other places within the State.

Route No. 143. Beginning at a point on Route No. 10 westerly of Pennock, thence extending in a northerly direction to a point on Route No. 142 as herein established.

Route No. 144. Beginning at a point on Route No. 6 at or near Madison, thence extending in a northeasterly and northerly direction to a point on Route No. 35 at Ely, thence extending in a southeasterly direction to a point on Route No. 1.

Route No. 145. Beginning at a point on Route No. 10 at or near Willmar, thence extending in a westerly direction to a point on Route No. 2.

Route No. 146. Beginning at a point on Route No. 10 westerly of Pennock, thence extending in a southerly direction through Maynard to a point on Route No. 12.

Route No. 147. Beginning at a point on Route No. 66 at or near Appleton, thence extending in a northerly direction to a point on Route No. 6.

Route No. 148. Beginning at a point on Route No. 6 at or near Ortonville, thence extending in a northerly direction to a point on Route No. 28.

Route No. 149. Beginning at a point on Route No. 148 as herein established at Ortonville, thence extending in a westerly direction to a point on the line between the States of Minnesota and South Dakota.

Route No. 150. Beginning at a point on Route No. 12 at or near Hector, thence extending in a northeasterly direction to a point on Route No. 142 as herein established at or near Barrett; affording Hector, Grove City, and Paynesville a reasonable means of communication each with the other and other places within the State.

Route No. 151. Beginning at a point on Route No. 24 southerly of Kimball, thence extending in a southerly direction to a point on Route No. 14 at or near Winthrop; affording Kimball, Hutchinson and Winthrop a reasonable means of communication each with the other and other places within the State.

Route No. 152. Beginning at a point on Route No. 10 at or near Herman, thence extending in a northerly direction to a point on Route No. 3 southerly of Crookston.

Route No. 153. Beginning at a point on Route No. 2 at or near Evansville, thence extending in a northeasterly direction to a point on Route No. 6 southerly of Fergus Falls.

Route No. 154. Beginning at a point on Route No. 6 at or near Canby, thence extending in a westerly direction to a point on the line between the States of Minnesota and South Dakota.

Route No. 155. Beginning at a point on Route No. 12 southerly of Madison, thence extending in a westerly direction to a point on the line between the States of Minnesota and South Dakota.

Route No. 156. Beginning at a point on Route No. 104 as herein established in the City of Minneapolis at the easterly end of Washington Avenue, thence extending in a northerly and northerly direction to a point on Route No. 62 easterly of the Great Northern Railroad.

Route No. 157. Beginning at a point on Route No. 35 on the north side of Mille Lacs Lake, thence extending in an easterly direction to a point on Route No. 110 as herein established.

Route No. 158. Beginning at a point on Route No. 11 at International Falls, thence extending in an easterly direction to Black Bay.

Route No. 159. Beginning at a point on Route No. 9 at or near Swan River, thence extending in a northerly direction to a point on Route No. 4, thence extending in a northerly direction to a point near Little Fork; affording Swan River, Nashwauk, and Little Fork a reasonable means of communication each with the other and other places within the State.

Route No. 160. Beginning at a point on Route No. 35 at or near Tower, thence extending in a westerly direction to a point on Route No. 135 as herein established southerly of Red Lake.

Route No. 161. Beginning at a point on Route No. 1 in Red Wing, thence extending in a northerly direction to a point on Route No. 3.

Route No. 162. Beginning at a point on Route No. 54 at or near Remer, thence extending in an easterly direction to a point on Route No. 3.

Route No. 163. Beginning at a point on Route No. 1 at or near Moose Lake, thence extending in a northerly direction to a point on Route No. 11 southerly of Orr; affording Moose Lake, Cromwell, Floodwood, Hibbing, Chisholm, and Orr a reasonable means of communication each with the other and other places within the State.

Route No. 164. Beginning at a point on Route No. 4, thence extending in a northerly direction through Cloquet to a point on Route No. 1.

Route No. 165. Beginning at a point on Route No. 8 westerly of Deer River, thence extending in a northerly direction to a point on Route No. 4.

Route No. 166. Beginning at a point on Route No. 35 at Ely, thence extending in a southeasterly direction to a point on Route No. 1.

Route No. 167. Beginning at a point on Route No. 11 northerly of Virginia, thence extending in a northeasterly direction to a point on Route No. 160 as herein established in the City of Tower.

Route No. 168. Beginning at a point on Route No. 4 near Itasca State Park, thence in a northerly direction to a point on Route No. 31 at Mahnomen.

Route No. 169. Beginning at a point on Route No. 8 at or near Bagley, thence extending in a southerly direction to a point on Route No. 188 as herein established.

Route No. 170. Beginning at a point on Route No. 32 at or near Thief River Falls, thence extending in an easterly direction to a point on Route No. 135 as herein established.

Route No. 171. Beginning at a point on Route No. 6 near St. Vincent, thence extending in a westerly direction to a point on the line between the States of Minnesota and North Dakota.

Route No. 172. Beginning at a point on Route No. 8 at or near Donaldson, thence extending in a westerly direction to a point on the line between the States of Minnesota and North Dakota.

Route No. 173. Beginning at a point on Route No. 6 at or near Warren, thence extending in a westerly direction to a point on the line between the States of Minnesota and North Dakota.

Route No. 174. Beginning at a point on Route No. 8 at or near Erskine, thence extending in a northwesterly direction to a point on Route No. 6 southerly of Nisswa.

Route No. 175. Beginning at a point on Route No. 8 at or near Crookston, thence extending in a...
Route No. 176. Beginning at a point on Route No. 175 as herein established at or near Halstad, thence extending in a northerly direction to a point on the line between the States of Minnesota and North Dakota.

Route No. 177. Beginning at a point on Route No. 32 southerly of Red Falls, thence extending in a southerly direction to a point on Route No. 192.

Route No. 178. Beginning at a point on Route No. 6 near Crookston, thence extending in a southeasterly direction to a point on Route No. 177 as herein established at or near Fertile.

Route No. 179. Beginning at a point on Route No. 9 at or near Ada, thence extending in a southerly direction to a point on Route No. 64 at or near Barnesville.

Route No. 180. Beginning at a point on Route No. 153 as herein established at or near Ashby, thence extending in a northerly direction to a point on Route No. 181 as herein established at or near Otter Tail.

Route No. 181. Beginning at a point on Route No. 36 at or near Henning, thence extending in a northerly direction to a point on Route No. 2 at or near Perham.

Route No. 182. Beginning at a point on Route No. 39 at or near Lake Lillian, thence extending in a westerly direction to a point on Route No. 94 at or near Barnesville.

Route No. 183. Beginning at a point on Route No. 36 east of Henning, thence extending in an easterly direction to a point on Route No. 2 at or near Staples.

Route No. 184. Beginning at a point on Route No. 19 at or near Deer Creek, thence extending in a northerly direction to a point on Route No. 2.

Route No. 185. Beginning at a point on Route No. 1 at Sandstone, thence extending in a northeasterly direction to a point on Route No. 103 as herein established in Duluth.

Route No. 186. Beginning at a point on Route No. 110 as herein established, thence extending in an easterly direction to a point on Route No. 185 as herein established at or near Askov; affording Isle, Finland, and Askov a reasonable means of communication each with the other and other places within the State.

Route No. 187. Beginning at a point on Route No. 18 at or near Elk River, thence extending in a southerly direction to a point on Route No. 117 as herein established.

Route No. 188. Beginning at a point on Route No. 69 at Buffalo, thence extending in an easterly direction to a point on Route No. 110 as herein established.

Route No. 189. Beginning at a point on Route No. 5 southerly of Mora, thence extending in a southerly direction to a point on Route No. 123 as herein established.

Route No. 190. Beginning at a point on Route No. 6 at or near Wheaton, thence extending in a southerly direction to a point on Route No. 28 at or near Browns Valley.

Route No. 191. Beginning at a point on Route No. 120 as herein established southerly of Waseca, thence extending in an easterly direction to a point on the line between the States of Minnesota and South Dakota.

Route No. 192. Beginning at a point on Route No. 1 at or near Hinckley, thence extending in an easterly direction to the line between the States of Minnesota and Wisconsin.

Route No. 193. Beginning at a point on Route No. 2 at or near Motley, thence extending in a northerly direction to a point on Route No. 34 westerly of Walker.

Route No. 194. Beginning at a point on Route No. 117 as herein established at or near Mendota, thence extending in a northeasterly direction to a point on Route No. 102 as herein established.

Route No. 195. Beginning at a point on Route No. 1 at or near Albert Lea, thence extending in a southerly direction to a point on the line between the States of Minnesota and Iowa.

Route No. 196. Beginning at a point on Route No. 3 at or near Grand Rapids, thence extending in a northerly direction to a point on Route No. 180 as herein established; affording Grand Rapids and Big Fork a reasonable means of communication each with the other and other places within the State.

Route No. 197. Beginning at a point on Route No. 153 as herein established at or near Eveleth, thence extending in an easterly direction to a point on Route No. 139 as herein established easterly of Backus.

Route No. 198. Beginning at a point on Route No. 9 at or near LaCrescent, thence extending in a southerly direction to a point on the line between the States of Minnesota and Iowa.

Route No. 199. Beginning at a point on Route No. 5 at or near Austin, thence extending in a southerly direction to a point on the line between the States of Minnesota and Iowa.

Route No. 200. Beginning at a point on Route No. 4 at or near Itasca State Park, thence extending in a westerly direction to a point on Route No. 30 at or near Waukon.

Route No. 201. Beginning at a point on Route No. 52, as herein established, near Winona, thence extending in a northerly direction to a point on Route No. 30 at or near Mankato.

Route No. 202. Beginning at a point on Route No. 11 at or near Eveleth, thence extending in a northeasterly direction to a point on Route No. 35 at Gilbert.

Route No. 203. Beginning at a point on Route No. 11 westerly of Duluth, thence extending in a southeasterly direction through Proctor and Duluth to the water's edge at St. Louis Bay, and thence terminating.

Route No. 204. Beginning at a point on Route No. 11, westerly of Duluth, thence extending in a southeasterly direction to a point on Route No. 105, as herein established in Duluth.

Route No. 205. Beginning at a point on Route No. 54 easterly of Herman, thence extending in an easterly direction to a point on Route No. 29, at or near Alexandria.

Route No. 206. Beginning at a point on Route No. 39, at or near Pelican Rapids, thence extending in an easterly direction to a point on Route No. 181, as herein established, southerly of Perham, and thence terminating.

Route No. 207. Beginning at a point on Route No. 2, at or near Frazee, thence extending in an easterly direction to a point on Route No. 4 at or near Menahga.

Route No. 208. Beginning at a point on Route No. 28, at or near Starbuck, thence extending in a northerly direction to a point on Route No. 3, at or near New London.

Route No. 209. Beginning at a point on Route No. 3, at or near Becker, thence extending in a northerly direction to a point on Route No. 18, at or near Brainerd; affording Becker, Foley, Gilman, Pierz and Brainerd a reasonable means of communication each with the other and other places within the State.

Route No. 210. Beginning at a point on Route No. 10 at or near Benson, thence extending in an easterly direction to a point on Route No. 4 at or near New London.

Route No. 211. Beginning at a point on Route No. 64 at or near Barnesville, thence extending in a southerly direction to a point on Route No. 3 at or near Breckenridge.
1927, Section 2554, Subdivision 5, Section 2557 and Section 2554, as amended, and for other purposes, all relating to the Trunk Highway System.

The following preamble precedes the enacting clause of Act Apr. 22, 1933, cited:

"WHEREAS, subsequent to the adoption of Article 16 of the Constitution of Minnesota at least 75 per cent of the total number of the miles of the routes embraced in Article 16 of the Constitution of the State of Minnesota have been constructed and permanently improved, and

WHEREAS, the funds available for the construction, improvement and maintenance of the additional routes of the highway system as hereinafter set forth shall be used for construction and maintenance of the several routes specifically described in said Article 16 of the Constitution of Minnesota, and

WHEREAS, the Legislature is in such case authorized to add new routes to said trunk highway system, therefore:

2662-2%a. Same—funds available.—That funds are available for the construction, improvement and maintenance of the additional routes of said trunk highway system hereinbefore set forth, sufficient therefor, in addition to the construction and maintenance of the several routes specifically described in said Article 16 of the Constitution of the State of Minnesota, and the said additional routes hereinbefore described are each and all hereof added to said trunk highway system pursuant to the power and authority vested in the Legislature under said Article 16 of the State Constitution. (Act Apr. 22, 1933, c. 440, §2.)

2662-2%b. Same—location—deviations—powers of commissioners.—The Commissioner of Highways is hereby authorized and empowered to specifically and definitely locate each of the foregoing described routes but in so locating the same he shall not deviate from the starting points or terminals as set forth herein, nor shall there be any deviation from the various villages and cities named therein through which such routes are located. All of the provisions of the law defining the powers and duties of the Commissioner of Highways with reference to the temporary and permanent location of trunk highways and other highway matters are hereby conferred upon said Commissioner of Highways with respect to the foregoing routes. (Act Apr. 22, 1933, c. 440, §6.)

2662-2%c. Same—separability clause.—In the event that any provision or paragraph or part of this Act shall be questioned in any court and shall be held to be invalid the remainder of said Act shall not be invalidated but shall remain in full force and effect. (Act Apr. 22, 1933, c. 440, §7.)

2662-3. The Capitol Highway established.—The following route between the City of St. Paul and the southern boundary of the State of Minnesota is hereby named and designated "The Capitol Highway," to wit:

Beginning at the intersection of University Avenue, and Highway No. 62, in Anoka County, thence southerly along University Avenue through Minneapolis, and thence southerly along University Avenue and Robert Street through St. Paul, thence southerly along South Robert Street through West St. Paul to a point at or near the northeast quarter-corner of Section 19, Township 22, Range 22, thence southeasterly and southerly to a point at or near the southeast corner of Section 25, Township 113, Range 19, thence southerly, traversing in part the line between Rice and Gochuyus Counties, to Trunk highway No. 29, thence southeasterly and said Highway to Trunk Highway No. 65, thence southerly on Trunk Highway No. 56 through Dodge Center to Trunk Highway No. 9, thence east on Trunk Highway No. 9 to the northeast corner of Section 5, Township 101, Range 14. (27, c. 235; Apr. 9, 1931, c. 126, §1.)

2662-4. Colvill Memorial Highway established.—That the following described highway be known as the Colvill Memorial Highway:

Beginning at Gaylord and running thence in an easterly direction through Lonsdale, Northfield and Cannon Falls, terminating at the City of Red Wing. (Act Apr. 21, 1933, c. 353.)

2662-5. Floyd B. Olson Memorial Highway.—The following described highway shall be known as the Floyd B. Olson Memorial Highway:

That statutory route No. 56, when permanently established, shall thereafter be known as the Floyd B. Olson Memorial Highway, in addition to its statutory number. (April 24, 1937, c. 156.)

MOTOR VEHICLES

2662-2. Definitions.—Wherever in this Act the following terms are used they shall be construed to have the meaning herein ascribed to them:

"Application for Registration" shall have the same meaning as "listing for taxation," and when a motor vehicle is registered it is also listed.

Trucks used for transporting things other than passengers shall be classified and taxed as follows:

Class X trucks shall include all trucks, tractors, truck-tractors, semi-trailers and trailers used exclusively by the owner or contractor in rendering occasional accommodations or service for others in transporting farm products from a farm to market or supplies to a farm, or a farmers' co-operative even though the same be paid for, where such truck is owned by a person not engaged in the transportation business.

Class X trucks shall include all trucks, tractors, truck-tractors, semi-trailers and trailers used exclusively in transporting property within the zone circumscribed by a line running parallel to the corporate limits of any city or village or contiguous cities and/or villages and 35 mile distant therefrom. The permitted zone of operation shall be a zone in which the postoffice address of the licensee is located unless at the time of registration for license he designates some other zone. The postoffice address of the owner or the zone selected for operation shall be stenciled by the owner in a conspicuous place on said motor vehicle. The X truck may be used by the owner thereof for transportation of outside the zone for the purpose of transporting agricultural, horticultural, dairy and other farm products, including live stock produced by the owner of the truck from the farm to market and to transport property and supplies to the farm of the owner, and trucks used in rendering occasional accommodations or service for others in transporting farm products from a farm to market or supplies to a farm, or a farmers' co-operative even though the same be paid for, where such truck is owned by a person not engaged in the transportation business.

Class X trucks shall include all trucks, tractors, truck-tractors, semi-trailers and trailers operating on any highway in the state, engaged exclusively in transporting logs and other like forest products, or materials used in highway construction, or contractors' outfits to the place where work is to be performed and/or vehicles used exclusively as service or repair cards going to or from the place rendering aid and assistance to the disabled motor vehicle. The situs of an X truck may be changed by the owner thereof on application.

Class X trucks shall include all trucks, tractors, truck-tractors, semi-trailers and trailers not included under Class X or Class X.
“Highway.” Any public thoroughfare for vehicles, including streets in cities, villages and boroughs.

“Motor Vehicles.” Any self-propelled vehicle not operated exclusively upon railroad tracks, and any vehicle propelled or drawn by a self-propelled vehicle. Any motor vehicle designed or used for drawing other vehicles but having no provision for carrying loads in its own structure, or that of its load rests upon and is carried by the towing vehicle.

“Truck.” Any motor vehicle designed or used principally for carrying things other than passengers and includes a motor vehicle to which has been added a cabinet box, platform, rack or other equipment for the purpose of carrying merchandise other than the person or effects of the passenger.

“Unloaded weight” shall mean the actual weight of the vehicle fully equipped without a load.

“Gross weight” shall mean the actual unloaded weight of the vehicle, either a truck, tractor, truck-tractor, semi-trailer or trailer, fully equipped for service, plus the weight of the maximum load which the applicant has elected to carry on such vehicle.

“Registrar.” The registrar of motor vehicles designed and used for drawing other vehicles but having no provision for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

“Trailer.” Any vehicle designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.

“Semi-Trailer.” A vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle for the purpose of carrying merchandise other than the person or effects of the passenger.

“Sworn statement.” Any statement required by law to be sworn to before its receipt in any judicial proceeding.

“Dealer.” Any person, firm or corporation regularly engaged in the business of manufacturing, or selling, purchasing and generally dealing in new and unused motor vehicles having an established place of business for the sale, trade and display of new and unused motor vehicles and having in its or their possession new and unused motor vehicles for purposes of sale or trade. (21, c. 461, §1; ’25, c. 299, §1; ’27, c. 165, §1; ’29, c. 432; Apr. 20, 1931, c. 197, §1; Apr. 20, 1933, c. 344, §1.)

Registration is prima facie but not conclusive evidence of ownership. See Dun. Dig. 3390.
to market was properly registered in Class X. Op. Atty. Gen. (632e-35), June 17, 1934.


Trucks owned by operators of fur farms used only for the purpose of conveying live animals, fish, or timber, and all trailers thus exempt shall be registered as herein provided, but motor vehicles not employed in the transportation of passengers or property for hire shall not be taxed. Op. Atty. Gen. (632e-35), July 13, 1937.

Trucks used exclusively for carrying sawing machines, well drilling machines or corn shellers permanently attached to them shall not be subject to the registration tax. Op. Atty. Gen. (632e-35), June 9, 1934; note under §2673.

19373. Vehicles exempt from motor-vehicle license.

Vehicles owned and used solely in the transaction of official business by representatives of foreign powers, by the federal government, the state or any political sub-division thereof, or vehicles owned and used exclusively by educational institutions and used solely in the transportation of pupils to and from such institutions, shall be exempt from the provisions of this Act requiring payment of tax or registration fees, but all such vehicles except those owned by the Federal Government, municipal fire apparatus, police patrols and ambulances, the postal, harbor, and airport apparatus, which is unmistakable, shall be registered as herein required and shall display tax exempt number plates furnished by the registrar at cost, provided, however, in the case of vehicles used in general police work the pleasure vehicles classification license number plates shall be displayed and furnished by the registrar at cost; but the exemption herein provided shall not apply to any vehicles, except such vehicles used in general police work, unless the name of the State Department or the political sub-division the vehicle shall be plainly printed on both sides thereof. Provided, however, that the owner of any such vehicle, desiring to come under the foregoing exemption provisions shall first notify the Chief of the State Trackless Trolley Highways Division or his designee.

There is no provision which provides a rate of tax on motor vehicles using delivery of merchandise by a wholesaling company, when it is haul bed one of regular passenger automobile character, if it is used to carry livestock. Id.

There is no provision which provides a rate of tax on motor vehicles used exclusively for carrying sawing machines, corn shellers or well drilling machines. Id.

A motor vehicle registered in "Y" class may not be used exclusively for carrying sawing machines, corn shellers or well drilling machines. Id.

There is no provision which provides a rate of tax on motor vehicles used exclusively for carrying sawing machines, corn shellers or well drilling machines. Id.

A motor vehicle registered in "Y" class may not be used exclusively for carrying sawing machines, corn shellers or well drilling machines. Id.

A motor vehicle registered in "Y" class may not be used exclusively for carrying sawing machines, corn shellers or well drilling machines. Id.

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A motor vehicle registered in "Y" class may not be used exclusively for carrying sawing machines, corn shellers or well drilling machines. Id.
year 1933 and was not retroactive to any prior year. Op. Atty. Gen., Apr. 29, 1933.

Under amendment by Laws 1933, c. 298, a church high-

school bus is exempt from registration tax. Id.

Refund of tax paid for 1934 may be made where own-
er of vehicle, without having been used on the public streets

and highways during the year, decides to discard it per-

Where vehicle is operated on private property only and not on
any public street or highway during year 1934 is exempt from
1934.

Rate of tax for first half year on truck not used nor
registered during first six months of 1934 is to be
one-half of that which would have been levied had the truck
(632e-21), Feb. 1, 1935.

Where in 1934 a criminal drove a car into Minnesota and
criminal was shot by police and police held car and
registered it in 1935 as tax exempt, administrator of es-
state of criminal recovered possession of the car and sold
it, secretary of state cannot now collect from administra-
tor of the estate or any subsequent purchaser, taxes and
5, 1936.

A used vehicle which has not been operated on the high-
ways during the year 1933 may not be re-regis-
tered in 1933 without payment of tax and penalties
for year 1933. Id.

The phrase “during any calendar year” has reference to
12-month period on which rates for each class of vehicles
is determined. Id.

“During any calendar year” has reference to 12-month
period on which rates for each class of vehicles
is determined. Id.

A used vehicle which has not been operated on the high-
ways during the year 1933 may not be re-regis-
tered in 1933 without payment of tax and penalties
for year 1933. Id.

A public agency is hereby authorized to have any
motor vehicle belonging to it which is not registered
or licensed for use on the highways and which
is not exempt from registration and examination,
be registered and licensed by the secretary of
state. Id.

Laws 1933, c. 298, but who paid tax before passage
of Laws 1933, c. 298, does not repeal and la not in

Laws 1933, c. 298, applies to registration of motor
vehicles for taxation for year 1933 and is not retroactive

Where ordinary farm tractor is used by owner for haul-
ing farm wagon to canning factory, tractor must be

Laws 1933, c. 298, applies to registration of motor
vehicles for taxation for year 1933 and is not retroactive

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vehicles for taxation for year 1933 and is not retroactive
The minimum tax on all passenger motor vehicles 2,000 pounds and over in weight shall be $7.50.

Two-wheel trailers of less than 1,000 pounds capacity, used only with pleasure vehicles, and not employed in the transportation of passengers or goods for hire, shall not be subject to taxation as motor vehicles.

The tax on Class "T" trucks with carrying capacity of less than 2,000 pounds, shall be 1.2 per cent on the base value.

The tax on Class "T" trucks with carrying capacity of 2,000 pounds and less than 3,000 pounds, shall be 1.44 per cent on the base value.

The tax on Class "T" trucks with carrying capacity of 3,000 pounds and over, shall be 2.4 per cent on the base value.

Provided, however, that the tax on Class "T" trucks with carrying capacity of less than 3,000 pounds shall be 1.92 per cent on the base value during the first and second years of vehicle life.

Provided that the minimum tax on all Class T and X trucks and tractors of one ton and under manufacturers' rated carrying or hauling capacity shall be $7.50 except that the minimum tax, on trucks converted from passenger vehicles, including those converted by the factory or a dealer by adding a pick-up box to a passenger vehicle before it was used as a passenger vehicle, shall be the same as the minimum on the passenger vehicle from which they were converted and the minimum tax on all trucks and tractors of two tons or over and under two tons manufacturers' rated carrying or hauling capacity shall be $15.00 and minimum tax on all trucks and tractors of three tons or over and under four tons manufacturers' rated carrying or hauling capacity shall be $30.00.

The tax on Class T trucks as defined shall be 2.4% on the base value.

The tax on Class X trucks as defined shall be 3.4% on the base value.

The tax on Class Y trucks used exclusively in interstate commerce shall be as provided in section (a)-1 hereof.

The tax on Class Y trucks used exclusively in interstate commerce shall be as provided in Section (a)-3 hereof.

Buses and carriers of passengers for hire engaged in commercial passenger transportation, other than taxicabs and vehicles engaged in livery business shall pay an annual gross weight use tax which on a new vehicle for the first and second years shall be four times the tax paid by Y truck of the same gross weight and said tax shall be determined in the manner provided for Class Y trucks as set forth in Sections (a)-1 and (a)-2 hereof, for the third and fourth years of the life of such vehicle the tax shall be three times the tax paid by Y truck of the same gross weight as the bus, for the fifth year of the life of such vehicle the tax shall be two times the tax paid by Y trucks of the same gross weight as the bus, for the sixth year of the life of such vehicle the tax shall be one and one-half times the tax paid by Y trucks of the same gross weight as the bus; for every year of the life of the vehicle after the sixth year the minimum tax on all commercial passenger buses of over 25 passenger seating capacity, other than taxicabs and vehicles engaged in livery business, shall be $250.00. This section shall not apply to vehicles for the year 1939 on which the tax has been paid.

Motorcycles without side car, $3.00. Motorcycles, side car additional...$2.00.

Value until the end of the first calendar year of vehicle life constituting the year of the model designation as the first year of such life shall be construed to mean the "base price for taxation" as hereinafter defined.

For the purpose of fixing a base price for taxation from which depreciation in value at a fixed percentage per annum can be computed, such price is defined as follows:

The base price for taxation of a motor vehicle of which a similar or corresponding model, as defined in Section 21 of this Act, was being manufactured on October 1 preceding the year for which the tax is levied, shall be the manufacturers' list price of such similar or corresponding model in effect on such October 1. The base price for taxation of a motor vehicle of which no such similar or corresponding model was manufactured until after such October 1 shall be the manufacturers' list price at the factory when the vehicle taxed was first manufactured. The base price for taxation of a motor vehicle of which no such similar or corresponding model has been manufactured since a time prior to such October 1 shall be the price fixed by the manufacturer as a reasonable manufacturer's list price at the factory when such October 1 if such vehicle had been then manufactured at prevailing costs.

After the first year of vehicle life the base price for taxation purposes shall be reduced as follows: ten per cent the second year, and 15 per cent the third and each succeeding year thereafter, but in no event shall such tax be reduced below the minimum.

When a motor vehicle shall become first subject to taxation between June 30 and October 1, the tax for the remainder of the calendar year shall be one-half the tax for a whole year.

When a motor vehicle shall become first subject to taxation after December 31, the tax for the remainder of the calendar year shall be one-fourth the tax for a whole year. (As amended Apr. 17, 1935, c. 161, §1; Apr. 14, 1939, c. 253, §1; Apr. 21, 1939, c. 588.)

The tax on a tractor, or truck-tractor shall be determined by the actual unloaded weight of the vehicle. The tax on a semi-trailer or truck shall be based on the gross weight of such vehicle. The gross weight shall be the actual unloaded weight of the vehicle plus the weight of the maximum load which the applicant has elected to carry in such vehicle and for which such vehicle has been licensed. This tax shall be known as a "gross weight use tax." The gross weight use tax on each vehicle shall be as follows:

Where the gross weight of the vehicle is 6,000 pounds or less
Where the gross weight of the vehicle is over 6,000 pounds and less than 20,000 pounds, the tax shall be $25.00 plus an additional tax of $16.00 for each 2,000 pounds of weight or major part thereof in excess of 6,000 pounds.

Where the gross weight of the vehicle is 20,000 pounds and less than 30,000 pounds, the tax shall be $130.00 plus an additional tax of $40.00 each ton, or major part thereof in excess of 20,000 pounds.

Where the gross weight of the vehicle is over 30,000 pounds, the tax shall be $320.00 plus an additional tax of $75.00 for each 2,000 pounds or major part thereof in excess of 30,000 pounds.
The applicant for a Y license shall state in writing on oath, among other things, the unloaded weight for such vehicle and the maximum load which the applicant proposes to carry thereon and such vehicle shall be licensed to carry as the maximum loadweight the loadweight or such weight as may be elected, and no vehicle shall exceed such authorized loadweight by more than 1000 pounds. The gross weight of the vehicle for which such license tax is paid shall be stencilled in a conspicuous place on said vehicle by the owner thereof and the weight of a tractor or truck-trailer shall be likewise stencilled in a conspicuous place thereon.

The Registrar of Motor Vehicles shall cancel the certificate of registration and/or license plate issued by him upon conviction of the owner of such vehicle for transporting a loadweight exceeding the authorized loadweight by more than 1000 pounds. No certificate of registration and/or license plate shall thereafter be issued to operate such vehicle during such year except upon payment of a tax based on the gross weight of such vehicle. Provided the truck-tractor or semi-trailer was transporting at the time such offense was committed and the tax so to be paid shall be subject to a proportionate tax as provided herein.

The tax imposed on class Y trucks in each instance shall be imposed at the rate of 60% on a motor vehicle not equipped wholly with pneumatic tires.

(a)-3. No truck, tractor, truck-tractor, semi-trailer or trailer shall be operated on the highways of this state engaged exclusively in transporting property from a state or from any province in the Dominion of Canada unless such vehicle has been registered and a license plate of a distinctive color issued therefor by the Registrar of Motor Vehicles, and shall have stencilled thereon the unloaded weight of such vehicle. Provided the vehicle transported in the Dominion of Canada exclusively upon the streets of any city or village in the State of Minnesota, the applicant shall pay therefor a registration fee of $5.00 for each such vehicle and, in addition thereto a truck mile tax as compensation for the use of the highways, which said tax shall be based upon the unloaded weight of the vehicle and the distance that such vehicle travels on the highways of this state. The tax on each such motor vehicle or combination of vehicles shall be ascertained by multiplying the number of miles traveled by each such vehicles on the highways of this state by the rate per mile provided herein.

The tax on a combination of a truck-tractor and semi-trailer and/or a tractor and trailer, shall be determined by adding together the unloaded weight of both the truck-tractor, semi-trailer, tractor and or trailer. The combined weight of the vehicles so ascertained shall determine the unloaded weight of such combination of vehicles for the purpose of computing such tax. Where a trailer is not attached directly to a tractor, it shall be subject to a tax at the rate per mile based on the unloaded weight of such trailer.

The truck mile tax shall be determined as follows:

Vehicle or combination of vehicles having an unloaded weight of 7 tons and not exceeding 8 tons. . . . 2c per mi.
Vehicle or combination of vehicles having an unloaded weight of 8 tons and not exceeding 9 tons . . 2½c per mi.
Vehicle or combination of vehicles having an unloaded weight of 9 to 10 tons. . . 3c per mi.
Vehicle or combination of vehicles having an unloaded weight of more than 10 tons. . . 4c per mi.

Any vehicle or combination of vehicle having an unloaded weight exceeding 10 tons. . . 5c per mi.

Provided, further, that every owner of a motor vehicle subject to the truck-mile tax shall, on or before the 15th of each month, pay to the Registrar of Motor Vehicles the truck-mile tax due and payable for the preceding month. At the time of the payment of such tax such owner shall file with the Registrar a statement of the number of miles traveled, the distance that such vehicle was transported over the highways of this state during such month, the report should so state.

The Registrar of Motor Vehicles shall not issue a license plate under this section to a contract carrier and/or common carrier for motor vehicles operated as such in inter-state commerce under the terms of this act until and unless such owner of such motor vehicle engaged as a common carrier and/or contract carrier, shall have first obtained from the Railroad and Warehouse Commission, and the Railroad and Warehouse Commission, and the<br>
be required by the Registrar of Motor Vehicles. The combination of a truck-tractor and semi-trailer and/or a tractor and trailer, shall, for the purposes of such deposit of $50.00 or the penalty of such bond be in full force and effect for the operation of the Motor Vehicle or Vehicles in the service of said common or contract carrier on the public highways of Minnesota, and shall make such reports as required herein or as may be required by the Registrar.

If the owner of such motor vehicle or such common carrier or contract carrier shall fail to file the required reports and pay the tax, if any, within 10 days after the required time for filing such reports, the Registrar of Motor Vehicles shall promptly, upon the failure to file required reports or pay the tax within the time required, the Registrar of Motor Vehicles shall also cancel and take up the license plate issued on such vehicle and notify the Railroad and Warehouse Commission of such action. (As amended Apr. 29, 1925, c. 310; Apr. 22, 1937, c. 346, §1.)

(a)-5. A Declaration of Tax Policy. It is hereby declared that the use of heavy motor vehicles on the highways has added and will add materially to the construction and maintenance cost of such highways; that the use of such heavy vehicles has resulted in the construction of more expensive highways than would have been required by passenger automobiles or farm-to-market trucks; that the operation of such heavy motor vehicles is imposing an unjust share of the taxes and responsibilities on the highways upon pleasure passenger automobiles; that the imposition of such unjust taxes both on liquid motor fuel used and for such highway construction and maintenance costs have made it necessary and just that the taxation of such heavy motor vehicles be increased as here provided for, and a proportionate reduction made in the taxes imposed on passenger automobiles. (As amended Apr. 24, 1929, c. 338, §1; Apr. 15, 1931, c. 167; Apr. 20, 1933, c. 344, §2.)

Sec. 6 of Act Apr. 20, 1933, cited, provides that the act shall take effect Jan. 1, 1934. See §2644-1a as to construction of act.

(b) Motor Vehicles not subject to taxation as provided in the foregoing section, but subject to taxation at personal property rates on the basis of actual value. 178M300, 227NW43.

1 by record owner to purchaser whose employment of truck is such that a higher rate of tax is required than that under which it was last registered by said owner of January 1, should be based on basic rate of tax which is in effect for all motor vehicles. Op. Atty. Gen. (622E-35), June 27, 1934.


CLASS Y INTERSTATE TRUCKER ENGAGED IN INTERSTATE COMMERCE

A Declaration of Tax Policy. It is hereby declared that the use of heavy motor vehicles on the tax within the time required, the Registrar of Motor Vehicles shall promptly, upon the failure to file required reports or pay the tax within the time required, the Registrar of Motor Vehicles shall also cancel and take up the license plate issued on such vehicle and notify the Railroad and Warehouse Commission of such action. (As amended Apr. 29, 1925, c. 310; Apr. 22, 1937, c. 346, §1.)

Motor vehicles registered in truck mile tax classification but operated between two points in commerce in Interstate or international commerce only upon payment of gross-weight-use tax (Y intrastate) and the truck-mile tax. Op. Atty. Gen. (G33g-11), Oct. 13, 1930.

A two-wheel utility trailer weighing 485 pounds and used two or three times a week to make quick deliveries of merchandise by a wholesale company, when it is hauled behind one of regular passenger automobiles belonging to company, and capable of hauling three-fourths of a ton or more, may be registered in the "Z" class at rate of 2.25% as trailer used with a "pleasure" vehicle, and need not be registered in the "Y" or "X" or "T" class. Id.


The tax required for the "Y" (intrastate) classification must be filed with registrar, and a vehicle is sold to another owner, registrar need not be registered in the "Y" or "X" or "T" class. Id.

The tax required for the "Y" (intrastate) classification must be filed with registrar, and the truck must register four-ton truck in "X" class at rate of 4.4%, though it is only used by owner's family for running errands. Id.

A transfer company owning some trucks registered in "X" class and some in "Y" class could register in "X" class and not in "Y" or "T" class rate. Op. Atty. Gen., Apr. 15, 1938.


A truck registered for 1933 in "Y" (intrastate) classification, as no refunds may be made. Id.

Registration tax on farm truck converted from Model T Ford is $10. While tax on truck in class "X" converted from Model T Ford is $10. Op. Atty. Gen., Apr. 11, 1933.


A transfer company owning some trucks registered in "X" class and some in "Y" class could register in "X" class and not in "Y" or "T" class rate. Op. Atty. Gen., Apr. 15, 1938.


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Registration tax on farm truck converted from Model T Ford is $10. While tax on truck in class "X" converted from Model T Ford is $10. Op. Atty. Gen., Apr. 11, 1933.


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A truck registered for 1933 in "Y" (intrastate) classification, as no refunds may be made. Id.

Registration tax on farm truck converted from Model T Ford is $10. While tax on truck in class "X" converted from Model T Ford is $10. Op. Atty. Gen., Apr. 11, 1933.
should be registered in "Y" class, and if not sold at all, shall be registered under minimum tax provisions, such truck shall be taxed at such rate as shall be sufficient to entitle owner to refund or to registration under gross earnings system of taxation shall be registered, and parts of acts inconsistent herewith, are hereby repealed, and all other acts and parts of acts inconsistent herewith, are hereby repealed, and all other acts and parts of acts inconsistent herewith, are hereby repealed, and all other acts or seating capacity, the number of cylinders, and such motor vehicle in pounds, and its rated load carrying capacity. Therefore, the said tax for the year 1933 shall be paid on all such motor vehicles including those which prior to the passage of this act may have been registered for the year 1933 without the payment of such tax. (Act Apr. 21, 1933, c. 360, §2.)

2074-6. Application of act.—If this act shall be held invalid as to any company charged with the payment of taxes on a gross earnings basis under existing laws it shall be held invalid notwithstanding as applied to any other company included under its provisions. (Act Apr. 21, 1933, c. 360, §3.)

2074-7. Provisions separable.—If any section or part of this act shall be declared to be unconstitutional or invalid for any reason the remainder of this act shall not be affected thereby. (Act Apr. 21, 1933, c. 360, §4.)

2075. Motor vehicles to be registered.—The Motor Vehicle Registration Tax Law, held valid and applicable to vehicles owned by members of the military forces of the United States residing on the Fort Snelling military reservation and using the highways of the state for their personal business and pleasure. (Act Apr. 21, 1933, c. 163, §2.)

2074-1/2. Certain refunds authorized. [Repealed.]

2074-1/2 a. Certain refunds authorized. [Repealed.]

2074-1/2 b. May be paid any time before April 30 without penalty. [Repealed.]

2074-1/2 c. Refunds.—This act shall apply to and govern motor vehicle taxes for the year 1935, whether paid prior to or after the passage of this act; and in case any person shall have paid the tax upon a motor vehicle in excess of the amount required in Section 1 hereof, he shall be entitled to a refund of such excess, and the secretary of state is authorized to pay all such refunds. (Act Apr. 17, 1935, c. 161, §2.)

2074-1/2 d. Inconsistent acts repealed.—Laws 1933, Chapter 163, is hereby repealed, and all other acts and parts of acts inconsistent herewith, are hereby modified, amended or superseded so far as necessary to give full force and effect to the provisions of this act. (Act Apr. 17, 1935, c. 161, §3.)

2074-1. Companies, etc., paying gross earnings taxes required to pay motor vehicle taxes. This act is unconstitutional. 173M32, 216NW942.

2074-4. Taxation of certain motor vehicles. —Motor vehicles using the public streets and highways of this state and owned by companies paying taxes under gross earnings system of taxation shall be registered and taxed as provided in the registration and taxation of motor vehicles by Mason's Minnesota Statutes of 1927. Sections 2672 to 2704, inclusive, as now or hereafter amended, notwithstanding the fact that the earnings from such vehicles may be included in the regular earnings of such companies upon which such gross earnings taxes are computed and all provisions of said sections are hereby made applicable to the enforcement and collection of the tax herein provided for. (Act Apr. 21, 1935, c. 360, §1.)

2074-5. To include 1933 tax.—The provisions of this Act apply to all vehicles required to pay such tax, are intended to include and shall be deemed to include the imposition of such tax for the year 1933 on the motor vehicles described in Section 1 of this Act, and shall be assessed and paid as such.
3. To display or represent as one's own any registration plates not issued to him, provided, however, that actual owner or demonstration agent is charged with the charge of owners of the motor vehicle to which the plates are attached.

4. To fail or refuse to surrender to the department upon its lawful demand any registration plates which have been revoked, cancelled or suspended by proper authority.

5. To use a false or fictitious name or address or description of the motor vehicle, engine number or serial number in any application for registration of a motor vehicle or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit fraud in any such application.

(d) It shall be a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other laws of this State declared to be a felony or gross misdemeanor. (As amended April 26, 1937, c. 193, Sec. 591, Act Apr. 15 as date for payment of tax for 1938.)

6. Where statement of car dealer in registration of a car which was absolute owner of a car in possession of salesmen was a persuasive admission that would credit claim that dealer was owner under a conditional sales contract, as affecting liability of sales agency arising from such statement. Flaugh v. E., 202 Minn. 215, 275 N.W. 582. See Duralv. Dig. 3408.

2677. Registrar shall issue registration certificate.

The judgment in replevin for a return was right because car was paid for and in possession of seller and not owned by record owner. Bolton-Swanby Co. v. O., 201 Minn. 162, 275 N.W. 855. See Duralv. Dig. 3408.

2679. Register to register only on proof of ownership.

If a vehicle having a 1937 Y license is operated under that license in 1938, before application for registration for same year, then no registration certificate is required to be filed with registrar, and carries a load in excess of that permitted by its license, it is taxable in the same year from such owner upon another vehicle one-half the annual tax theretofore paid on such vehicle. If in registering a motor vehicle from the tax on which the registrant may justly claim an allowance under this act for any year upon another motor vehicle, destroyed or permanently removed from the state after June 20 but before October 1, no refund, however, shall be made. If the vehicle is not permanently destroyed or removed from the state until after September 30.


If in registering a motor vehicle from the tax on which the registrant may justly claim an allowance under this act for any year upon another motor vehicle, destroyed or permanently removed from the state after June 20 but before October 1, no refund, however, shall be made. If the vehicle is not permanently destroyed or removed from the state until after September 30.

2681. Transfer of ownership, destruction, etc.

Report of sale filed by dealer with secretary of state may be varied and contradicted by parol evidence to show that dealer was not the buyer at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle, at the time of the registration of such second vehicle.
One seeking change of classification from T truck to Y Class inter- state vehicle, must obtain registration tax clearly show that his truck has not been operated out- of- door of permitted thirty-five-mile zone at any time duri- ng the year. Op. Atty. Gen. (632e-9), July 31, 1935.

One who paid registration tax on automobile which he has purposely directed to be sold to enable them to combat crime wave, before ever having used the car during the year, was not entitled to refund. Op. Atty. Gen. (632e-17), April 24, 1935.

On conversion of a registration from the X Class to the Y Class of the state or country to operate a motor vehicle upon the highways of the state, no refund of difference between higher tax paid for motor vehicle destroyed by fire before July 5. Op. Atty. Gen. (632e-24), July 31, 1934.

Refund of registration tax erroneously collected in rur- al area for Y Class trucks which were not to have been operated within the state during the year should be refunded. Op. Atty. Gen. (632e-24), April 28, 1934.

Owner of truck with intent to use truck for hauling gravel but did not use it for that purpose was entitled to refund of T license. Op. Atty. Gen. (632e-24), May 19, 1934.

Registration for 1934 may be cancelled and refund of tax paid for motor vehicle destroyed by fire before having been used on streets and highways at any time during such year. Op. Atty. Gen. (622e-9), June 5, 1934.


Refund not to be made of tax paid by dealer for pur- pose of avoiding duplicate taxation, though vehicle was not used on highways until after July 5. Op. Atty. Gen. (622e-24), July 31, 1934.

Owner of vehicle to apply for and secure a permit as provided for in §2720-27 was not an error within intent of §2722, and such owner is not en- titled to a refund for same because of an error in the payment of tax paid for motor vehicle destroyed by fire before July 5. Op. Atty. Gen. (632e-24), June 9, 1934.

First, upon condition that the exemptions provided by this act as hereinafter limited shall be operative as to a motor vehicle owned by a non-resident only to the extent that under the laws of the state or country of such vehicle’s registration the owner is entitled to such exemptions. Second, upon condition that such non-resident motor vehicle owner shall first file with the registrar of motor vehicles in this State an instrument in writing, subscribed by him and duly acknowledged before a notary public or other officer with like authority, setting forth the name and address of the owner and of each person having any interest in such motor vehicle, the name and address of the person from whom such motor vehicle was purchased or acquired, the name of the manufacturer and of the motor vehicle if it has a name, the year when manufactured, the serial number or other number and model identifying such motor vehicle, the weight in pounds of such motor vehicle and the number of cylinders of the motor engine. Said written instrument shall also contain substantially the following:

"The undersigned owner of the above described motor vehicle hereby consents and agrees that the license and operation of such motor vehicle in the state of Minnesota shall always be subject to all the laws, ordinances, rules and regulations applicable to like operation thereof by a citizen and resident of the state of Minnesota except as it may be expressly pro- vided otherwise by the laws of the state or country of the residence of such non-resident owner hereby consents to be sued or otherwise proceeded against, either civilly or criminally, at any place in Minnesota where the above described motor vehicle is operated, upon any claim or cause of action arising from such operation in the same number as a Minnesota citizen and resident owner and operator of a like motor vehicle might be sued or proceeded against in like circumstances. And in any such civil proceedings, legal process and other notices or papers may be served upon the undersigned owner of the above described motor vehicle by depositing a copy thereof in the United States mails, properly enveloped, sealed, postage prepaid, and addressed to the undersigned owner at his home or business address, or at such other address as he may have later filed in writing supplementary to this agreement. Such service shall be deemed personal service, and shall have the same force and effect as like process or notice served personally upon a motor vehicle owner residing in and being a citizen of the state of Minnesota." (27, c. 94, §1; Apr. 20, 1931, c. 220, §1; Apr. 29, 1935, c. 256, §1.)
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does not seem to have been the legislative intent to repeal or abridge accordingly, and shall not be substantially greater than the privileges available to similarly situated Minnesota motor vehicle owners operating across said international line. (27, c. 94, §5; Apr. 20, 1931, c. 220, §6.)

§2684-4. Registrar to promulgate rules.—The registrar of motor vehicles may promulgate such rules and regulations, from time to time, as may be reasonably necessary to accomplish the purpose of this Act. (27, c. 94, §4; Apr. 20, 1931, c. 220, §4.)

§2684-5. Act to be subordinate to treaties.—The provisions of this enactment relating to motor vehicle traffic between Minnesota and Canadian provinces shall be subordinate to all the laws, treaties, agreements, and policies of the respective national governments primarily intended to be accomplished under the reciprocity laws. Op. Atty. Gen. (1932c), Aug. 19, 1938.

§2684-6. Application of act.—This Act shall not apply to a passenger motor vehicle owned by a resident of any State, District of Columbia, or any Canadian Province temporarily residing in this State while regularly employed thereon, or to a motor vehicle used to haul for hire except such a vehicle that may be owned and registered in another state, the District of Columbia, or any Canadian Province temporarily through Minnesota without taking on any additional passengers in this State. The reciprocity provision of this Act shall apply also to semi-trailers and trucks utilizing such vehicles in transporting property for hire. The reciprocity provisions of this act shall apply to a motor vehicle exclusively used in transporting agricultural, horticultural, dairy, and other farm products including livestock, who did not claim under the vendee in the conditional sale for debt and the proceeds may be paid for where such vehicle is owned by an individual round trip not to exceed however two such trips a month for any one such vehicle.

Every non-resident, including any foreign corporation carrying on business within this State, regularly or otherwise, in which business any motor vehicle within this State shall be required to register such vehicle and pay the same tax and penalties, if any, therefor, as is required with reference to like vehicles owned by residents of Minnesota.

The reciprocity privileges provided by this Act shall apply to a motor vehicle exclusively engaged in transporting commerce from a State or from any province in the Dominion of Canada exclusively upon the streets of any city or village in the State of Minnesota. (27, c. 94, §6; Apr. 20, 1931, c. 220, §5; Apr. 29, 1933, c. 220, §3.)

§2684-7. Does not apply to non-resident. [Repealed.] Amended Apr. 24, 1929, c. 262; Apr. 29, 1931, c. 220, §7; Apr. 20, 1923, c. 344, §4. 588
that relates solely to taxation of passenger motor vehicles or to Class "T" trucks. (Act Apr. 20, 1933, c. 344, §5.)

284-7b. Effective January 1, 1934.—This Act shall take effect and be in force from and after January 1, 1934. (Act Apr. 20, 1933, c. 344, §6.)

284-8. Service of process on non-residents. Note.—This section and section 2720-105, appear to be in conflict, and this section is probably superseded in part.

The provision of this section as to service of process is not unconstitutional as denying due process of law, but the provision limiting the right to continuances is discriminatory against non-residents, and is invalid, but the invalidity of the latter provision does not affect the rest of the section. Jones v. Paxton, (DC-Minn.), 277 F(2d) 364.

This section is constitutional, and the word "process" is construed as including a summons, and the duties imposed upon the plaintiff may be performed by those who act for him, although there must be a strict compliance with the statutes. 177 SM 60, 224 NW 694.

This section is constitutional. 181 SM 4, 231 NW 714.

284-9. Non-resident dealers in motor vehicles must register and pay tax.—Every dealer in used, or second-hand motor vehicles, who does not have a permanent place of business in the state of Minnesota or who does not have a permanent place of business in this state, and every person, firm or corporation who brings any used, or second-hand motor vehicle into the state construed as including a summons, and the duties imposed upon the plaintiff may be performed by those who act for him, although there must be a strict compliance with the statutes. 177 SM 60, 224 NW 694.

This section is constitutional. 181 SM 4, 231 NW 714.

284-10. Must deliver certificate to purchaser.—Every person, firm, or corporation upon the sale and delivery of any used, or second-hand, motor vehicle, new or used, is a non-resident dealer in motor vehicles of the state of Minnesota by the vendor and his vendees, conditioned to pay all loss, damages and expenses that may be occasioned by reason of the failure of the title of such vendor or by reason of any fraudulent misrepresentations or breaches of warranty as the freedom from lien, warranty, condition, or any of the provisions of this act, shall be deemed guilty of a misdemeanor. Provided, however, that this section shall not apply to the holder of a note or notes representing a portion of the purchase price of such motor vehicle on the execution of said bond. Said bond vessel shall be in the full amount of the sale price of such motor vehicle but in no event to exceed the sum of $1000 and shall be filed with the registrar of motor vehicles of the state of Minnesota by the vendor and his vendees, or by the surety on the execution of said bond, and shall be conditioned to pay all loss, damages and expenses that may be occasioned by reason of the fraud or misrepresentations or breaches of warranty as the freedom from lien, warranty, condition, or any of the provisions of this act, shall be deemed guilty of a misdemeanor. Provided, however, that this section shall not apply to the holder of a note or notes representing a portion of the purchase price of such motor vehicle on the execution of said bond. Said bond.

284-11. Seller not to maintain action unless vehicle is registered.—No action, nor right of action to recover any such motor vehicle, nor any part of the sale price thereof, shall be maintained in the courts of this state by any dealer or vendor, his successors in interest, or by any of the provisions of this act, shall be deemed guilty of a misdemeanor. Provided, however, that this section shall not apply to the holder of a note or notes representing a portion of the purchase price of such motor vehicle on the execution of said bond. Said bond.

284-12. Definitions.—The terms "dealer" and "vendor" herein used shall be construed to include every
individual, partnership, corporation or trust whose business in whole or in part, is that of selling new or used motor vehicles, or both, and likewise shall be construed to include every agent, representative, or consignee of such dealer or vendor shall be required to make and file the said bond if such dealer or vendor for whom such agent, representative or consignee acts, all of whom shall be fully as if same had been herein expressly set out, except that no agent, representative or consignee of such dealer or vendor shall be required to make and file the said bond if such dealer or vendor for whom such agent, representative or consignee acts fully complies, in each instance, with the provisions of this act. (Act Apr. 17, 1939, c. 284, §4.)

2864-15. Provisions severable.—If any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act but shall be confined in its operation of the clause, sentence, paragraph, or part thereof, directly involved in the controversy in which such judgment shall have been rendered. (Act Apr. 17, 1939, c. 284, §5.)

2866. Manufacturers and dealers in motor vehicles must be licensed.—(a) No person, co-partnership or corporation engaged in the business, either exclusively or in addition to any other occupation, of selling motor vehicles, new or used, or shall offer to sell, solicit or advertise the sale of motor vehicles, new or used, without first having acquired a license therefor, as provided for the sale of used motor vehicles. A license and renewal thereof, shall be made to the registrar of motor vehicles, shall be in writing, and duly verified by oath. The applicant shall submit such information as said registrar may require, upon blanks provided by the registrar for such purpose. No application shall be granted nor a license issued to anyone, until and unless the applicant shall furnish proof satisfactory to the registrar of the following:

(1) That he has a good permanent place of business. An established place of business when used in this act shall mean a permanent enclosed building or structure either owned in fee or leased at which a permanent business of bartering, trading and selling motor vehicles is carried on as such in good faith and not for the purpose of evading this act. Said place of business shall not mean residences, tents, temporary stands or other temporary quarters, nor permanent quarters occupied pursuant to any temporary arrangement.

2. That if the applicant desires to sell, solicit or advertise the sale of new and unused motor vehicles, he must have a bona fide contract or franchise in effect with a manufacturer or distributor of the motor vehicle, or motor vehicles, he proposes to deal in.

(b) If a license is granted, the licensee may be permitted to use unimproved lots and premises for sale, storage and display of motor vehicles; provided, however, that such unimproved lots and premises must be located within the county of the established place of business of the applicant.

If the applicant desires to set up an established place of business, as hereinafter defined, in more than one county in this state, said applicant shall secure separate license for each county. No license for such additional county shall be issued until the registrar shall have been furnished with proof that the applicant has an established place of business as hereinafter defined, in such additional county, and has otherwise complied with the requirements of this act for securing of license in the initial county.

If the applicant desires to remove from the established place of business, as hereinafter defined, to a new location, he shall first secure from the registrar of motor vehicles permission to do so. He shall be required to furnish proof satisfactory to the registrar that the proposed new and improved place of business complies with the requirements of section 1, subdivision (a) hereof.

(c) The registrar shall grant or deny the application for such license within 60 days after the filing of the application. If said application is granted, said registrar shall license the applicant as a motor vehicle dealer for the remainder of the calendar year, and issue a certificate of license therefor as the registrar may provide for such license, unless sooner revoked as hereinafter provided, shall, upon the furnishing of proof as in the initial application herein provided for, satisfactory to the registrar, be renewed by the registrar annually upon application by the dealer and the payment of all listing, registrations, notices and reports required by the registrar, and upon the payment of all taxes, fees, and arrears due from such dealer.

(d) Such license may be revoked by the registrar of motor vehicles upon proof satisfactory to him of either of the following:

(1) Violations of any of the provisions of the 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2572 to 2674-7, inclusive, or Sections 2676, 2684-1, 2684-3, 2684-5, 2684-6, 2684-9, 2690, and 2692 or Mason's Minnesota Statutes of 1927, S. & S. Sections 2675, 2677 to 2681, inclusive, or 2683, 2687, 2688, 2694; or any of the provisions of this act. (2) Violation of or refusal to comply with the regulations and orders of the registrar.

(3) Failure to make or provide to the registrar all listings, notices and reports required by him. (4) Failure to pay to the registrar all taxes, fees, and arrears due from and by such dealer.

(5) Failure to comply in any application for renewal of license provided for herein.

(6) Revocation of previous license, of which the records of the registrar relating thereto shall be prima facie evidence of such previous revocation. (7) Failure of continued occupancy of an established place of business as defined herein.

(8) Sale of a new and unused current model motor vehicle other than the make of motor vehicle described in the franchise or contract filed with the original application or renewal thereof, without permission of the registrar.

(9) Sale of a new and unused current model motor vehicle to anyone except for consumer use, or to a dealer duly licensed to sell the same make of motor vehicle.

(10) Material misstatement or misrepresentation in application for license or renewal thereof.

(e) The registrar shall issue to every motor vehicle dealer, upon a request from such motor vehicle dealer licensed as provided in subsection (a) hereof, one pair of number plates displaying a general distinguishing number upon the payment of five dollars for each additional pair. Motor vehicles, new and used, bearing such number plates owned by such motor vehicle dealer, may be driven upon the streets and highways of this state by such motor vehicle dealer, or any employee of such motor vehicle dealer, for demonstration purposes, or for any purpose whatsoever, including the personal use of such motor vehicle dealer or his employee. Motor vehicles, new or used, owned by such motor vehicle dealer, and bearing such number plates owned by such motor vehicle dealer, may be driven upon the streets and highways of this state by such motor vehicle dealer, or any employee of such motor vehicle dealer, for demonstration purposes, or for any purpose whatsoever, including the personal use of such motor vehicle dealer or his employee. Motor vehicles, new or used, owned by such motor vehicle dealer, and bearing such number plates owned by such motor vehicle dealer, may be driven upon the streets and highways of this state, for demonstration purposes by any prospective buyer thereof for a period of forty-eight hours. Any motor truck, new or used, owned by such motor vehicle dealer and bearing said motor vehicle dealer's number plates may be driven upon the streets and highways of this State, for demonstration purposes by any prospective buyer for a period of seven days. Upon the delivery of such
motor vehicle or motor truck, new or used, to said prospective buyer for said demonstration purposes, said motor vehicle dealer shall deliver to said prospective buyer a card or certificate giving the name and address of said motor vehicle dealer, the name and address of each of his inspectors or investigators, and the time and place of such delivery. Such card or certificate shall be in such form as the Registrar may provide to the motor vehicle dealer for such purpose, and shall be carried by such prospective buyer while delivering said vehicle, and the order shall be signed by the dealer complained of, and thereupon said district court shall have jurisdiction to determine the matters therein stated, and the order shall be prima facie reasonable, and the burden of proof upon all issues raised by the appeal shall be on the appellant. If said court shall determine that the order is unlawful and reasonable, it shall be affirmed and the order enforced as provided by law. If it shall be determined that the order is unlawful or unreasonable it shall be vacated and set aside.

Such appeal shall not stay or supersede the order appealed from, unless upon an examination of said order and the return made on said appeal, and after giving defendant notice and opportunity to be heard, shall so direct. When no appeal is taken from such order, the parties affected thereby shall be deemed to have waived their right to have the matters of such controversy reviewed by a court, and there shall thereafter be no trial of the merits or re-examination of the facts by any district court to which application may be made from a writ to enforce the same in the manner provided by law for the service of summons in a civil action.

(i) Any party to an appeal or other proceeding in the district court under the provisions of this Act may appeal from the final judgment, or from any final order therein, to the Supreme Court in the same cases and manner as in civil action.

(j) The registrar is hereby authorized to enforce this act and he may also appoint under his hand a sufficient number of persons amongst his several employees, said additional employees shall be designated as "in transit" plates, the registrar may issue such "in transit" plates, upon the payment of the sum of two dollars per pair. Such plates shall be known as "in transit" plates. The registrar may issue such "in transit" plates, upon the payment of the sum of two dollars to said registrar, to dealers duly licensed in other States or Provinces upon information furnished him in such manner as he may prescribe, and which satisfies him that persons or companies applying therefor are duly licensed dealers under the laws of such States or Provinces.

(k) The registrar shall have, and is hereby granted full authority to issue subpoenas requiring the attendance of the parties, and of witnesses, and the production of books, papers and other documents, articles or instruments, and compel the disclosure by such witnesses of all facts known to them relative to the matter under investigation, and shall have full authority to administer oaths and to take testimony. All parties disobeying the orders of subpoenas of said registrar shall be guilty of contempt, as in proceedings in district courts of the State, and may be punished in the same manner.

(l) Any person, co-partnership, or corporation, domestic or foreign, and any officer, or director, or employee of a corporation, domestic or foreign, who shall violate or neglect, fail or refuse to comply with any of the provisions of this act shall be guilty of a misdemeanor.

(m) The provisions of this act are hereby declared to be severable. If one provision hereof shall be found by the decision of a court of competent jurisdiction to be invalid such decision shall not affect the validity of the other provisions of this act. (21, c. 461, §15; '23, c. 418, §15; Apr. 20, 1931, c. 217, §2; Apr. 11, 1935, c. 143, §1; Apr. 24, 1935, c. 271; Apr. 13, 1939, c. 209.)

Sec. 2 of Act Apr. 11, 1935, cited, provides that the act shall take effect from its passage.

An automobile dealer or his employee may not drive vehicles for the personal use of the owner or employe or for other than demonstration purposes. Op. Atty. Gen., Dec. 31, 1931.


It is obligatory upon a licensed dealer to purchase at least one set of dealer’s plates. Op. Atty. Gen., Dec. 31, 1931.

Agent for foreign dealer may not come into state and sell vehicles for such dealer. A dealer has accrued to license and has established a place of business and has dealt with laws 1935, c. 210, §2; Op. Atty. Gen. (823a-8), June 10, 1935.

A salesperson working for a motor vehicle dealer residing in another town, no distinction should be made from store of established dealer would seem to be fundamental and not recognition of the duty of the registrar of motor vehicles to determine questions of fact. Op. Atty. Gen. (823a-8), July 25, 1935.
Use of word “vehicles” in plural in definition of a motor vehicle dealer does not demand that dealer must have at least one in possession for sale. Op. Atty. Gen. (63a-a), Sept. 17, 1935.

Dealer having more than one established place of business may operate under one license. Op. Atty. Gen. (63a-8), Sept. 20, 1935.

Statute sets up certain standards of qualification but does not exclude those whose business in motor vehicles is incidental or minor to their interest in some other business. Op. Atty. Gen. (63a-9), Mar. 16, 1935.


City of Morris is not authorized to enact an ordinance for violation of provisions of Acts Feb. 8, 1935, c. 4; Mar. 13, 1935, c. 45; May 13, 1935, c. 100, relate to payment of tax for 1935. They are omitted as temporary.


City may not provide for licensing of used car dealers in absence of statutory or charter authority, and could not condition issuance of such license on favor of established dealers or extract an unreasonable license fee. Op. Atty. Gen. (59a-32), Dec. 28, 1938.

2680-1. Inconsistent acts repealed.—All acts, or parts of acts, inconsistent herewith, are hereby repealed. Op. Atty. Gen. (63a-a), April 27, 1939.


City may not provide for licensing of used car dealers in absence of statutory or charter authority, and could not condition issuance of such license on favor of established dealers or extract an unreasonable license fee. Op. Atty. Gen. (59a-32), Dec. 28, 1938.

2680-2. Provisions separable.—The various provisions of this Act shall be severable and if any part or provision shall be held to be invalid, it shall not be held to invalidate any other part or provision hereof. (Act Apr. 20, 1931, c. 217, §4.)

2680-3. Effective January 1, 1932.—This act shall take effect and be in force from and after January 1st, 1932, except the provisions of subsection (d) of Section 2 relating to “in transit” plates which shall be in force and effect from and after its passage. (Act Apr. 20, 1931, c. 217, §5.)


Legislation is not the proper vehicle for enactment of a tax not due when the vehicle is not yet delivered. Op. Atty. Gen. (63a-a), April 25, 1939.

Dealers not actually delivered but still in hands of manufacturer or warehousemen on July 1, were only subject to half tax. Op. Atty. Gen. (63a-b), August 5, 1939.

2689. Transfer of ownership—Procedure—fees.—Every owner or transferee of a motor vehicle who fails or delays for more than seven days to surrender the registration certificate and existing number plates as herein provided, before he shall be entitled to sell and assign his right to have the tax paid by him credited to the transferee as herein provided, shall pay to the registrar a fee of 25 cents for each day not exceeding two days, and if such delay shall continue for more than 60 days, the amounts for each month or fraction thereof, not exceeding four months of such delay; and every owner or person charged with the duty to register a motor vehicle or pay any such tax thereon who fails or delays for more than seven days to register the same or pay such taxes as herein provided shall, before he shall be entitled to complete his registration as herein provided, pay to the registrar, a like fee. A filing with, or delivery of plans to, the registrar, or a like fee. A filing with, or delivery of plans to, the registrar, or any vehicle owned by the registrant and his deputy at the office maintained therefor, or if deposited in the mail or with a carrier by express with postage or carriage charge prepaid, and properly addressed to the registrar within seven days after the transfer of ownership or other occurrence upon which this Act provides for filing or delivery. (‘21, c. 461, §19; ‘23, c. 418, §19; Laws 1929, c. 330, §2; Feb. 17, 1931, c. 17, §1; Apr. 13, 1933, c. 103, §2; June 6, 1935, c. 103, §17.)

Sec. 2 of Act Feb. 17, 1931, c. 17, provides that the act shall take effect and after seven days. (Act June 6, 1935, c. 103; note under §2681(a).

Words “established place of business” do not necessarily mean a building and may include a vacant lot let for purpose of a投机 enterprise to indicate a fixed degree of permanency. Id.


2690. Date payable.—The tax required under this Act to be paid upon a motor vehicle shall become due as soon as such vehicle shall first be used on the public streets or highways in the state, and upon January 1st in each year thereafter. Taxes due upon January 1st shall be paid upon transfer of ownership of the vehicle, and in any event on or before February 15th and shall be delinquent after February 15th unless paid. Taxes falling due between February 1st and December 31st shall become delinquent upon the expiration of three days after the same become due, unless paid. Provided, if the tax assessed under Section 2 of Act Feb. 17, 1931, c. 17, for more than 60 days, the amount thereof in excess of $200 may be paid in two equal installments in the year for which such vehicle is licensed, the due date of the first installment shall be the termination of one half of the period in which such license is to run and of the second installment shall be 60 days prior to the expiration of such license. All taxes imposed under the provisions of this Act shall be deemed the personal obligation of the registered owner and the amount of such tax, including added penalties for the non-payment thereof, shall be a first lien upon the vehicle taxed, paramount and superior to all other liens thereon whether previously or subsequently accruing thereon; and in addition to any other remedy herein prescribed, the state shall have a right of action against the owner for the recovery of the amount of any delinquent tax thereon, including the penalties accruing because of the non-payment thereof or for the enforcement of the tax lien thereon hereby declared, or both, in any court of competent jurisdiction. The county attorney of the county in which such motor vehicle is owned shall perform such service in the matter of the commencement and prosecution of such suit or in the prosecution of any other remedy for the enforcement of such tax as the Attorney General may require. (‘21, c. 461, §19; ‘23, c. 418, §19; Apr. 20, 1933, c. 344, §3.)

This section is not enumerated in the title of the act. And a amendment is probably unconstitutional. Act Feb. 2, 1933, c. 3, relates to payment of tax for the year 1933. It is omitted as temporary.

In September as date for certification under this section as being necessary in the state, such certification shall take effect Jan. 1, 1934. See §2684-a as to constitution of act.

2691. [Repealed by Act.] This section, being ‘21, c. 461, §20, amended ‘23, c. 418, §20; Apr. 24, 1929, c. 325, was repealed Mar. 31, 1937, c. 123, effective from its passage.

Act Mar. 20, 1933, c. 103, postpones to second Monday in September as date for certification under this section as being necessary in the state, such certification shall take effect Jan. 1, 1934. See §2684-a as to constitution of act.

Acts Feb. 8, 1935, c. 4; Mar. 13, 1935, c. 25; Apr. 13, 1935, c. 166, fix time for certification for 1935. They are omitted as temporary.

Subdivision 12 applies to every county in the state in which the clerk is entitled to compensation by way

2092. Manufacturers to file statement.—Every manufacturer of a motor vehicle sold or offered for sale within this state, either by the manufacturer, distributor, dealer or any other person, shall, on or before the first day of October in each year, file in the office of the registrar a sworn statement showing the various models manufactured by him, and the retail list price, rated carrying capacity and manufacturer's shipping weight of each model being manufactured October 1 of that year; and shall also file with the registrar, in such form as manufacturers usually use for advertising, complete specifications of the construction of each model. Such statement shall contain an itemized list of the manufacturer's list price for each model, together with the rated carrying capacity and weight and upon the manufacture of each new model thereafter, such manufacturer shall in like manner file a new statement setting forth such change. Models shall be defined by such statements as corresponding models, for the purpose of taxation under Section 3 of this act, if of the same make and having approximately the same weight and type of body and chassis and the same style and size of motor. The registrar may refuse to register any new or first hand vehicle in this state unless the manufacturer thereof has furnished to the registrar the sworn statement herein provided, for the model of the motor vehicle that is offered for registration. Such list price, rated carrying capacity and listed weight of the vehicle, as set forth in the manufacturer's statement shall be the price, weight or carrying capacity on which the tax of a motor vehicle shall be computed under section 3 of this act unless grossly at variance with fact. In all instances in which there have been added to a complete and full model additional parts or accessories not included in the factory list price upon which the tax is computed in accordance with the requirements of section 3 of this act, the reasonable cost thereof, amounting in the aggregate to more than $50, shall be added to the list price upon which the tax is computed. Such added parts, equipment or accessories to the extent in value of $50 shall be exempt from taxation. The registrar shall have authority to fix the value, carrying capacity and weight of any rebuilt or foreign car or any car on which a record of the list price, carrying capacity or weight is not available in his office. (21, c. 461, §21; 23, c. 418, §21; 25, c. 299, §5; Apr. 24, 1959, c. 320, §6.)

2683 Secretary of state to be registrar.—(a) The Secretary of State shall be the registrar of motor vehicles of the State of Minnesota, and it shall be his duty to exercise all the powers granted to and perform all the duties imposed upon him by this act. The Secretary of State in his discretion may employ the services of expert inspectors, and shall keep information and report to the registrar regarding motor vehicles subject to taxation under this act upon which the tax has not been paid, and to present suit in the courts of concurrent jurisdiction. (As amended Apr. 14, 1939, c. 259.)

(b) * * *


2095. Violations—penalties. See §2572-1 making this section applicable to §2572, §265, as amended.


2203. Size and form of plates.—Such number plates shall be substantially of the following size and form, namely: A plate or placard of metal, enamel, or other suitable material, approximately five and five-eighths inches wide and approximately 12 inches long, the length to vary with the number of digits in the number. On the body of such plate there shall be the distinctive registration number assigned to the vehicle in figures approximately three inches high, each stroke or character being by such width as will be most conducive to legibility. A letter or letters similar in size to the figures may be used as a part of the registration number at the beginning thereof to indicate class of registration. Below the registration number there shall be the year of registration and the word "Minnesota" in characters three-fourths of an inch high. Motorcycles shall be assigned plates of substantially the same design, but not more than one inch wide and two inches long with such proportionate reduction in size of letters and numerals as may be necessary. Dealers’ number plates shall be of substantially the same size and design as passenger vehicle and truck plates. (As amended Apr. 12, 1939, c. 213, §1.)

2703-1. Same—Effective date of amending act.—This act shall be in effect for plates to be issued for the year 1940 and succeeding years. (Act Apr. 12, 1939, c. 213, §2.)

2705. Lights—Mufflers—Road rules—[Repealed].

2712. Board of automobile examiners, etc. [Repealed].

2712-1. Chauffeurs' licenses.—No person shall drive a motor vehicle as a chauffeur upon any public highway in this state unless he be licensed by the secretary of state as provided by this act, except that a non-resident chauffeur, registered under the
provisions of the law of the country, state, territory or district of his residence, operating such motor vehicle temporarily within this state not more than 60 days in any one year, and while wearing the badge made for such purpose, he shall be exempt from such license requirements. No person, whether licensed or not, who is an habitual user of narcotics or who is under the influence of intoxicating liquors or narcotics, shall drive any vehicle upon any highway.

The term chauffeur, as used in this act, shall mean and shall include:

1. Every person, including the owner, who operates a motor vehicle while it is in use as a carrier of persons or property for hire.

2. Every person who is employed for the principal purpose of operating a passenger vehicle.

3. Every employee who in the course of his employment operates upon the streets or highways, a truck, tractor or truck-tractor belonging to another, with the exception of those light cars classified as trucks which are only used to carry tools, repairs or light materials used by the driver in his employment, and trucks registered in this state and operated by members of the family of the owner.

4. Every person who drives a school bus transporting school children. (Act Apr. 26, 1929, c. 433, §1; Apr. 18, 1931, c. 198; Apr. 22, 1939, c. 426.)

5. Driver of a school bus is chauffeur. Id.

6. Father transporting his own children in his motor vehicle is not included as requiring a license, even though he receives isolated state aid. Op. Atty. Gen. (635d), Nov. 16, 1933.

7. Driver operating a truck belonging to another does not need a license unless operating truck is principal purpose for which he is employed. Op. Atty. Gen. (635b), Apr. 22, 1938.


9. When a truck is used for purposes of delivering milk, milk products, butter and eggs, must have a license. Id., June 11, 1939.


12. Licenses of chauffeurs.—The secretary of state shall establish a chauffeurs' license division in the motor vehicle department of his office for the purpose of ascertaining and determining the qualifications of applicants for chauffeurs' licenses, and shall conduct examinations of applicants for such license at such times and places as he shall designate, and shall issue licenses only to such applicants as shall be found to have a sufficient knowledge of the construction, mechanism and operation of motor vehicles and a sufficient knowledge of the traffic laws of this state, and other needful qualifications, to enable him to drive with safety, and he may appoint such examiners and other employees as may be necessary in the conduct of the license division so established. Any deputy registrar of motor vehicles may be appointed by the secretary of state to conduct chauffeurs' examinations and any deputy registrar not serving on a stated salary, when so appointed shall be allowed and paid fifty cents ($0.50) for each examinee for the first examination given to such examinees by him under such appointment to be paid by the secretary of the state out of the same fund and in the same manner that salaries are paid to other employees serving in the chauffeurs' license division of the Motor Vehicle Department, such payment to be in addition to the fees allowed to such deputy as provided by law for registering motor vehicles. (Act Apr. 26, 1929, c. 433, §2; Apr. 18, 1931, c. 198; Apr. 22, 1939, c. 426.)

13. Shall provide badges.—The secretary of state shall provide every one licensed hereunder with a suitable badge to be worn by him voluntarily upon the outside of his clothing at all times while he is engaged in service as a chauffeur, and no licensed chauffeur shall voluntarily permit another person to possess and use the badge so provided, nor shall any person, while driving or operating a motor vehicle, use any license or badge belonging to another. (Act Apr. 26, 1929, c. 433, §3; Apr. 22, 1939, c. 426.)

14. Shall expire on December 31 of each year.—All chauffeurs' licenses issued hereunder shall expire at midnight on December 31 of the year for which they are issued, but may be renewed without examination but no renewal of a license issued before November 1, in any year shall be granted unless application for such renewal is made during the month of November of the year for which the license was issued; provided, however, that no license, renewed at any time within 30 days after the expiration thereof without examination upon payment of the regular license fee and an additional charge of one dollar as penalty. (Act Apr. 26, 1929, c. 433, §§4; Apr. 23, 1939, c. 327; Apr. 22, 1940, c. 277.)


17. Applications and examinations.—Applications for examination and license hereunder shall be in writing upon such forms and shall contain such needed information as the secretary of state may prescribe, and shall be accompanied by the payment of an examination and license fee of one dollar and fifty cents, except that the fee for a renewal license shall be one dollar. The state treasurer shall maintain a separate fund known as a chauffeurs' license fund, in which all fees so received shall be credited, and the amount necessary for payment of salaries and other expenses of the license division shall be transferred to and deposited in the general fund. (Act Apr. 26, 1929, c. 433, §5; Apr. 22, 1939, c. 426.)

18. Revocation of licenses.—For sufficient cause upon complaint and after hearing, or upon report of conviction by any court in this state of violation of any provision of the Highway Traffic Regulation Act, or upon report of conviction of any offense in any other State or in any Province of the Dominion of Canada, which, if committed in this State, would be cause of revocation, the Secretary of State may revoke the license of any chauffeur who, in the judgment of the secretary of state, should not be permitted to continue as a licensed chauffeur.

Any court in which the conviction is had, shall revoke the chauffeur's license upon the chauffeur's conviction of any of the following offenses:
(a) Manslaughter resulting from the operation of a motor vehicle;
(b) Driving a vehicle while under the influence of intoxicating liquor or narcotic drug;
(c) Any crime punishable as a felony under the motor vehicle laws of this state or any other felony in the commission of which a motor vehicle is used;
(d) Conviction of forfeiture of bail upon three charges of reckless driving all within the preceding twelve months;
(e) Conviction of a driver of a motor vehicle, involved in an accident resulting in the death or injury of another person, upon a charge of failing to stop and disclose his identity at the scene of the accident.

Upon conviction of a licensed chauffeur of any other violation of provisions of the Highway Traffic regulation Act, or of a violation of any provision of this Act, the court in which such conviction is had may order that such chauffeur's license be revoked forthwith.

A revocation of a chauffeur's license by a court shall be for a period of three, six, nine or twelve months, the length of period to be determined in each particular case by the court on the basis of the seriousness of the offense and the interest of public safety and welfare.

If and when a court revokes a chauffeur's license, the court shall require such chauffeur to surrender to the court his chauffeur's badge and, when so surrendered, return it to the secretary of state with the order of revocation and a synopsis of the proceedings.

When at least three months have elapsed of a longer period for which a chauffeur's license has been revoked, by court, and if the chauffeur's livelihood depends upon his employment as a licensed chauffeur, the secretary of state may, upon recommendation by the court that revoked the license, issue a limited license to such chauffeur. The secretary of state issuing such limited license may impose such conditions and limitations as in his judgment are necessary in the interest of public safety and welfare, including examination as to the chauffeur's qualifications and proof of financial responsibility covering the vehicle or vehicles to be operated. Such license may be limited to the operation of particular vehicles, to the commission of which the chauffeur has been charged, and to particular conditions of traffic.

The badge issued as evidence of a limited chauffeur's license shall be of a special design to distinguish it from the regular unlimited chauffeur's license. The secretary of state indicating the limitations of such license. (Act Apr. 26, 1929, c. 433, §2720-2)

2712-7. Violation a misdemeanor.—Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor. (Act Apr. 26, 1929, c. 433, §7; Apr. 22, 1929, c. 428.)

2712-8. Inconsistent act repealed.—All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. (Act Apr. 26, 1929, c. 433, §§; Apr. 22, 1929, c. 428.)

2715. Tampering with or damaging vehicle, etc.—Any person who shall tamper with a motor vehicle without the permission of the owner, or who shall, without authority of the person in charge, climb upon or into any automobile, whether while the same is in motion or at rest, or hurl stones or any other missiles at the same, or the occupants thereof, or shall, while such motor vehicle is at rest and unattended, attempt to manipulate any of the levers, starting devices, brakes, or machinery thereof, or set such motor vehicle in motion, or otherwise damage or interfere with the same, or shall place upon any street, avenue or highway of this state, any glass, tacks, nails or other articles tending to injure automobile tires, shall be guilty of a misdemeanor. (As amended Mar. 21, 1939, c. 119.)


2717-1. Unauthorized driving, etc., of automobiles—Punishment.—No person shall drive, operate or use a motor vehicle without the permission of the owner or of his agent in charge and control thereof.

Any person so doing shall be guilty of a felony and punished therefor by imprisonment in the state prison for not more than five years or by imprisonment in the county jail for not exceeding one year or by a fine of not more than $500.00. (As amended Mar. 6, 1939, c. 50.)

Repealed. Apr. 30, 1933, c. 112.

2717-1. Unauthorized driving, etc., of automobiles—Punishment.

175M167, 225NW506.


UNIFORM HIGHWAY TRAFFIC ACT

TITLE I—DEFINITION OF TERMS

2720-1. [Repealed.] Repealed Apr. 26, 1937, c. 446, §144.


Similar provisions of Highway Traffic Regulation Act, see §2720-176.

Whether defendant prosecuted for manslaughter was driving while intoxicated, held for jury. 175M167, 235NW171.

An ordinance of the city of St. Paul providing for the punishment of a person convicted of driving an automobile while under the influence of intoxicating liquor void. State v. Hughes, 182M144, 235NW174. See Dun. Dig. 4167b, 4165.

Evidence held to sustain conviction for driving automobile while intoxicated. State v. Reilly, 184M166, 338NW492. See Dun. Dig. 4167f.

In prosecution for driving while intoxicated there was no improper qualification of prosecution upon which defendant could complain where counsel stated that court had failed to comment on defendant's condition and court then told the jury that after this wreck is a matter for your consideration together with all the other evidence in the case, counsel making no further suggestion or objection and taking no exception to any part of the charge, and there being no request by either party for any charge. State v. Winberg, 196M135, 264NW578. See Dun. Dig. 4167f.

Evidence held to sustain finding beyond reasonable doubt that defendant was driving automobile at time of accident and was intoxicated. Id.

Passenger in truck driven by 15-year-old son with driver's license held not guilty of contributory negligence


§2720-3

CH. 12—ROADS


2. Injury to pedestrian upon sidewalk. 177M 249, 232N WW345. See Dun. Dig. 4621.

In action for personal injuries received when defendant's bus struck parked car, moving another car upon the highways. Montague v. L., 194M 546, 261N WW188. See Dun. Dig. 508.

In action for injury to bicycle rider 6 years and 10 months old struck by truck in paved alley, evidence held not to justify submission of willful or wanton negligence on part of truck driver. See Dun. Dig. 7653.

Evidence held not sufficient to submit issue of husband's intoxication to jury in action by wife for injuries in automobile collision. Olson v. K., 195M 493, 272N WW381. See Dun. Dig. 4617.

In action for injuries sustained when defendant's bus struck parked car, moving another car upon the highways. Montague v. L., 194M 546, 261N WW188. See Dun. Dig. 508.

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In action by guest against host for injuries in three-car collision, negligence of guest not established. Peterson v. E., 192M360, 256NW901. See Dun. Dig. 4162.

Where evidence establishes that a responsible person, while assisting a child in its play, was not negligent in his conduct, a judgment for plaintiff is not sustained. Follett v. K., 190M155, 245NW398. See Dun. Dig. 4114.

Evidence in two-collision case not sufficient to prove negligence of driver of either car. Miller v. B., 192M585, 256NW334. See Dun. Dig. 4131.

Evidence held not to show that driver of motorcycle was negligent in not looking out. Gage v. E., 187M369, 245NW976. See Dun. Dig. 4170.

Evidence of negligence in allowing running board of car to be extended over skateboard held too indefinite. Stein v. B., 190M134, 247NW132. See Dun. Dig. 6976.

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Contributory negligence of child nine years old. 181 M 384, 238 NW 798. See Dun. Dig. 7038. 7048.

Where in action against owner of automobile for negligence of driver, issue being whether driver had consent of defendant use car, testimony of defendant suffice to show that plaintiff was driver both before and after accident was rightly excluded. Neese v. M., 252 M 234, 277 NW 916. See Dun. Dig. 5843.

Evidence held to sustain finding that employer and owner of automobile had negligently driven vehicle and amounted to proximate cause of death of decedent. In re Estate of Neese v. M., 237 M 842, 277 NW 916. See Dun. Dig. 5843.

Statutory liability of owners for negligence of persons operating automobiles with owner's consent. 211 M 826. 827.

Joint enterprise. 23 M Inn Law Rev 823.

Contributory negligence of automobile driver did not excuse plaintiff from exercising due care but was a circumstance of contributory negligence. See definition of contributory negligence. 192 M 824, 265 NW 845. See Dun. Dig. 4166.

Where in action for wrongful death, representative of estate of deceased would not be bound by evidence of contributory negligence and recovery was bar to recovery. Jenson v. G., 184 M 745, 249 NW 640. See Dun. Dig. 1290.

Whether a child just past age of six was chargeable with contributory negligence of his guardian. Eckhardt v. H., 190 M 370, 264 NW 776. See Dun. Dig. 7038.

In action by passenger against taxi company for injury received when taxi stopped to permit plaintiff to get in, defendant was liable because of carelessness in stopping. Green v. T., 188 M 776, 245 NW 810. See Dun. Dig. 4166.

Whether contributory negligence of pedestrian is always question of fact, unless reasonable minds could reach but one conclusion. Hagan v. C., 192 M 469, 258 NW 721. See Dun. Dig. 7044.

Where in action against driver of unlighted truck held not guilty of contributory negligence as matter of law. Meicher v. M., 195 M 745, 265 NW 605. See Dun. Dig. 4167.

That contributory negligence of pedestrian is always question of fact, unless reasonable minds could reach but one conclusion. Pearson v. C., 184 M 730, 249 NW 734. See Dun. Dig. 4166.
Whether deceased driver of automobile was guilty of contributory negligence in colliding with defendant's car, held not guilty. Vogel v. N., 190M503, 256NW340. See Dun. Dig. 7016.

Where there was evidence that a pedestrian, fatally injured, ran into the path of defendant's car, which was traveling in the opposite direction on a public highway, contributory negligence does not appear as matter of law. Hoppe v. E., 190M603, 256NW643. See Dun. Dig. 7015.

Whereás defendant, in attempting to cross a highway upon which automobiles were approaching from both directions, reached edge of street line in heavy traffic, was standing, still, possibly waiting for defendants' motor-truck to pass in front of him, and that truck suddenly turned toward the highway, in doing so, contributory negligence does not appear as matter of law. Dun. Dig. 7029.

Where through negligence of another person is suicidal an injured while crossing a street in heavy traffic, was standing, still, possibly waiting for defendants' motor-truck to pass in front of him, and that truck suddenly turned toward the highway, in doing so, contributory negligence does not appear as matter of law. Hoppe v. E., 190M603, 256NW643. See Dun. Dig. 7015.

Negligence of driver of automobile was not imputable to Geddings passenger. Delano v. W., 194M338, 265NW570. See Dun. Dig. 4167o. 7038.

An instruction that if defendant's driver was negligent and his negligence caused injury, it did not matter that plaitant was negligent as well, and his negligence combined with negligence of defendant's driver, was proper where negligence of husband was not imputable to plaintiff. Olson v. K., 199M434, 276NW381. See Dun. Dig. 4167m. 7038.

One cannot recover damages for an injury to companion, or for a wrong done by a companion, where injury complained of is caused by defendant's car, and by his negligence, and his negligence caused injury, it did not matter that passenger pushed car out of ditch, blocking highway, held for jury. Szyperki v. S., 199M154, 265NW410. See Dun. Dig. 4164o. 7032.

Negligence of driver does not bar recovery by passenger or guest when injured passenger was not himself contributory negligent. Luck v. M., 191M602, 256NW609. See Dun. Dig. 7038.

Whether negligence of driver of automobile, if any, can be imputed to plaintiff, held to depend upon whether plaintiff had control of driver's actions. Guille v. G., 192M654, 258NW449. See Dun. Dig. 4166o. 7029.

Negligence of driver of automobile was not imputable to Geddings passenger. Delano v. W., 194M338, 265NW570. See Dun. Dig. 4167o. 7038.

Evidence of negligence of owner of automobile was not sufficient to establish negligence of automobile driver. In re application on behalf of a child (1 years and 10 months old. Carlson v. S., 200M48, 257NW649. See Dun. Dig. 4167o. 7038.

Negligence of driver of automobile is not imputable to Geddings passenger. Delano v. W., 194M338, 265NW570. See Dun. Dig. 4167o. 7038.

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Negligence of driver of automobile was not imputable to Geddings passenger. Delano v. W., 194M338, 265NW570. See Dun. Dig. 4167o. 7038.
Complaint held not to limit charge of negligence against automobile rental firm or give warning. 181M505, 232NW227. See Dun. Dig. 7068.

Failure of complaint to cover certain ground of negligence was immaterial where both parties introduced evidence thereon without objection. Dziewcznski v. I., 236M506, 233NW237. See Dun. Dig. 7068.

In an action for injuries received by a guest riding in an automobile plaintiff sustained fall as a result of negligence, plaintiff held not contributorily negligent. Liggert & Myers Tob. Co. v. D. (CCAB), 66F (2d) 275.

Where proven facts give equal support to each of two inconsistent inferences arising from an automobile accident, judgment must be left to jury to decide which party upon whom the burden of sustaining one of these inferences as against the other.

Evidence sustained, defendant driving that driving of motor car so as to project over edge of bridge sidewalk and strike a rail was negligence. Tuttle v. W., 178M348, 227 NW303.

Evidence held to sustain finding of negligence as to defendant as crossing street at point not an intersection. Hollander v. D., 181M576, 232NW510. See Dun. Dig. 4167o.

Evidence was not error to receive in evidence photographs for limited purpose of showing width of street and location of objects at place of accident which had remained unchanged, although some of photographs incidentally showed a guard constructed since accident. McKnight v. C., 184M446, 232NW353. See Dun. Dig. 325a, 3056, 7006.

Verdict against plaintiff struck by sighted "turn, held unsupportable. Smith v. T., 181M554, 233 NW364. See Dun. Dig. 7068.

In actions by husband and wife for injuries suffered in automobile accident, verdict for defendants held supported by evidence. Guile v. G., 197M141, 271NW332. See Dun. Dig. 7002, 7003.

Evidence held not to support a finding that lobar pneumonia, from which plaintiff's intestate died, was caused by collision, occurring over five weeks prior to pneumonia, case lacking in evidence. Honer v. N., 193M555, 289NW52. See Dun. Dig. 7032.

Medical evidence held to sufficiently connect paralysis with fall received while entering cab. Finney v. N., 198M543, 273NW255. See Dun. Dig. 4167o, 7006, 7007.

Whether negligence of plaintiff in climbing from left front fender to right front fender of a money truck collided with a truck, evidence held too uncertain to warrant finding of negligence. Ferraro v. T., 197M5, 265NW829. See Dun. Dig. 4162a(87).

Evidence held to sustain finding of negligence as to owner of automobile owner of another automobile which an ambulance, carrying plaintiff, collided, serious injury occurred. Hollander v. D., 181M576, 232NW510. See Dun. Dig. 7006.

The rate of speed of an automobile within four miles of the place of collision is admissible as bearing upon the claim of speed at the time of the accident. Quinn v. N., 184M446, 237NW12. See Dun. Dig. 7032.

Evidence held to sustain finding that parking of truck in violation of this section was negligence and proximate cause of injury to occupant of another automobile going off of the highway. Ball v. G., 185M110, 241NW160. See Dun. Dig. 4167m.

Court erred in automobile case in charging that defendant was not contributorily negligent. Naylor v. M., 185M144, 241NW674. See Dun. Dig. 7092.

In action by director and president of defendant corporation to recover damages for injuries received in accident while riding in automobile of owner, justifies inference that car in accident while riding in corporation automobile, verdict for corporation held proper. Campbell v. S., 185M293, 243NW142. See Dun. Dig. 7032.

Evidence held to show negligence of truck driver and negligence of owner to be contributory negligence. Ludwig v. H., 187M316, 246NW34.

Evidence held to sustain finding of negligence of motorist in collision at intersection. Kriinke v. H., 187M595, 246NW375. See Dun. Dig. 4167m.

Physical facts in automobile collision held not to necessarily contradict defendant's theory of case. Valpey v. L., 185M380, 245NW669. See Dun. Dig. 3473.

In action for death of guest in automobile where his companion, the owner's son, disappeared, it was error to exclude testimony of deceased's examination of automobile. Nicol v. G., 183M65, 247NW312. See Dun. Dig. 3234.

Evidence held sufficient to sustain finding that negligence was proximate cause of death of guest in automobile, where there was no evidence on contributory negligence. Nicol v. G., 183M65, 247NW312. See Dun. Dig. 4167o, 7056a.

Evidence held insufficient to sustain finding that missing car owner's son was driving car at time of accident resulting in death of guest. Nicol v. G., 183M65, 247NW312. See Dun. Dig. 3234.

Evidence held not to show negligence of truck driver in head-on collision with car. Foster v. O., 186M552, 247NW381. See Dun. Dig. 4167o.

Evidence held not to show that oncoming traffic struck by defendant's automobile was guilty of contributory negligence. Anderson v. A., 186M602, 246NW312. See Dun. Dig. 7056a.

Negligence is not ground for recovery unless it is proximate cause of injury. Weinstein v. S., 204M159, 293 NW127. See Dun. Dig. 6999.

In automobile collision case, evidence of defendant's driver was convicted of offense while driving intoxicated. Mila v. H., 190M638, 252NW574. See Dun. Dig. 6156(a).

Automobile guest suing host has burden of establishing negligence. Hasbro v. H., 197M639, 260NW346. See Dun. Dig. 5839a.

Evidence of eyewitness to a fatal accident does not constitute negligence or contributory negligence against witness. Jonisk v. L., 169M554, 250NW658. See Dun. Dig. 5156(a).

In action against taxicab company for death of passenger, testimony that guest had to stand in car in defendant as against contention it had been sold to driver id. Not admissible as evidence. Harris v. R., 189M559, 250NW677. See Dun. Dig. 7026a.

Evidence held to sustain finding that passenger in automobile struck by defendant's automobile at intersection negligently was going while defendant's driver saw it. Romann v. R., 197M15, 254NW698. See Dun. Dig. 4167(o).

Burden of proof on issue of negligence in automobile collision burden of proof on issue of negligence is for plaintiff. McEwen v. D., 199M601, 252NW523. See Dun. Dig. 4167(o).

Burden of proof to show contributory negligence of plaintiff in automobile collision case. Burden of proving that defendant was guilty of negligence in an automobile collision case. See Dun. Dig. 5156(a).

Burden of proof to show contributory negligence of plaintiff in automobile collision case. Burden of proving that defendant was guilty of negligence as to skid tracks of a car. It being sufficient that such tracks of a car were proper for consideration of jury. Raths v. S., 195M269, 251NW525. See Dun. Dig. 7026a.

Burden of proof on issue of negligence is for plaintiff. Burden of proving that defendant was guilty of negligence in an automobile collision case. Burden of proving that defendant was guilty of negligence as to skid tracks of a car. It being sufficient that such tracks of a car were proper for consideration of jury. Raths v. S., 195M269, 251NW525. See Dun. Dig. 7026a.

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Burden of proof on issue of negligence in automobile collision burden of proof on issue of negligence is for plaintiff. McEwen v. D., 199M601, 252NW523. See Dun. Dig. 4167(o).

Burden of proof to show contributory negligence of plaintiff in automobile collision case. Burden of proving that defendant was guilty of negligence in an automobile collision case. Burden of proving that defendant was guilty of negligence as to skid tracks of a car. It being sufficient that such tracks of a car were proper for consideration of jury. Raths v. S., 195M269, 251NW525. See Dun. Dig. 7026a.
question for the jury. 181M624, 229NW342. See Dun. Dig. 5841.

Whether automobile was driven or operated by person working on or near to or in front of cab at time defendant's car struck timbers, without any explanation of stoppage, contribu-
tory negligence of truck driver was question for jury.

In action for injuries to pedestrian at intersection, contributory negligence of bicycle rider was question for jury. Stoker v. N., 203M137, 270NW895. See Dun. Dig. 4164e.

Instruction was improper as to contributory negligence of plaintiff in getting out on left side of car parked at night curb, which was too near the opening of right door, held for jury. Judge v. E., 204M689, 24NW104. See Dun. Dig. 4167e.

Contributory negligence of bicycle rider six years and 10 months old, struck by milk truck in paved alley, held for jury. Id. See Dun. Dig. 6729.

Negligence of motorist and contributory negligence of plaintiff in getting out on left side of car parked at night curb, which was too near the opening of right door, held for jury. Judge v. E., 204M689, 24NW104. See Dun. Dig. 4167e.

It cannot be concluded as a matter of common or judicial knowledge that a left rear wheel of a car was not have caused swerving to right, whether sudden or otherwise. Naylor v. C., 184M339, 238NW685. See Dun. Dig. 7008.

Instruction based upon host's admission that he made no effort to control his brake and there was a sudden deflation of a tire was properly addressed to triers of fact. Kastlico v. A., 204M115, 225NW122. See Dun. Dig. 6275a.

Where no causal connection was shown between speed and accident, question of speed was properly withdrawn from jury. Draxton v. K., 263M161, 280NW168. See Dun. Dig. 4167e.

It cannot be concluded as a matter of common or judicial knowledge that a left rear wheel of a car was not have caused swerving to right, whether sudden or otherwise. Naylor v. C., 184M339, 238NW685. See Dun. Dig. 7008.

In action by pedestrian against automobile driver, charge that plaintiff could not have been in position to avoid accident was improper. Timmerman v. R., 200M177, 273NW85. See Dun. Dig. 4167e.

Negligence of motorist and contributory negligence of plaintiff in getting out on left side of car parked at night curb, which was too near the opening of right door, held for jury. Judge v. E., 204M689, 24NW104. See Dun. Dig. 4167e.

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Where no causal connection was shown between speed and accident, question of speed was properly withdrawn from jury. Draxton v. K., 263M161, 280NW168. See Dun. Dig. 4167e.
10. Verdict.

In action for death in automobile accident based upon alleged concurrent negligence of two defendants, verdict for plaintiff will not be set aside as a matter of law where evidence against plaintiff is clear, whether basis of motion for directed verdict should be granted only in cases where evidence is clear with no issue of mere theory be want of negligence in defendant or contributory negligence in plaintiff. Jude v. J., 193M217, 271NW475. See Dun. Dig. 4167c.

Motion of a defendant in a personal injury action for a directed verdict should be granted only in cases where evidence is clear with no issue of mere theory be want of negligence in defendant or contributory negligence in plaintiff. Jude v. J., 193M217, 271NW475. See Dun. Dig. 4167c.

§2720-4 [Repealed.]


175M911, 216NW637.

Correction of automobile and pedestrian on highway. 174M377, 218NW912.

Statute merely creates a rebuttable presumption of fact. 175M446, 221NW716.

Plaintiff was not bound to anticipate that truck driver would not be negligent. 175M449, 221NW716.

Testimony as to speed of truck approaching witness was admissible, its weight being for the jury. 175M449, 221NW716.

Where no defect in brakes had been charged, it was not error to permit defendant's driver to testify that brakes were in good condition after accident. 176M449, 221NW717.

Negligence in striking towed car on icy street held for jury. Raths v. S., 201M234, 275NW403. See Dun. Dig. 4167e.

Negligence of truck driver colliding with truck in loose snow on highway, with his left wheels slipping on a snow-covered, slippery, tarred-surfaced highway, so that it skidded 200 feet, went off road, and struck and knocked down an eight-inch tree, driver's negligence held for jury. Kunkel v. F., 197M69, 242NW908. See Dun. Dig. 4167e.

It is primarily for trial judge in his sound discretion to determine whether circumstances are such evidence of speed of an automobile as to entitle plaintiff to opportunity for jury.In action for injuries by guest in automobile, whether driver or omitted to call attention to law which should be charged against defendant. Mechler v. M., 184M476, 239NW605. See Dun. Dig. 4167e.

Negligence and contributory negligence at highway in a case of a head on collision, a fact issue as to defendant's negligence. Sinister v. V., 203M76, 279NW841. See Dun. Dig. 4167e.

Whether it was negligent to drive car between 25 and 45 miles an hour, at night. Whether speed of 50 miles an hour constitutes excessive speed in view of conditions, held for jury. Quin v. L., 184M429, 239NW962. See Dun. Dig. 4167e.

In action for injury to guest in automobile, whether defendant was guilty of excessive speed and contributory negligence in running into a dark car parked on the highway, held for jury. 175M911, 216NW637.

Negligence In striking towed car on icy street held for jury. Voge v. N., 198M506, 265NW406. See Dun. Dig. 4167e.

If court deems it proper to call attention to law which declares that a driver forfeits right of way at an intersection, it does not make such notice an issue for the jury as to presumption of negligence. Id.

Whether person driving car at night was guilty of contributory negligence in running into a dark car parked on the highway. Whether person driving car at night was guilty of contributory negligence in running into a dark car parked on the highway, held for jury. Vogel v. N., 198M506, 265NW406. See Dun. Dig. 4167e.

In action for injury to guest in automobile, whether defendant was guilty of excessive speed and contributory negligence in running into a dark car parked on the highway, held for jury. Tully v. P., 191M84, 253NW22. See Dun. Dig. 4167e.

Whether guest was guilty of contributory negligence in riding in front seat of car driven at 30 miles an hour for jury. Holmes v. L., 201M344, 275NW414. See Dun. Dig. 4167e.

Whether person driving car at night was guilty of contributory negligence in running into a dark car parked on the highway. Whether person driving car at night was guilty of contributory negligence in running into a dark car parked on the highway, held for jury. Vogel v. N., 198M506, 265NW406. See Dun. Dig. 4167e.

In head-on collision on bus and in snow cut through by bus, the driver of automobile was in difficulty trying to get out of rut, his speed in excess of statutory rate of speed. Negligence of bus driver in failing to sooner apply his brakes, and contributory negligence of bus passenger. Raths v. S., 201M234, 275NW403. See Dun. Dig. 4167e.

Where automobile was driven between 40 and 45 miles an hour, in excess of statutory speed limit. Negligence of truck driver colliding with truck in loose snow on highway, with his left wheels slipping on a snow-covered, slippery, tarred-surfaced highway, so that it skidded 200 feet, went off road, and struck and knocked down an eight-inch tree, driver's negligence held for jury. Kunkel v. F., 197M69, 242NW908. See Dun. Dig. 4167e.

Where two automobiles collided at a street intersection and a passenger in one was injured, evidence sustains verdict as against each driver, and neither was entitled to directed verdict. Negligence and contributory negligence at highway in a case of a head on collision, a fact issue as to defendant's negligence. Sinister v. V., 203M76, 279NW841. See Dun. Dig. 4167e.

Where motorist failed to discover substantial obstruction to travel which existed in front of his headlights until it was impossible to avoid a collision with it, his contributory negligence was not contributory negligence, where distracting circumstance was present. Twa v. N., 201M234, 275NW464. See Dun. Dig. 7020.

Whether it was negligent to drive car between 25 and 40 miles per hour following about 35 or 40 feet behind a bus in loose snow on highway, with his left wheels in a rut on his left side of road and with his vision obscured by a cloud of snow blown into his car by truck. Johnson v. R., 265NW836. See Dun. Dig. 4167e.

In a case of a head on collision, a fact issue as to defendant's negligence. Negligence of bus driver in failing to sooner apply his brakes, and contributory negligence of bus passenger. Raths v. S., 201M234, 275NW403. See Dun. Dig. 4167e.

Whether speed of fifty miles per hour constituted negligence held for jury. Spencer v. J., 203M402, 281NW475. See Dun. Dig. 4167e.


Collision at an intersection held for jury. Peterson v. Z., 184M349, 238NW324. See Dun. Dig. 4167e.

Negligence of truck driver colliding with truck in loose snow on highway, with his left wheels slipping on a snow-covered, slippery, tarred-surfaced highway, so that it skidded 200 feet, went off road, and struck and knocked down an eight-inch tree, driver's negligence held for jury. Kunkel v. F., 197M69, 242NW908. See Dun. Dig. 4167e.

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In a case of a head on collision, a fact issue as to defendant's negligence. Negligence of bus driver in failing to sooner apply his brakes, and contributory negligence of bus passenger. Raths v. S., 201M234, 275NW403. See Dun. Dig. 4167e.
In absence of exceptional circumstances it is not negligence as matter of law for a motorist to proceed into an intersection without due regard. Dauphiny v. C., 201M122, 288NW821. See Dun. Dig. 4167o.

In collision with tractor trailer making left turn, negligence of truck driver with respect to speed, and contributory negligence of driver of tractor trailer, held for jury. Ryan v. L., 264M189, 285NW168. See Dun. Dig. 4167e.

(b) (3) Prima facie presumption of unreasonable speed may be overcome by circumstances. Hustvet v. K., 184M222, 238NW700. See Dun. Dig. 1867o.

Evidence held to justify finding that one driving on arterial was guilty of negligence in driving at an unreasonable rate of speed and striking a crossing arterial. Johnston v. S., 190M209, 261NW555. See Dun. Dig. 4167e.

While there is not any traffic law directly requiring an automobile to slow up at highway intersection where there are no obstructions or traffic signs, it does not follow that a motorist may approach and enter an intersection heedlessly, at high speed, without looking to see if other cars are ahead of him, right-of-way rule not going to that extent. Guthrie v. B., 192M444, 263NW388. See Dun. Dig. 4167e.

Whether plaintiff was traveling at a speed greater than was reasonable, and hence negligent, and hence negligent, was questions of fact for jury. Toffy v. C., 193M680, 258NW74. See Dun. Dig. 4167e.

Court erred in not giving to jury, at plaintiff's request, statutory definition of an obstructed view of a highway in connection with evidence of speeding at which time it was impossible to see intersection. Kunkel v. P., 197M107, 266NW441. See Dun. Dig. 4167g.

Passenger in truck struck at intersection of trunk highways while driving on arterial with stop sign posted, was contributory negligence of law. Finley v. B., 193M157, 271NW445. See Dun. Dig. 4167e.

There was no causal connection was shown between speed and accident, question of speed was properly withdrawn from jury. Draxton v. K., 263M161, 280NW288. See Dun. Dig. 4167e.

Speed in excess of that provided by statute cannot be a basis for认定 a proximate cause of injury, and speed was not proximate cause of collision of aid with rear end of automobile at intersection. Id.

Bus driver slowing down to speed of 15 or 20 miles per hour and turning on lights and keeping to right of center line, while passing through smoke from burning brush was entitled to assume that driver of any car coming from other direction would likewise slow down, put on lights and keep to his own side of road. Becker v. N., 200M272, 274NW180. See Dun. Dig. 4164(b).

This was not applicable to a bus driver who, in smoke from burning brush, or if applicable, his violation was not proximate cause of collision of a truck driver with smoke on center of highway. Id. See Dun. Dig. 4167e.

Statute does not have reference to obstruction of view by car in poultry. 212Iowal061, 237NW487. See Dun. Dig. 4167e.

(b) (5)

Bus driver failing to observe a stop sign on a side street, before it enters or intersects a through street or highway, is not a "right of way" case. Schachman v. M., 196M526, 265NW319. See Dun. Dig. 4167e.

(b) (7)

Evidence of negligence held sufficient to support a verdict against both defendants through whose acts plaintiff's ward was injured. Fyrlind v. J., 195M366, 262NW222. See Dun. Dig. 4167e.

Any error of court in not submitting to jury question of whether automobile collision occurred within residential portion of village was immaterial if plaintiff was guilty of contributory negligence as matter of law reenacted, see §2720-268. Fyrlind v. J., 200M272, 274NW180.

Whether in negligence was in a sparsely settled portion of a town, 20 miles away, and to run off an unfinished fill in highway, held for jury. Witham v. N., 197M202, 265NW418. See Dun. Dig. 4167e.

Evidence that accident occurred in a rural community fails to show that it was within residential portion of a municipality. Bird v. J., 193M525, 272NW168. See Dun. Dig. 4167e.

2720-7. [Repealed.]

Repealed Apr. 26, 1937, c. 464, §144. Similar provisions of Highway Traffic Regulation Act, see §2720-150.

2720-8. [Repealed.]


2720-9. [Repealed.]


Whether truck was on wrong side of road at intersection, held for jury. 184M349, 238NW795; note under §2720-4.

Fireman on fire truck and driver were not engaged in "joint enterprise" and negligence of driver was not imputed to such fireman. Right of way rules under §23, 4167o; note under §23, and did not apply to fire apparatus. 173M285, 217NW130.

(a) Ambulance or police patrol car has no right of way over ordinary vehicles in absence of an audible signal, and ordinary vehicle on a through highway had right of way, acting as ambulance at intersection in absence of sounding a siren. Holle v. C., 192M444, 263NW785. See Dun. Dig. 4167a, 4166, 4175.

2720-10. [Repealed.]

Repealed Apr. 26, 1937, c. 464, §144. Similar provisions of Highway Traffic Regulation Act, see §2720-228.

2720-11. [Repealed.]


If defendant has burden of proving that his being upon wrong side of highway was not due to any negligence or lack of care on plaintiff's part, evidence held proper for defendant to show negligence of others when such reliance is attended by obvious excuse. Raymond v. K., 204 M 220, 281 N W 711. See Dun. Dig. 414c.

On slippery day fact that plaintiff's car was against will and in spite of his efforts, skidded and landed upon wrong side of road in cases where it was impossible to see exact location of pavement, path and run through cut for highway, evidence held sufficient to prove that plaintiff's negligence was a proximate cause of collision, from which plaintiff was injured. Raymond v. K., 204 M 220, 281 N W 711. See Dun. Dig. 414c.

On a day that plaintiff's car was in different position, he was compelled to get out of rut, negligence of bus driver in failing to sooner apply his brakes, contributory negligence of other driver held to require direction of verdict for plaintiff. 184 M 419, 238 N W 665. See Dun. Dig. 414c.

In head-on collision between automobile and bus in narrow cut through snow bank, wherein driver of automobile was on wrong side of road and in failure to keep a proper and reasonable lookout, evidence held to support a jury finding that plaintiff was contributory negligent. 187 M 625, 246 N W 879. See Dun. Dig. 414c.

In head-on collision between automobile and bus in narrow cut through snow bank, wherein driver of automobile was on wrong side of road and in failure to keep a proper and reasonable lookout, evidence held to support a jury finding that plaintiff was contributory negligent. 187 M 625, 246 N W 879. See Dun. Dig. 414c.

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plaintiff's ward was injured. *Fryklind v. J.*, 190M356, 249NW355. See Dun. Dig. 4167h.

Evidence held as to icy condition of street and an obstruction by oil in street. Whether motorist following within 50 feet of truck or running into it when it stopped, or almost stopped, preparatory to a left turn, and without a timely signal, was guilty of negligence held for jury. *Herman v. M.*, 193M557, 267NW368. See Dun. Dig. 4167h.

Whether plaintiff failed to stay as near center of intersection as practicable, held for Jury. *Spencer v. J.*, 203M402, 281NW879. See Dun. Dig. 4167h.

Evidence held to sustain finding that defendant was guilty of contributory negligence, held for jury. *Mahan v. M.*, 185M94, 239NW914; note under §2720-17.

Failure to extend arm indicating left turn at intersection held for jury. *Spencer v. J.*, 203M402, 281NW879. See Dun. Dig. 4167h.

Evidence held to support verdict as against each driver, and neither was entitled to a directed verdict or to judgment non obstante. *Fredhom v. S.*, 193M569, 259NW80. See Dun. Dig. 4167h.

Violation of statute, held for jury. *Kummer v. K.*, 199M591, 216NW537. See Dun. Dig. 4167h.


Contributory negligence of one turning right in high traffic street without making signal held for jury. *Fryklind v. J.*, 190M356, 249NW355. See Dun. Dig. 4167h.

Evidence held to sustain finding of negligence by truck driver in collision with a coal truck, making a left turn, evidence sustained a verdict against both defendants. *Reier v. H.*, 202M154, 277NW405. See Dun. Dig. 4167h.

Evidence of negligence held sufficient to support a verdict against both defendants through whose acts plaintiff's ward was injured. *Fryklind v. J.*, 190M356, 249NW355. See Dun. Dig. 4167h.

Evidence held to support verdict for injured guest as a passenger in a street car, in a collision with a coal truck, making a left turn, evidence sustained a verdict against both defendants. *Reier v. H.*, 202M154, 277NW405. See Dun. Dig. 4167h.

Evidence held to support verdict for injured passenger in a street car, in a collision with a coal truck, making a left turn, evidence sustained a verdict against both defendants. *Reier v. H.*, 202M154, 277NW405. See Dun. Dig. 4167h.

Evidence held to support a verdict for plaintiff, held for jury. *McCarthy v. C.*, 201M276, 276NW1.

Evidence held to support verdict for injured passenger in a street car, in a collision with a coal truck, making a left turn, evidence sustained a verdict against both defendants. *Reier v. H.*, 202M154, 277NW405. See Dun. Dig. 4167h.

Evidence held to support verdict in favor of automobile driver, who, while making a left turn, was struck from the rear by an approaching automobile resulting in injury to person riding in the rear car. *181M275, 232NW226. See Dun. Dig. 4167h.

Evidence held to sustain finding of negligence by truck driver in turning into path of vehicle approaching from the rear, and to negative existence of emergency evasive conduct. *151X405, 223NW715. See Dun. Dig. 4167h.

Evidence held to support verdict in favor of automobile driver, who, while making a left turn, was struck from the rear by an approaching automobile resulting in injury to person riding in the rear car. *181M275, 232NW226. See Dun. Dig. 4167h.

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Evidence held to support verdict in favor of automobile driver, who, while making a left turn, was struck from the rear by an approaching automobile resulting in injury to person riding in the rear car. *181M275, 232NW226. See Dun. Dig. 4167h.
Contributory negligence of driver in collision at street intersection held for jury. Tussvet v. E., 184M222, 224 NW930. See Dun. Dig. 4167-o.

Whether driver making left turn was guilty of contributory negligence in a motor vehicle to cross an intersection ahead of the defendant's car. Geyser v. V., 68F(2d)240, 211 NW946. See Dun. Dig. 4167-o.

Prior to the passage of this law automobilists and pedestrians had equal rights at street intersections. 172M134, 217 NW999.

One driving a vehicle and approaching a trunk highway where his view is obstructed must have her car under control, and in view of the right of way statute must watch out for cars coming from the right and there is a presumption of negligence if she fails to so exercise due care and the evidence held to sustain the presumption. 173M31, 216NW 225.

If automobile entered crossing first it had the right of way over street car. 173M186, 217NW99.

The doctrine of "Res ipsa loquitur" has no application when all the facts attending an accident are disclosed, but he evidence, hereby held to sustain. 217NW102.

Contributory negligence of automobile driver is not imputed to passenger. 172M227, 217NW125; 173M462, 217 NW999.

Negligence and contributory negligence held for jury. 172M512, 217NW485: 173M439, 217NW493.

That a collision occurs in broad daylight at street intersections between two automobiles coming at right angles does not of itself establish that at least one of the drivers was negligent. 175M623, 221 NW930.

Whether plaintiff reached intersection first and whether defendant was on wrong side of road, held for jury. 175M623, 221 NW930.

Negligence and contributory negligence held for jury. 175M623, 221 NW930.

Where plaintiff claimed that injury occurred on crosswalk and defendant held for jury, though he had qualified right of way. 177M222, 225NW85.

"Stop" sign has the right of way over traffic from his place other than a crossing or crosswalk. 177M222, 225NW85. See Dun. Dig. 4167n.

Collision at intersection between well-traveled highway and a side road. Maker v. J., 176M525, 228NW1137. See Dun. Dig. 4167o.

Contributory negligence of defendant was established. Amon v. N., 176M410, 223NW456. See Dun. Dig. 4167o.

A pedestrian is not negligent as a matter of law in crossing a street at a point not an intersection. 181M376, 232NW630. See Dun. Dig. 4167e.

Whether plaintiff reached intersection first and whether defendant was on wrong side of road, held for jury. 177M222, 225NW85.


Automobilist having stopped his car in obedience to a "stop" sign has the right of way over traffic from his place other than a crossing or crosswalk did not absolve him of negligence in crossing a street at a point not an intersection. 181M376, 232NW630. See Dun. Dig. 4167e.

Evidence held not to establish contributory negligence on part of motorcyclist. 178M410, 225NW752.

Where a city street coincident with a trunk highway leaves such highway and enters private street, while the trunk highway turns to the right at an angle of 70 degrees, there is an "intersection" within this statute and therefore an accident held to be within the right of way statute. 180M659, 223NW203. See Dun. Dig. 4167o.

Negligence of motor vehicle driver held established by evidence. Mozes v. E., 180M568, 225NW449. See Dun. Dig. 4167e.

Negligence of automobile passenger in striking car coming from his right at high speed, held for jury. Reynolds v. G., 190M434, 252NW898. See Dun. Dig. 4167o.

Evidence that plaintiff was in intersection approved and upon which a finding of contributory negligence as a matter of law struck down came from right held to be insufficient. 191M580, 254NW912. See Dun. Dig. 4167o.

Whether whether defendant colliding with automobile coming from his right at high speed, held for jury. Henjum v. S., 190M372, 252NW227. See Dun. Dig. 41646.

Negligence of one colliding with another coming from his left at intersection held for jury. 191M580, 254NW912.

Negligence in colliding with another coming from his right at intersection held for jury. 192M118, 256NW397. See Dun. Dig. 41646.

Contributory negligence in automobile collision at intersection of two country roads, held for jury. Metz v. K., 191M580, 254NW912. See Dun. Dig. 4167o.

In a collision at intersection of two country roads, held for jury. 191M580, 254NW912. See Dun. Dig. 4167o.

Negligence of one colliding with another coming from his left at intersection held for jury. 191M580, 254NW912.

Whether automobile driver was required to anticipate that another driver would enter intersection at an excessive and unlawful rate of speed. Id.

Where driver of car first entering intersection had a right to assume that car coming from the right half a block down did not have right of way, held for jury. Reynolds v. G., 190M372, 252NW898. See Dun. Dig. 41646.

Whether whether defendant colliding with car coming from his right after passing center of street was guilty of contributory negligence held for jury. Metz v. K., 189M568, 252NW449. See Dun. Dig. 41646.

Whether automobile driver who stopped momentarily at highway intersection and looked across intersection without again looking was guilty of contributory negligence held for jury. Guthrie v. B., 190M434, 254NW397. See Dun. Dig. 4167-o.

While there is not any traffic law directly requiring an automobile to slow up at highway intersection where there are no obstructions to view, it does not follow that a motorist may approach and enter an intersection heedlessly. Held that evidence held to sustain finding that defendant had right of way. 192M118, 256NW397. See Dun. Dig. 4167-o.

Whether automobile driver coming from right and colliding in intersection was guilty of contributory negligence as a matter of law where automobile was trying to pass other car approaching and then proceeded across intersection without again looking was guilty of contributory negligence held for jury. Johnston v. J., 193M126, 258NW401. See Dun. Dig. 4167-o.

Whether automobile driver coming from right after passing center of street was guilty of contributory negligence held for jury. Reynolds v. G., 190M372, 252NW898. See Dun. Dig. 41646.

Whether whether defendant entered intersection and struck car coming from his right after passage of car other driver of which was guilty of contributory negligence held for jury. Johnston v. J., 193M126, 258NW401. See Dun. Dig. 4167-o.

Automobile driver coming from right and colliding in intersection was guilty of contributory negligence as a matter of law where automobile to cross street intersection within four miles of place of collision. Held that evidence held to sustain finding that defendant had right of way over police patrol car acting as ambulance at an intersection in town. Underdown v. T., 193M256, 258NW602. See Dun. Dig. 41646, 7048.

A police automobile or police patrol car has no right of way over ordinary vehicles in absence of an audible signal and ordinary vehicles are not required to yield the right of way over police patrol car acting as ambulance at an intersection in town. Mr. James v. C., 193M256, 258NW602. See Dun. Dig. 41646, 7048.

Whether whether defendant colliding with car coming from his right after passage of car other driver of which was guilty of contributory negligence held for jury. Johnston v. J., 193M126, 258NW401. See Dun. Dig. 4167-o.

Whether whether defendant colliding with car coming from his right after passage of car other driver of which was guilty of contributory negligence held for jury. Johnston v. J., 193M126, 258NW401. See Dun. Dig. 4167-o.
Evidence as to operation of automobiles involved in collision at obstructed intersection in a city and as to character of damages to automobiles held to sustain finding of defendant's negligence and contributory negligence. Timmerman v. M., 199M376, 271NW697. See Dun. Dig. 4164e.

Where motorist immediately before entering a high-
way intersection, observed defendants' bus some 150 to 200 feet away, approached the intersection at speed,
and was struck by bus when nearly across intersection,
questions of negligence and contributory negligence were
conceived by v. U., 199M319, 272NW366. See Dun. Dig. 4164e.

Action for damages in collision between automobile and street car coming from right, evidence held to sustain finding that motorman was negligent in failing to maintain a proper intersection, but not to sustain finding of contributory negligence. D., 199M319, 272NW366. See Dun. Dig. 4164e.

Evidence held sufficient to support claim that motorist in not looking to his left before driving his car into an intersection, held that there was sufficient doubt of causal connection to support verdict. See Dun. Dig. 4167e. Butler v. T., 200M362, 271NW766. See Dun. Dig. 4165.

Motorist who claimed to have looked both to his right
and left before entering into intersection, which was a
right turn intersection, held he was not negligent as a
matter of law if he entered intersection, but held he
was not negligent and that plaintiff was guilty of con-
tributory negligence. Wettlin v. H., 199M426, 263NW726. See Dun. Dig. 4164e.

Evidence held sufficient to support claim that motorist
in not looking to his left before driving his car into an
intersection, held he was not negligent as a matter of

Where evidence which may be drawn from evidence
and facts which were properly submitted to the jury
and was not held as a matter of law to be guilty of con-

Negligence and contributory negligence held to sustain

Collision between truck and automobile at inter-
section, contributory negligence of plaintiff held for

Where two streets came together and intersected with
a cross street, and traffic on the two streets was stopped
by a police officer on a bridge over the cross street,
and a street car, just as former was about across street,
and traffic on the two streets was stopped
by a police officer on a bridge over the cross street,
and a street car, just as former was about across street,
and traffic on the two streets was stopped
by a police officer on a bridge over the cross street,
and a street car, just as former was about across street,
and traffic on the two streets was stopped
by a police officer on a bridge over the cross street,
and a street car, just as former was about across street,
and traffic on the two streets was stopped
by a police officer on a bridge over the cross street,
Fact that pedestrian was first upon crossing did not absolve him from duty of exercising ordinary care.

Where plaintiff alighted from his car, parked on right-hand side of a city street at an intersection, passed in front of his own car and into lane of southbound traffic when the car ahead of him was stopped with yield of law, for failure to yield right of way to an automobile. Jacobsen v. A., 188 M 179, 246 NW 670. See Dun. Dig. 4167.

Driver may be found guilty of negligence in running down a pedestrian in a crosswalk or a street intersection by showing that pedestrian was visible, that driver failed to observe him, made a left turn on a cross street, and failed to sound reasonable warning.Kunkel v. P., 197 M 107, 260 NW 441. See Dun. Dig. 4167.

Evidence sufficiently established negligence of automobile driver, and absolved passenger in street car from contributory negligence. Fox v. M., 190 M 343, 251 NW 916. See Dun. Dig. 4167.

An ambulance or police patrol car has no right of way over ordinary vehicles in absence of an audible signal and ordinary vehicle on a through highway had right of way over police patrol car acting as ambulance at an intersection in absence of sounding a siren. Hogle v. C., 193 M 326, 258 NW 721. See Dun. Dig. 4167.

Automobile driver momentarily stopping at highway intersection had right of way over one coming from right a block away would see in plain view ahead of him at and in intersection. Guthrie v. R., 192 M 434, 256 NW 898. See Dun. Dig. 4168.

An ambulance or police patrol car has no right of way over ordinary vehicles in absence of an audible signal and ordinary vehicle on a through highway had right of way over police patrol car acting as ambulance at an intersection in absence of sounding a siren. Hogle v. C., 193 M 326, 258 NW 721. See Dun. Dig. 4167. 4168. 4173.

If court deems it proper to call attention to law which declares that a driver forfeits right of way at an intersection if he enters it without coming to a full stop where there is a stop sign, he should also call attention to law that a driver who enters an intersection at a full speed on approaching a stop sign,). See Dun. Dig. 4167.

Whether defendant negligently failed to stop in obedience to stop sign, whether defendant's conduct in failing to observe a stop sign, and reasonable speed on approaching a stop sign were, held for jury. Waldron v. P., 191 M 392, 253 NW 894. See Dun. Dig. 4167.

An ambulance or police patrol car has no right of way over ordinary vehicles in absence of an audible signal and ordinary vehicle on a through highway had right of way over police patrol car acting as ambulance at an intersection in absence of sounding a siren. Hogle v. C., 193 M 326, 258 NW 721. See Dun. Dig. 4167. 4168. 4173.

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Precautions to be taken by motor trucks and buses while on highway.

1925 c. 252.

Court properly charged that it was negligence to park car on side of road. 213M114, 213M452.

Where passing on left side of road with headlights, lit was proximate cause of injury to another held for jury. 212M106, 212M577.

Where highway is tarred it must be left open for the required width on the paved portion. 190M116, 210M170.

Defendant parking truck on highway at night without parking on shoulder, permitted off highway to automobile running into truck. 189M125, 290M175. Negligence and contributory negligence, held for jury. 153M320, 200M431. Driver of automobile going off of highway by reason of improper parking of a truck held not guilty of negligence. 201M145, 202M451. See Dun. Dig. 4167a.

This subdivision held not unreasonable as applied to a certain highway. Ball v. C., 185M105, 240M110. See Dun. Dig. 4171a.

The words, "impossible to avoid stopping and temporarily leaving such vehicle in such position," mean that car must be disabled to extent that it is not reasonably practicable to move it so as to leave fifteen feet for passage of other cars. Geisen v. L., 180M437, 214M125. See Dun. Dig. 4171a.

Standing of disabled car upon highway, held not proximate cause of injury to occupant of another automobile which turned over when attempting to pass. Geisen v. L., 186 M.475, 248M103.

Car with condenser burned out was disabled as a matter of law. Geisen v. L., 185M1479, 214M680.

178M465, 227M493. See Dun. Dig. 4172.

Similar provisions of Highway Traffic Regulation Act, see §2730-262.

Similar provisions of Highway Traffic Regulation Act, see §2730-280, 2720-282.

Similar provisions of Highway Traffic Regulation Act, see §2720-282 to 2720-292.

Similar provisions of Highway Traffic Regulation Act, see §2720-106 to 2720-110.

A passenger having no control over automobile or in automobile driven around by third person. 200M475, 201M550. See Dun. Dig. 4165.

brakes or of negligence of driver in their application. Forseth v. D., 262NW447, 275NW304. See Dun. Dig. 9774.

2720-44. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §2720-257.

Failure to sound horn before overtaking pedestrian on highway held only upon which charge of negligence could rest. Boyer v. J., 185M221, 240NW583. See Dun. Dig. 4167b(71).

Driver may be found guilty of negligence in running down pedestrian in act of diagonally crossing a street in intersection by showing that pedestrian was visible; driver failed to observe him, made a left turn cutting corner, and failed to sound reasonable warning. In violation of statute. Reiter v. H., 202M104, 277NW605. See Dun. Dig. 4167a.

2720-45. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §2720-255.

Instruction as to negligence and contributory negligence with reference to this statute held erroneous. Meischer v. M., 184M476, 250NW605. See Dun. Dig. 4197c.

2720-46. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §2720-260.

2720-47. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §2720-258.

Exemption contained in §2720-34 applies to all of the provisions of the Uniform Highway Traffic Act, including §2720-47. Johnson v. E., 184M678, 239NW772. See Dun. Dig. 4162a.

2720-48. [Repealed.]
Repealed Apr. 26, 1937, c. 464, §144.
Similar provisions of Highway Traffic Regulation Act, see §2720-261.


Evidence sustains a finding that automobile was parked on highway without a rear light. Martin v. T., 187M539, 246NW6. See Dun. Dig. 4162a, 4167c, 4171a.

Evidence did not require finding that plaintiff was guilty of contributory negligence in colliding with parked automobile as he came from rear. Martin v. T., 187M525, 246NW6. See Dun. Dig. 4167c.

There is no statute requiring persons leading animals on shoulders of paved highways to carry a light after dark. Raths v. S., 190M525, 246NW6. See Dun. Dig. 4167c.

Whether failure to have headlights lighted was proximate cause of collision at intersection at which plaintiff had right of way for jury. Krinke v. G., 187M498, 246NW6. See Dun. Dig. 4162a.

A driver who fails to have his headlights lighted a half hour after sunset can be convicted of negligence in striking a stalled truck. Orvar v. M., 193M350, 246NW42. See Dun. Dig. 4167c.

Driver of automobile to have his lamps lighted a half hour after sunset. Roman v. E., 190M419, 249NW6. See Dun. Dig. 5976.

Where a freight train of 86 cars is passing over a highway crossing in night time and an automobile, traveling in the same direction, is within the view of the train's engineer, as a matter of fact, it is not possible to avoid collision. Sullivan v. B., 288NW350. See Dun. Dig. 4167c.

Even though guest was negligent in riding in car operated without proper headlights required by statute,
it was a question for the jury whether her negligence or assumption of risk proximately contributed to or caused injury when car left highway. White v. C., 193M300, 245 NW232.

Commissioner of Highways has authority to insist that vehicles using the highway be equipped as provided in subsection (b) throughout the day. Op. Atty. Gen., Sept. 3, 1931.

Defendant held negligent in parking truck without lights, thereby liable for injury and damage to plaintiff escaping from car running into it. 189M352, 230NW776. In action to recover damages for injuries received while driving on the highway, and collision with defendant's unlighted truck, plaintiff's alleged contributory negligence did not appear as matter of law. Brown v. S., 193M119. See Dun. Dig. 4166.

A horse equipped with lamps or reflectors was negligence as matter of law. Campbell v. S., 193M293, 243NW142. See Dun. Dig. 4167c.

In action for death of a pedestrian killed while leading team of horses on a state highway in the night time, negligence and contributory negligence held for jury. Raths v. S., 195M225, 262NW563. See Dun. Dig. 4171.

If automobile driver was negligent in striking horses on shoulder while being led by deceased pedestrian, such negligence was proximate cause of death whether deceased was struck by car or was struck down by horses struck by car. See Dun. Dig. 4166.

Contributory negligence of motorist colliding with concrete mixer left in highway to guard a partly newly constructed culvert, held for jury. Wels v. J., 183M170, 236NW260. See Dun. Dig. 7623(2).

Evidence held sufficient to support finding that wife riding with motorist was contributory negligence when motorist ran into unlighted concrete mixer. See Dun. Dig. 4167c.

Driver of automobile on a dark drizzly night colliding with an unlighted truck held not guilty of contributory negligence as a matter of law. Meckler v. M., 194M146, 235NW605. See Dun. Dig. 4166.

In action for death of a pedestrian killed while leading team of horses upon right shoulder of highway in the night time, negligence and contributory negligence held for jury. Raths v. S., 195M225, 262NW563. See Dun. Dig. 4166.

Contributory negligence of one participating in changing tire on automobile inexcusably parked near center of pavement without tail light was guilty of contributory negligence as matter of law. Brown v. M., 190M312, 250NW672. See Dun. Dig. 4167c.

A passenger in the automobile inexcusably parked near center line of pavement without tail light was guilty of contributory negligence as matter of law. Brown v. M., 190M312, 250NW672. See Dun. Dig. 4167c, n. 16.

Contributory negligence of one participating in changing tire on automobile inexcusably parked near center of pavement without tail light was a contributing proximate cause notwithstanding he was not struck by oncoming car but by parked car. See Dun. Dig. 4166.

It was a question for the jury whether plaintiff who, on a stormy night on a slippery street, drove his car into rear of a truck parked diagonally without lights, was guilty of contributory negligence. Tully v. F., 193M84, 251NW5. See Dun. Dig. 1036.

Evidence held to sustain finding of negligence on part of plaintiff in striking horses while driver of unlighted truck was engaged in changing tire and driver was assisted by driver of another truck. Tully v. F., 193M84, 251NW5. See Dun. Dig. 1036.

A pedestrian entitled to contribution from the owner of the touring car involved in a collision with an unlighted trailer parked highway at night, held not guilty of contributory negligence as matter of law. Olson v. P., 185M571, 242NW283. See Dun. Dig. 4167c.

Evidence held to sustain finding of negligence on part of plaintiff in striking horses while driver of unlighted truck was engaged in changing tire and driver was assisted by driver of another truck. Tully v. F., 197M84, 251NW5. See Dun. Dig. 4166.

Where truck was parked on pavement at night to change tire and driver was assisted by driver of another truck, who also had unlighted truck, held that cause of collision could not be held as matter of law to have been negligence of either truck driver so as to relieve employer of other. Tully v. F., 193M84, 251NW5. See Dun. Dig. 4166.

In action for injuries growing out of collision with rear end of standing unlighted truck, negligence of defendant held for jury. Olson v. L., 193M571, 242NW283. See Dun. Dig. 4166.

Whether negligence of driver of automobile colliding with rear of unlighted truck on highway, whether unlighted truck was guilty of negligence, held for jury. Olson v. P., 187M171, 242NW253. See Dun. Dig. 4167c.

In action for injuries to guest in automobile against operator of unlighted truck standing on highway, whether unlighted truck was guilty of negligence, held for jury. Olson v. P., 187M171, 242NW253. See Dun. Dig. 4167c.

Evidence held to sustain finding of negligence of one participating in changing tire on automobile inexcusably parked near center line of pavement without tail light was guilty of contributory negligence as matter of law. Brown v. M., 190M312, 250NW672. See Dun. Dig. 4167c.

In action for injuries growing out of collision with rear end of standing unlighted truck, negligence of defendant held for jury. Olson v. L., 193M571, 242NW283. See Dun. Dig. 4166.

Evidence held to sustain finding of negligence of one participating in changing tire on automobile inexcusably parked near center of pavement without tail light was guilty of contributory negligence as matter of law. Brown v. M., 190M312, 250NW672. See Dun. Dig. 4167c.

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TAX ON GASOLINE, ETC., USED FOR MOTOR OR OTHER VEHICLES ON HIGHWAYS

2720-70. Definitions.

"Gasoline" includes all gasoline, distillate, benzine, naptha, benzol, liberty fuel, and other volatile and inflammable liquids used or useful in producing or generating power for propelling motor or other vehicles used on the public highways of this state, but does not include the product commonly known as kerosene or oil. For the purpose of calculating the tax imposed by this Act, the term "gasoline" as herein defined shall be construed to include any lubricating or other petroleum products inter-mixed with any of the said liquids although said lubricating or other petroleum products may not be used or useful in producing or generating power for propelling motor or other vehicles used on the public highways of this state. (As amended June 1, 1934, Ex. Ses., c. 51, §1.)

(d) "Distributor" means and includes every person, partnership, company, joint stock company, corporation or association of persons, however organized, who brings or causes to be brought gasoline into this state or any other petroleum product by or through vessels, trucks, barges, tank cars, and other vehicles, 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 other petroleum products in this state for storage, sale, distribution or use therein. (As amended April 22, 1933, c. 417, §1.)

Sec. 2 of Act June 1, 1934, cited, provides that the act shall take effect from its passage.

Mixing of non-taxable petroleum products with taxable petroleum products prohibited. Laws 1939, c. 408. 175M276, 221NWC.

The gasoline tax law does not permit a rebate or refund of taxes on gasoline used by county or other municipal subdivision of the state, except taxes paid on gasoline which is used for the purposes other than in a motor vehicle, such as gasoline used in road work other than hauling material. Op. Atty. Gen., May 24, 1931.

Municipality is not exempt from the payment of tax on gas, except when used solely for road work other than hauling material. Op. Atty. Gen., Mar. 1, 1932.

Diesel motor fuel used in machinery operated for the purpose of constructing or maintaining public highways is "gasoline" subject to tax. Op. Atty. Gen. (324e), Aug. 31, 1937.

Tax on gasoline.—There is hereby imposed an excise tax of four cents per gallon on all gasoline used in producing or generating power for propelling motor vehicles used on the public highways of this state. Said tax shall be payable at the times, in the manner, and by the persons hereinafter specified, provided that one cent per gallon of said tax shall be effective only to September 1st, 1940, and on said date said tax shall revert to three cents per gallon. (25, c. 287, §2; Apr. 24, 1924, c. 510, §1; Apr. 22, 1939, c. 388, §1; Apr. 21, 1939, c. 388, §2.)

Gasoline sold by distributors and dealers upon which former three cents per gallon rate of tax has been imposed and which has been or in due course will be certified to the auditor, shall not be subject to increased rate and may not be collected from consumer. Op. Atty. Gen., Aug. 24, 1937.

Gas tax paid for gasoline used in tractor hauling material in a gravel pit and out upon public highways after September 1, 1940, may be refunded. Op. Atty. Gen. (324e), Nov. 8, 1936.

Tax should be reimbursed to a person for gasoline consumed in a feed grinder mounted on a truck where same motor was used for power to operate feed grinder, being a "tractor used solely for agricultural purposes." Op. Atty. Gen. (324a), Mar. 11, 1938.

2720-71. Excise tax on gasoline.—There is hereby imposed an excise tax of four cents per gallon on all gasoline used in producing or generating power for propelling motor vehicles used on the public highways of this state. Said tax shall be payable at the times, in the manner, and by the persons hereinafter specified, provided that one cent per gallon of said tax shall be effective only to September 1st, 1940, and on said date said tax shall revert to three cents per gallon. (25, c. 287, §2; Apr. 24, 1924, c. 510, §1; Apr. 22, 1939, c. 388, §1; Apr. 21, 1939, c. 388, §2.)

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2720-71. Gasoline distributors to report to oil inspector.—It shall be the duty of every person who sells gasoline to report to the Chief Oil Inspector the number of gallons of gasoline in his possession at the time this act takes effect, and the inspector shall thereupon determine and certify as herein provided the tax on account of such tax in his possession at the time this act takes effect, and the inspector shall thereupon determine and certify as herein provided the tax on account of such tax; provided, however, that in computing such tax a deduction of three per cent of the quantity of gasoline inspected shall be allowed for evaporation and loss; provided further that each person for whom gasoline has been inspected as herein provided for and to whom the three per cent tax deduction has been allowed, shall at the time of settlement submit satisfactory evidence that one-third of such three per cent deduction from the tax shall have been paid or credited to retail service stations or other retail distributors on all quantities of gasoline in the possession of such distributor. The inspector may make therein proper adjustment, either by addition, or deduction, for errors occurring in any previous statement. There shall be noted upon such statement, which record shall be conclusive evidence of the property thereof. There may be included in such statement the amount due for oil inspection fees for the same period. The amount of tax, as shown on such statement, shall be paid to the inspector on or before the 25th day of the same month in which the statement is so made; provided, however, that if in the opinion and discretion of the chief oil inspector, the financial condition of the distributor is such as to render the extension of credit unsound and it appears he is, or will be unable to pay said tax on the due date, then and in that event the chief oil inspector, upon the advice of the attorney general may immediately take such action, civil or criminal, as the circumstances may warrant, to conserve the assets of the distributor's sufficient money or property to pay the claim for gasoline taxes payable at such time. (25, c. 297, §3; 27, c. 434, §1; Apr. 17, 1935, c. 202; Apr. 28, 1937, c. 476, §1.)

There is no authority for demanding payment in advance of the 15th of the succeeding month, even though chief oil inspector may have reason to suspect that there will be difficulty in enforcing a collection. Op. Att'y. Gen. (324b), June 4, 1937.

This section refers to ordinary losses incident to normal handling of gasoline and not to unusual or occasional losses. The inspector has discretion of extending or dispensing quantities of gasoline, and claim for reimbursement for losses occasioned by breaking of pipes or leaking of gasoline may be made when approved by proper authority. Op. Att'y. Gen. (324b), June 4, 1937.

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Where distributor failed to furnish satisfactory proof of payment of tax, further credit for evaporation and loss may be made until retirement has been met. 1d.

One dollar of one-third of 3 per cent deduction may be made in merchandise if acceptable by retail stations. Op. Att'y. Gen. (324g), July 15, 1938.

2720-74. Penalty and interest on non-payment of tax.—Lien.—Time of attachment.—In case any tax imposed hereby is not paid when due, a penalty of ten per cent of the amount thereof shall be levied and the tax and interest thereon shall be a lien upon all and singular the property, estate and effects of the distributor or person from whom it is due, and shall take precedence of all liens and encumbrances against, and of all liens and encumbrances upon the property of, such distributor or person. The lien hereby referred to shall attach to the aforesaid property from the date of the inspection of said gasoline. (As amended Apr. 26, 1927, c. 476, §2.)

2720-75. Chief inspector to certify unpaid taxes to Attorney General.—(a) 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 person, partnership, association, corporation or licensee hereunder whose excise tax is delinquent. Such statement shall give the address of the persons, partnership, association, corporation or licensee owing such tax, the month for which the tax is due, the date of delinquency and such other information as may be required by the Attorney General. It shall be the duty of the Attorney General, upon receipt of any such statement to bring an action in the district court of Ramsey County or in the county in which the delinquent licensee or taxpayer resides, to recover the amount of such tax with interest, costs and disbursements. The court when so obtained shall draw interest at the rate of one per cent per month and shall be enforceable in the manner provided for the enforcement of judgments obtained in civil actions.

(b) No inspection shall be made for any person, partnership, association, corporation or licensee whose tax has been certified to the Attorney General.

(c) No person, partnership, association, corporation or licensee shall sell gasoline to any distributor for whom inspections may not be made by reason of delinquency in the payment of any tax due under this Act. (25, c. 497, §7; 27, c. 434, §5; Apr. 22, 1933, c. 417, §2.)

Requirements of this section are not affected by reclassification by the attorney general. §2720-74. Penalty and interest on non-payment of tax—Lien—Time of attachment. —In case any tax imposed hereby is not paid when due, a penalty of ten per cent of the amount thereof shall be levied and the tax and interest thereon shall be a lien upon all and singular the property, estate and effects of the distributor or person from whom it is due, and shall take precedence of all liens and encumbrances against, and of all liens and encumbrances upon the property of, such distributor or person. The lien hereby referred to shall attach to the aforesaid property from the date of the inspection of said gasoline. (As amended Apr. 26, 1927, c. 476, §2.)

2720-77. Reports by distributors, etc. —In a transaction involving sale of gasoline between two licensed distributors, it is duty of distributor who sells gasoline to pay tax. Op. Att'y. Gen. (324i), Apr. 28, 1936.

2720-78. Gasoline deemed intended for use in motor vehicles—Penalcltion of duties—Embezzlement.—All gasoline inspected for unloading in this state and all gasoline produced in or brought into this state shall be deemed to be intended for use in motor vehicles in this state, and every person who pays the tax imposed by this act shall be deemed to have paid the same for and on behalf of the person using such gasoline in motor vehicles in this state. If the person directly or indirectly pays said tax shall not in fact use said gasoline in motor vehicles in this state, shall sell or otherwise dispose of the same except for use as provided in Section 11 of this act, he is hereby authorized to collect from the person to whom said gasoline is so sold or disposed of the tax so paid by him, and shall be deemed to be entitled to make, sign and deliver to such person an invoice of such sale or disposition. The authorization for the collection of gasoline taxes by persons other than the chief oil inspector or his deputies for and in behalf of the State of Minnesota, shall be deemed to es-
§2720-79

Reimbursements in certain cases—penalties for false statement.—Any person who shall buy and use gasoline for any purpose other than in motor vehicles, or for use in machinery operated for the purpose of constructing, reconstructing or maintaining the public highways of this state, and who shall have paid any excise tax required by this act to be paid directly or indirectly through the amount of any claim or invoice presented to the inspector, or who shall knowingly present to the inspector any such refund, without being entitled thereto, shall forfeit the full amount of such claim and be guilty of a misdemeanor. (25, c. 297, §10; 35, c. 376, §1.)


If the inspector be satisfied that the claimant is entitled to payment, he shall approve the claim. Upon the approval of any such claim the inspector shall draw a warrant on the fund of taxes on gasoline used in the state when and for what purpose the same was used. The claim shall set forth the total amount of such gasoline so purchased and used by him other than in motor vehicles, or for use in machinery operated for the purpose of constructing, reconstructing or maintaining the public highways of this state, and the state when and for what purpose the same was used. If the inspector be satisfied that the claimant is entitled to payment, he shall approve the claim. Upon the approval of any such claim the inspector shall draw a warrant on the fund of taxes on gasoline used in the state when and for what purpose the same was used. The claim shall set forth the total amount of such gasoline so purchased and used by him other than in motor vehicles, or for use in machinery operated for the purpose of constructing, reconstructing or maintaining the public highways of this state, and the state when and for what purpose the same was used.


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tank wagons or other types of transportation equipment, containers or facilities at such marine or pipeline terminal or tank farm for automatic and truck with the container from which any sales or deliveries not in possession of the owner, whether the owner is a person, a partnership, a corporation, or a municipality. If through error or otherwise a tax shall have been imposed and paid on account thereof, the tax shall be refunded to the person or corporation from which the tax was collected.

(c) Whenever the licensee shall sell, dispose of or otherwise transfer his business during the term of his license, he shall at the time such action is taken, notify the Chief Oil Inspector of the facts, and shall surrender his license. (Act Apr. 22, 1933, c. 417, §7.)

2720-89. May require additional bonds.—The Chief Oil Inspector, whenever he is of the opinion that any bond hereof given by any licensee is inadequate as a bond, and when the provisions of the State, may require the licensee to give an additional bond in such amount as he may determine and direct the bond to be approved by the Chief Oil Inspector and conditioned as hereof set forth. (Act Apr. 22, 1933, c. 417, §7; Apr. 26, 1937, c. 476, §4.)

2720-90. May make regulations.—The Chief Oil Inspector may issue regulations not inconsistent with law to assist in the enforcement of this act. Such regulations shall have the full force and effect of law when duly promulgated. The Chief Oil Inspector may prescribe the authority and duties of the inspector and the distribution of the tax funds. (Act Apr. 22, 1933, c. 417, §8.)

2720-91. Penalty for violation.—Any person who fails or refuses to comply with any of the provisions of this Act shall be guilty of a gross misdemeanor. (Act Apr. 22, 1933, c. 417, §10.)

2720-92a. Apportionment of gasoline tax funds.—All money accruing to the state road and bridge fund from taxes imposed on the use of gasoline under authority of Section 5 of Article 9 of the constitution shall be distributed and used in the manner and for...
the purposes hereinafter set forth. (Act Apr. 22, 1929, c. 283, §1.)

This section was numbered 2720-88 in Mason's 1931 Supplement. It is renumbered 2720-32a to conform to changes made by Laws 1933, c. 417.

Duty of public to care for the poor is absolute and any fund may be transferred to poor fund, except where the property transferred is used by or for the benefit of any county or township. If the money raised in road and bridge fund raised pursuant to §5846(b) may be transferred, but a different rule applies with respect to gasoline tax money. Op. Atty. Gen., Aug. 21, 1929; note under §5851.

Not less than three-fourths of one per cent nor more than three per cent of the moneys accruing to the state highway and bridge fund from such tax shall be apportioned to any one county in any one year. Sec. 2 of Act Jan. 9, 1934, cited, provides that the act shall take effect from and after the first fiscal year following the county board's adoption of a resolution adopted by unanimous vote of such Board. Such designation may by resolution and order adopted by a majority vote, be revoked at any time. (Act Apr. 22, 1929, c. 283, §5; Jan. 9, 1934, Ex. Sess., c. 60, §1.)

This section was numbered 2720-90 in Mason's 1931 Supplement. It is renumbered 2720-9 for purposes of conforming to changes made by Laws 1933, c. 417.

Sec. 2(c) of Act 1929, c. 283, §2, renumbered as §2720-9a. County board to designate county aid roads. (Act Apr. 22, 1929, c. 283, §2.)

The amendment made by Laws 1931, c. 221, applies only to county aid roads designated as such subsequent to its passage, and any road designated as such under the provisions hereof and not used to pay interest or principal on bonds or warrants heretofore issued by the county for road or bridge purposes shall be used solely in the construction, improvement and maintenance of county aid roads therein, including bridges, culverts and other structures appurtenant to such county aid roads, and shall be expended by the county board on such county aid roads as it shall determine and in the manner herein provided. All county aid roads constructed under the provisions of this act shall be constructed under the direction and control of the county highway engineer, filed with the county auditor and approved by the county board. Provided that in any county where 40 per cent or more of the real estate taxes for any year are paid on the date that taxes for said year become delinquent according to law, the county board of such county may, in the year such taxes become delinquent, use at least 50 per cent of the moneys so appropriated to said county for the purpose of paying any part of the interest or principal on bonds or warrants heretofore issued by the county for road or bridge purposes.

Provided, further, that in any county having an assessed valuation of less than $750,000.00 the county board, by unanimous vote and with the approval thereof by the village council of any village of said county, may designate as a county aid road any street, streets, or part of streets within the platted or unplatted portion of any such village, and may appropriate such sums of money for improving the same as they may, on motion, determine. Provided, further, that the county board by a two-thirds majority vote may rescind said designation. (Act Apr. 22, 1929, c. 283, §5; Act Apr. 20, 1933, c. 225, §1; Apr. 1, 1936, c. 96; Mar. 25, 1937, c. 111, §1; Apr. 31, 1939, c. 366, §1.)


Insofar as Laws 1937, c. 366 (amending §§2720-94 and 2720-95), such chapter 366 must control and it is within discretion of county board to distribute to township any amount not to exceed remainder of moneys left after complying with §2720-94 and such amount not to exceed maximum limits is entirely within discretion of county board, so it should make any distribution to township on basis of mileage of county and town roads and traffic needs and conditions. Op. Atty. Gen. (388-1), Aug. 18, 1937.

County may not use any part of gasoline tax moneys apportioned to it to all or otherwise improve streets within platted portion of a village unless they have been designated as a state aid road and bond or warrant has been issued to match or supplement federal funds allotted to county construction, or the road is state aid road. Op. Atty. Gen. (377-4), Mar. 17, 1938.

CH. 12—ROADS §2720-95

$2720-94a. Emergency act.—This act is hereby declared to be an emergency measure and shall be in force and effect until April 20, 1941. Every law now in force inconsistent herewith is hereby suspended until April 20, 1941. (Act Apr. 20, 1933, c. 325, §3; Mar. 11, 1935, c. 39; Apr. 5, 1937, c. 168, §1; Apr. 21, 1939, c. 366, §2.)

$2720-94b. Disposition of gasoline tax—Appportionment to cities and villages in certain cases.—That in any county of this state now or hereafter having an assessed population of not to exceed 36,000 inhabitants, the County Board of any such county may appropriate and pay, as hereinafter provided, out of any such county's annual share, allotment or allotment of gasoline tax, to any city or village in such county having within its corporate limits a public bridge crossing a navigable river, an amount not to exceed 10% of such county's annual share of said gasoline tax allotment. Such annual appropriation as hereinafter provided, shall be made only for the purpose of retiring and paying serial bonds and interest due annually, issued by any such city or village prior to February 1st, 1919, to pay for the construction of any such bridge. Provided, however, that the total principal amount of said existing unpaid bonds issued for such purpose does not exceed the sum of $25,000. (Act Apr. 25, 1935, c. 299, §1.)

Sec. 2 of Act Apr. 25, 1935, cited, provides that the act shall take effect from its passage.

$2720-95. Distribution of gasoline tax by county boards to towns.—The remainder of the moneys so apportioned to each county and not paid to county auditor in the towns of said county other than unorganized townships in the manner hereinafter set forth but subject to the provisions of Section 2571, Mason's Minnesota Statutes, 1927, shall be distributed by the direction of the county board then, or before February 1st and August 1st of each year, the County Board in each of the counties of this state shall meet for the purpose of appointing fifty per cent of the amount of such moneys as shall be represented in the State warrant issued by the State Auditor to such county and shall apportion said amount to the several towns throughout their county, basing such apportionment upon the mileage of the county and town roads, the traffic needs and conditions, and the cost of construction and maintenance of roads in the respective towns in said county; and the County Auditor of said county shall forthwith send the statement of such apportionment to the chairman of the Town Board and the town clerk of each of said towns showing the amount apportioned to each town of said county and shall also send his warrant for such amount to the town treasurer of each town. Such moneys so apportioned shall be expended for construction and maintenance of the town roads within the respective towns under the supervision of the Town Board or an appointee of the Town Board or may be expended under the supervision and according to plans and specifications made by the highway engineer if requested by the Town Board, who, in such case, shall act in a supervisory capacity as
directed by the Town Boards in the construction or maintenance of such roads within such town as shall be specified by such Town Board, provided, however, that none of said monies so allotted shall be expended for any improvement of open spaces or park districts.

Provided further, that in the event the remainder of the monies so apportioned to each county is not distributed to the towns of any much county, the county board shall use and devote such remainder in the construction and improvement of county aid roads in any such county in accordance with the provisions of Sections 6 and 7, Chapter 238, Laws 1923 as amended. (Laws 1929, c. 283, §8; Apr. 20, 1931, c. 221, §1; Apr. 25, 1937, c. 566, §2.)

Any town may designate any portion of a road merely for the purpose of building a bridge with the aid of town funds. Op. Atty. Gen., June 15, 1936. While the voters of a township may consent to the amount of a tax levy for roads and bridges, the town board, if it has funds on hand authorized by the voters, may appropriate same under this section without a vote of the people. Op. Atty. Gen., June 30, 1939.


After town meeting has voted to levy tax for construction of county aid roads, county auditor must extend to county board of said county certificates of intention to contribute, Op. Atty. Gen., Apr. 37, 1931.

After towns have actually paid money into the county road and bridge fund of such county and the county board has authority to buy right of way and construct county aid roads, the county board is powerless to distribute any more money to the town than paid into the county road and bridge fund, and the town is not entitled to reimbursement for excess payment. Op. Atty. Gen., May 12, 1931.


County board has authority to buy right of way and construct a new road as a county aid road along a section line and ask township to contribute full purchase price paid for right of way, providing it does not exceed 25% of the construction and maintenance, but it is not mandatory on town to contribute, in which case county board need not designate road as a county aid road. Op. Atty. Gen., Mar. 2, 1934.

Sections 12 and 13 of this chapter with respect to contribution by townships are exclusive and must be complied with. Op. Atty. Gen., Apr. 28, 1936.


County board has authority to buy right of way and construct a new road as a county aid road along a section line and ask township to contribute full purchase price paid for right of way, providing it does not exceed 25% of the construction and maintenance, but it is not mandatory on town to contribute, in which case county board need not designate road as a county aid road. Op. Atty. Gen., Mar. 28, 1936.

Where township prior to enactment of Laws 1931, c. 221, had county board of certain county provide for 50% of cost of construction of such road, which was actually constructed after effective date of such act, it is not entitled to reimbursement for such expenses. Op. Atty. Gen., (372b-3), Mar. 27, 1935.

Where township prior to passage of Laws 1931, c. 221, arranged with county to pay 50% of construction of highway and did no payment until after passage of that law, township is bound by its agreement. Id.

Neither electors of a town nor town board has any thing directly to say as to what road or roads shall be designated by county board as county aid road. Op. Atty. Gen. (324d), Mar. 19, 1937.

Insofar as Laws 1937, c. 266 (amending §§2720-94 and 2726-56), is in conflict with Laws 1937, c. 111 (amending §2720-84), such chapter 111 must control and it is within discretion of county board to distribute to the towns of the county any amount not to exceed remainder of moneys left after complying with §§2720-94 and such amount not exceeding maximum limits is entirely within discretion of county board. Op. Atty. Gen., Aug. 13, 1937.

It is duty of each town to accept its share of distribution of any county aid road. All moneys apportioned to county to be used in construction and maintenance of county aid roads within the town. Op. Atty. Gen. (324d), Dec. 21, 1933.

County boards should base apportionment of money to townships upon mileage of county and town roads and upon necessity of public highways in respective towns, and it is not mandatory on county board to provide any county aid roads for any town and less than county aid roads for any town. Op. Atty. Gen. (324d), Dec. 21, 1933.

It is within discretion of county board to distribute whatever quantity of money may remain after compliance with §§2720-34. Op. Atty. Gen. (372b-10b), Dec. 27, 1937.

It is mandatory upon county highway engineer to prepare plans and specifications when requested by town board, and approval of county board is not necessary. Op. Atty. Gen., (123b-3), Mar. 31, 1939.


In view of Laws 1929, c. 306, this section is In full force and effect and grants county board authority to turn over to township 50% of so-called gasoline tax money. Op. Atty. Gen. (434b-13(a)), June 3, 1938.

Distribution of gas tax money to towns is discretionary, and county may refuse to make division in any particular year.

While county has wide discretion in apportioning money among townships, and its distribution of gas tax money would not be acted upon by a court except for an abuse of discretion, its decision should not be made contingent upon any contribution by the towns. Op. Atty. Gen. (434b-13(a)), June 14, 1938.

Unorganized townships.—Unorganized townships shall for the purposes of this act be deemed to be towns, and the county board shall as to such unorganized townships perform the duties and functions of the town board of organized townships. (Act Apr. 22, 1929, c. 283, §9.)

To be credited to County Road and Bridge Fund, in certain counties, any money not needed under the provisions of this act to counties having a population of more than 200,000 shall be credited to the county road and bridge fund of such county and shall be appropriated and expended by such county upon public highways exclusive of trunk highways within such county, in such amounts as the county board of said county shall deem advisable, for the purposes and in the manner in which other moneys accruing to such fund may be appropriated and expended and such appropriations and expenditures shall not be limited or restricted by the provisions of Sections 5, 6, 7, 8 and 9 (§§2720-92 to 2720-96) of this act. (Act Apr. 22, 1929, c. 283, §10.)

Provisions severable.—If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid such decision shall not affect the validity of the remaining portions of this act. (Act Apr. 22, 1929, c. 283, §11.)

All acts and parts of acts inconsistent with the provisions hereof are hereby repealed. (Act Apr. 22, 1929, c. 283, §12.)

FARM TRACTOR FUEL

Definitions.—The words, terms and phrases in this act are for the purpose hereof defined as follows:

(a) "Farm tractor fuel", by whatever name called, means and includes any liquid prepared, manufactured or sold as a fuel for farm tractors, used by farmers or intended for use by farmers on farm tractors.

1. Shall be free from water and suspended matter.

2. The initial boiling point shall not be lower than 225 degrees Fahrenheit.

3. When ten per cent has been recovered in the receiver the temperature shall not be lower than 275 degrees Fahrenheit.

4. When 95 per cent has been recovered in the receiver the temperature shall not be lower than 445 degrees Fahrenheit.

5. The end point shall not be higher than 540 degrees Fahrenheit.

6. The color of farm tractor fuel shall be not lighter than minus sixteen Saybolt. If the natural color of the product is less than this reading a sufficient quantity of a suitable dye shall be added to give the required color as herein prescribed. (Act Mar. 31, 1939, c. 114, §1.)
2720-100a. Oil inspection division to make rules and regulations.—The oil inspection division of the department of agriculture, dairy and food, shall have the power and authority to make all reasonable rules and regulations necessary for the enforcement of this act. (Act Mar. 31, 1939, c. 114, §2.)

2720-100b. Farm tractor fuel to be inspected.—All farm tractor fuel, as defined herein, shall be subject to the laws of the state of Minnesota with reference to the inspection of petroleum products, and shall be subject to the same fees for inspection as is provided for in the inspection of gasoline and kerosene. (Act Mar. 31, 1939, c. 114, §3.)

2720-100c. Not to be subject to tax.—Farm tractor fuel, as herein defined, may be inshipped into and sold in the state of Minnesota and shall not be subject to the Minnesota state gasoline tax; provided, however, that when any such tractor fuel is used to propel any vehicle upon the highways of the state of Minnesota, or for use in machinery operated for the purpose of constructing, reconstructing, or maintaining the public highways, the product will then be considered gasoline for purposes of taxation and shall be taxed in accordance with existing laws and/or rules and regulations issued by the chief oil inspector. (Act Mar. 31, 1939, c. 114, §5.)

2720-100d. Blending prohibited.—Blending of this fuel with taxable petroleum products is prohibited. (Act Mar. 31, 1939, c. 114, §6.)

2720-100e. Violations—penalties.—Failure to comply with the provisions of this act shall be deemed a gross misdemeanor and also sufficient cause for cancellation of the distributor’s license. (Act Mar. 31, 1939, c. 114, §7.)

2720-100f. Effective April 15, 1939.—This act shall take effect and be in force from and after April 15th, 1939. (Act Mar. 31, 1939, c. 114, §7.)

SAFETY RESPONSIBILITY ACT

2720-101. Definitions.—The words as, used in this Act shall have the following meanings:

(a) The singular shall include the plural; the masculine shall include the feminine and as necessary.

(b) “Commissioner” shall mean Commissioner of Highways acting directly or through his duly authorized officers and agents.

(c) “Person” shall include individuals, partnerships, corporations, receivers, trustees, executors, administrators, and the owner of any motor vehicle as requisite; but shall not include the state or any political subdivision thereof.

(d) “Motor Vehicle” shall include trailers, motorcycles, tractors, and every vehicle which is self-propelled.

(e) “Province” means any province of the Dominion of Canada.

(f) “Chauffeur” every person who is employed for the principal purpose of operating a motor vehicle, and every person who drives a motor vehicle while in use as a public or common carrier of persons or property. (Act Apr. 21, 1933, c. 361, §1.)

2720-102. Drivers license forfeited when.—The right and permission of any person to operate a motor vehicle, and the license of any person to operate a motor vehicle, who shall be final order or judgment of any Court of competent jurisdiction shall have been convicted of, or shall have forfeited any bond or collateral given for, a violation of any of the following offenses hereafter committed; to wit:—

(a) Manslaughter resulting from the operation of a motor vehicle.

(b) Driving a vehicle while under the influence of intoxicating liquor or narcotic drug.

(c) Any crime punishable as a felony under the motor vehicle laws of this State or any other felony in the commission of which a motor vehicle is used.

(d) Conviction or forfeiture of bail upon three charges of reckless driving all within the preceding twelve months.

(e) Conviction of a driver of a motor vehicle, involved in an accident resulting in the death or injury of another person, upon a charge of failing to stop and disclose his identity at the scene of the accident.

(f) An offense in any other State or in any Province of the Dominion of Canada, which, if committed in this State, would be in violation, as aforesaid, of any of the above specified provisions of the laws of this State; shall be revoked by the commissioner, and shall not at any time thereafter be renewed, nor shall he be thereafter permitted or licensed to operate any motor vehicle until he shall have given proof of his ability to respond in damages for any liability thereafter incurred resulting from the ownership or operation of a motor vehicle and arising by reason of any such offense; provided, however, that if such person shall not be a resident of this State the privilege of operating any motor vehicle in this State and the privilege of operation within the State of any motor vehicle owned by him shall be withdrawn and shall remain withdrawn until he shall have furnished such proof. It shall be the duty of the Clerk of the Court, or of the Court where it has no clerk, in which any such judgment or order is rendered or other such action taken to forward immediately to the Commissioner a certified copy or transcript thereof, and to furnish prima facie evidence of the conviction, plea or forfeiture therein stated. In the event that such person appears to be a non-resident of this State, the Commissioner shall transmit a copy of such certified copy or transcript or the order of court to the authorities in charge of the issuance of the vehicle operators licenses and registration certificates of the State or Province of which such person appears to be a resident; provided, however, that if it shall be established to the satisfaction of the Commissioner, that any person, whether a resident or non-resident of this State, who shall have been convicted, pleaded guilty or forfeited bail or collateral, as aforesaid was, upon the occasion of the offense upon which such conviction, plea or forfeiture was based, certified to by the owner or operator of such motor vehicle, operator, however designated, in the employ of the owner of the motor vehicle involved in such offense or a member of the immediate family of the owner of such motor vehicle, and in that event, if the person in whose name such motor vehicle is registered shall give proof of ability to respond in damages in accordance with the provisions of this Act, which proof shall be accepted, such chauffeur or other person, as aforesaid, shall be required to give security in the necessary amount thereof in the manner hereinbefore provided, provided further, however, that such chauffeur or motor vehicle operator shall also furnish proof of financial responsibility as in this Act provided for all motor vehicles registered in his name or owned by him. (Act Apr. 21, 1933, c. 361, §2; Apr. 26, 1937, c. 473, §1.)
Lending of trailer on farm for convenience of borrower was not within apparent scope of authority of manager of farm. 16.

No owner of farm under management of an employee held without authority to bind borrower by loan of trailer used on the farm. G.

Immunity of husband from suit in tort on part of his wife does not infer to owner of automobile driving by husband's negligence. 20.

Evidence held to sustain verdict based on fact that operator of defendant's automobile at time of accident was operating it same as an employee of one B. and was using it for purposes outside scope of his employment without more than implied consent or permission to use it within such scope. 21.

Evidence in support of an implied or express consent to use a motor vehicle for purposes outside scope of employment, and to use it within such scope, not in conflict. 22.

Wisconsin courts are required to take judicial notice of the law as it exists in the State, and it is not the province of the courts to reconsider or re-examine the constitutionality of a statute. 23.

The right and permission of any person to operate a motor vehicle and license of any person to operate a motor vehicle, is subject to satisfaction of judicial judgment which shall become final by expiration of appeal, without appeal, of the time within which appeal might have been perfected or by final affirmance on appeal, rendered against him by a court of competent jurisdiction, or of any other court, or the Supreme Court of the United States, for damages on account of personal injury or damages to property in excess of One Hundred ($100.00) Dollars, resulting from the ownership or operation of such vehicle, the right, privilege, and permission of operating any motor vehicle within the State shall be withdrawn and withheld for a period of sixty days and shall not again be renewed, nor shall any permit, operators' or chauffeurs' license be issued to him until every such judgment shall be stayed, satisfied or discharged, as herein provided, and until he shall have paid all damages for future accidents as required by Section Two (2) of this Act. 24.

Motor vehicle operated with permission of owner. — Whenever any motor vehicle, after this Act becomes effective, shall be operated upon any public street or highway of this State, by any person other than the owner thereof, with the annual registration fee and license tax for motor vehicle belonging to person whose driver's license has been suspended or revoked, it does not prohibit registrar from issuing license plates to such person until such time as he has established his financial responsibility. 25.

Where license is revoked following conviction for driving while under influence of intoxicating liquor or person convicted removes from State and pursuant to law is not allowed to have in car in another state and obtains a license's driver of the vehicle, he thereby becomes entitled to operate a motor vehicle, within the State, though he has a permit under the reciprocity laws of the state. 26.
Corporation is responsible for negligent operation of its car by an officer having permission to use it for a fishing trip. Santee v. H., 202M361, 278NW520. See Dun. Dig. §534a.

Since operating comprehends parking, consent to operating includes parking as well. Flaugh v. E., 202M316. See Dun. Dig. §534a.

Consent being present, contumacy of owner that he is liable because driver was an independent contractor and not agent of owner for such proof. S. v. Anderson, 283M312. See Dun. Dig. §534a.

It is sufficient to charge owner with responsibility if it appears that automobile was operated upon highway with owner's consent. Id. See Dun. Dig. §534a.

If owner of motor vehicle is in other state, it is to be determined, not by scope of employment, but by consent actual or constructive. Id. See Dun. Dig. §534a.

Where alleged title in a party is in dispute, it is to be part of the arrangement between the parties for purposes other than business, and this consent will be inapplicable, if by person in title, tiler of fact may look through form to substance of transaction and say that semblance of ownership is not the reality. See Dun. Dig. §4167a.

Registration is prime fact but no conclusive evidence of title in party in whose name car is registered: but if there is evidence of other ownership, it presents a fact question for jury. Id. See Dun. Dig. §4167a.

Scope of the employment is not determinative, but test is rather whether use was within consent. Anderson v. S., 202M253. See Dun. Dig. §4167a.

It was assumed that safety responsibility act did not change a collision on a logging road. Wicklund v. N., 282MNT7. See Dun. Dig. §3308.

Power of state to make non-resident owner liable for negligence of persons operating automobiles with owner's consent. 21MinnLawRev558.

Cases on similar statutes in other states. 19MinnLawRev693.

Statutory liability of owners for negligence of persons operating motor vehicles within the State. 21MinnLawRev558.

Owners' consent obtained by fraud. 23MinnLawRev865.

Construction of "permit of" in omnibus coverage clause. 23MinnLawRev875.
an action against the company or persons executing such bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed said bond. (Act Apr. 21, 1933, c. 351, §7.)

2720-108. Commissioner to furnish record.—The Commissioner shall upon request furnish any insurer, person, or surety company a certified abstract of the operating record of any person subject to the provisions of this Act, which abstract shall describe the motor vehicle registered in the name of such person, and if there shall be no record of any conviction of such person as herein provided, the Commissioner shall so certify. The Commissioner shall immediately after receipt of such a request furnish such an abstract to the person requesting it for a sum of One Dollar ($1.00) per page. (Act Apr. 21, 1933, c. 351, §8.)

2720-109. Commissioner to furnish information.—The Commissioner shall furnish any person who may have been injured in person or property by any motor vehicle, upon written request, with all information or record in his office pertaining to the evidence of the ability of any operator or owner of any motor vehicle to respond in damages. (Act Apr. 21, 1933, c. 351, §9.)

2720-110. License to be returned to commissioner, when.—Any operator or any owner, whose operator's permit, permission or license to operate a motor vehicle shall have been suspended, revoked, or withdrawn as herein provided, or whose policy of insurance under such bond shall have been cancelled, terminated, or who shall neglect to furnish additional evidence of ability to respond in damages upon request of the Commissioner shall immediately return to the Commissioner his operator's license. If any person shall fail to return to the Commissioner his operator's license, said Commissioner shall forthwith direct any sheriff or other official having police authority to secure possession thereof and to return the same to the office of the Commissioner. Any person failing to return such operator's license, and any person operating a motor vehicle in violation of any of the provisions of this Act shall be guilty of a misdemeanor. (Act Apr. 21, 1933, c. 351, §10.)

2720-111. Commissioner to cancel bond.—The Commissioner may cancel such bond or return such evidence of insurance, or the Commissioner may return the bond or evidence of insurance to the person furnishing the same, provided three years shall have elapsed since the filing of the complaint or making of such deposit, during which period any such person shall not have been convicted of any of the offenses or violated any provisions of the Motor Vehicle Laws specified in Section 2 of this Act, and provided no suit or judgment for damages as aforesaid, arising from the liability imposed upon such insured by the law for injury to or the death of any person, other than such person or persons as may be covered, as respects such injury or death by any workman's compensation law, or damage to property except property of others as herein provided resulting from any one accident resulting in injury to or death of one person, and subject to the same limit as respects such injury or death by any workman's compensation law, and of One Thousand ($1,000.00) Dollars exclusive of interest and costs, on account of any accident resulting in injury to or death of more than one person: and of One Thousand ($10,000.00) Dollars exclusive of interest and costs, on account of any accident resulting in injury to or death of any person, other than such person or persons as may be covered as respects such injury or death by such insurance or by such person or persons as may be covered as respects such injury or death by any workman's compensation law, or damage to property except property of others in charge of the insured or the insured's employees, or other agents, growing out of the maintenance, operation or use by such insured of any such motor vehicle within the continental limits of the United States of America or in the Dominion of Canada; or which policy shall, in the alternative, insure the person therein named as insured against loss from the liability imposed by law upon such insured for injury to or death of any person, other than such person or persons as may be covered as respects such injury or death by such insurance or by such insured for injury to or death of any person, other than such person or persons as may be covered, as respects such injury or death by such insurance or by such person or persons as may be covered, as respects such injury or death by such insurance; or in the alternative, the policy or policies, or part thereof, issued or delivered in this State until a copy of the policy or policies is received by the Commissioner of an affidavit that he has abandoned his residuary interest in any such motor vehicle in this State for a period of one or more years. (Act Apr. 21, 1933, c. 351, §11.)


2720-112. Forgery a felony.—Any person who shall forge, or without authority sign any evidence of ability to respond in damages as required by this Act or by the Commissioner in the administration of this Act shall be guilty of a felony. (Act Apr. 21, 1933, c. 351, §12.)

2720-113. Motor vehicle liability policy.—"Motor vehicle liability policy," as used in this Act shall be taken to mean a policy of liability insurance issued by an insurance carrier, authorized to transact business in this State, or issued by an insurance carrier authorized to transact business in the State or Province in which the motor vehicle therein described is registered, or if none be described, then in the State in which the insured resides, to the person therein named as insured, which policy shall designate, by explicit description or by appropriate reference, all motor vehicles with respect to which coverage is intended to be granted as preventing such insurance from the liability imposed upon such insured by the law for injury to or the death of any person, other than such person or persons as may be covered, as respects such injury or death by any workman's compensation law, or damage to property except property of others as herein provided resulting from any one accident resulting in injury to or death of one person, and subject to the same limit as respects such injury or death by such insurance or by such person or persons as may be covered, as respects such injury or death by such insurance; or in the alternative, the policy or policies, or part thereof, issued or delivered in this State until a copy of the policy or policies is received by the Commissioner of an affidavit that he has abandoned his residuary interest in any such motor vehicle in this State for a period of one or more years. (Act Apr. 21, 1933, c. 351, §13.)

2720-114. Copy of policies to be filed with commissioner of insurance.—Except as herein otherwise provided, no motor vehicle liability policy shall be issued or delivered in this State until a copy of the
form of policy shall have been on file with the Commissioner of Insurance for at least thirty (30) days, unless sooner approved in writing by the Commissioner of Insurance, nor if within said period of time (d) the Commissioner of Insurance shall have notified the carrier in writing that in his opinion specifying the reasons therefor the form of policy does not comply with the laws of the State. The Commissioner of Insurance shall approve any form of policy which discloses the name, address and business of the insured, the coverage afforded by such policy, the premium charged therefor, the policy period, the limits of liability and the agreement that the insurance thereunder is provided in accordance with the coverage defined in this Section and is subject to all the provisions of this Act. (Act Apr. 21, 1933, c. 351, §15.)


272O-115. Provisions of policy.—Every such motor vehicle liability policy shall be subject to the following provisions, which need not be contained therein.

(a) The satisfaction by the insured of the final judgment for such loss or damage shall not be a condition precedent to the right of the carrier to make payment on account of such loss or damage.

(b) The policy, the written application, if any, and any rider or endorsement which shall not conflict with the provisions of this Act shall constitute the entire contract between the parties.

(c) The insurance carrier shall, upon the request of the insured, deliver to the insured for filing or at the request of the insured shall file direct, with the Commissioner, an appropriate certificate as set forth in Section 6 hereof.

(d) A carrier authorized to issue motor vehicle liability policies as provided for in this Act, may, pending the issuance of such a policy, execute an agreement, to be known as a binder, or may, in lieu thereof, issue an endorsement to an existing policy; each of which shall be construed to provide indemnity or protection in like manner and to the same extent as such a policy. (Act Apr. 21, 1933, c. 351, §15.)

272O-116. Reserve liability.—Any carrier authorized to issue motor vehicle liability policies as provided for in this Act, shall compute its reserve liability for financial statement purposes in the manner prescribed for this type of insurance in Section 3304, Mason's Minnesota Statutes of 1927, upon premiums derived for which have received the approval of the Commissioner of Insurance. (Act Apr. 21, 1933, c. 351, §16.)

Section 272O-116 gives commissioner of insurance authority to issue policies for "motor vehicle liability policies" in lieu of requisite reserves set out in §3304, but does not give him authority to approve provisions of liability policies. Op. Atty. Gen. (249-B), July 6, 1939.

272O-117. To be cited as Safety Responsibility Act.—This Act may be cited as the Safety Responsibility Act. (Act Apr. 21, 1933, c. 351, §17.)

272O-118. Commissioner to make rules and regulations necessary for the administration of this Act. (Act Apr. 21, 1933, c. 351, §18.)

272O-119. Not restrictive.—Nothing herein shall be construed as preventing the plaintiff in any action at law from relying for security upon the other processes provided by law. (Act Apr. 21, 1933, c. 351, §19.)

272O-120. Provisions separable.—If any part, subdivision, or section of this Act shall be deemed unconstitutional, the validity of its remaining provisions shall not be affected thereby. (Act Apr. 21, 1933, c. 351, §20.)

272O-121. Acts supplemental.—This Act shall in no respect be considered as a repeal of any of the provisions of the State Motor Vehicle Law, but shall be construed as supplemental thereto. (Act Apr. 21, 1933, c. 351, §21.)

Financial responsibility act does not prevent registrar from registering and collecting annual registration tax for motor vehicle belonging to person whose driver's license has been suspended or revoked, but it does prohibit registrar from issuing license plates to such person under such circumstances as to make financial responsibility impossible. Op. Atty. Gen. (291-B), Dec. 4, 1937.

Violation of a law which became effective after policy was issued comes within exclusion clause. Id. See Dun. Dig. 3747c.

272O-122. Effective March 1, 1934.—This Act shall take effect and be in force from and after the first day of March, 1934. (Act Apr. 21, 1933, c. 351, §22.)

DRIVERS LICENSE

272O-123 to 272O-141 [Repealed Apr. 22, 1939, c. 401, §32, post §272O-144c.]

The repealed act consisted of Act Apr. 21, 1933, c. 352, §11-91 in force July 1, 1933.

ANNOTATIONS UNDER REPEALED SECTIONS

272O-121. Definitions. See §272O-142, post.


272O-123. Insurance policy. See §272O-145, post.

AN APPROVED INSURANCE POLICY IS NOT INVALID BECAUSE LICENSE IS ISSUED AS A MATTER OF COURSE UPON APPLICATION. GIACOMO V. S., 280 NW 653.

AN INSURANCE POLICY FROM WHICH LIABILITY IS EXCLUDED WHILE AUTOMOBILE IS Driven OR OPERATED BY A PERSON VIOLATING ANY LAW AS TO DRIVING LICENSE DOES NOT COVER AN ACCIDENT OCCURRING WHILE AUTOMOBILE IS DRIVEN BY ONE WHO DOES NOT HAVE A DRIVER'S LICENSE. Id. See Dun. Dig. 4956c.

In counties where fees received are to be paid into county treasury, fees collected in connection with auto-mobile driver's licenses must also be paid into county treasury, but county board may appropriate sufficient funds to provide for additional clerk hire incident to performance of duties imposed in connection with issuing of such licenses, not to exceed probable income. Op. Atty. Gen., Jan. 15, 1934.

In all counties where salary of district court is paid from county treasury, fees collected in connection with automotive driver's licenses must also be paid into county treasury, but board may appropriate sufficient funds to provide for additional clerk hire incident to performance of duties imposed in connection with issuing of such licenses, not to exceed probable income. Op. Atty. Gen., Jan. 15, 1934.

In all counties where salary of district court is paid partially on a fee basis, clerk may retain all fees collected by him in connection with issuance of automotive driver's licenses and he need not include such fees in his report to county board. Id.

AN INSURANCE POLICY WHICH IS ISSUED TO A PERSON UNDER FIFTEEN YEARS OF AGE IS NOT VALID IF NOT SIGNED AND AUTHORIZED IN WRITING BY THE PARENT OR LEGAL GUARDIAN OF SUCH PERSON. Id. See §272O-145, post.


272O-126. Clerk of court may receive applications. See §272O-144c, post.


272O-128. Persons under fifteen years of age not to be licensed. See §272O-144a, post.

In counties where fees received are to be paid into county treasury, fees collected in connection with automotive driver's licenses must also be paid into county treasury, but board may appropriate sufficient funds to provide for additional clerk hire incident to performance of duties imposed in connection with issuing of such licenses, not to exceed probable income. Op. Atty. Gen., Jan. 15, 1934.

In all counties where salary of district court is paid partially on a fee basis, clerk may retain all fees collected by him in connection with issuance of automotive driver's licenses and he need not include such fees in his report to county board. Id.

272O-129. Non-residents need not have licenses. See §272O-145, post.

272O-130. Must carry certificate. See §272O-144e, post.


§2720-133

CH. 13—ROADS

One charged with offense of operating a motor vehicle while under influence of intoxicating liquor in violation of City Code of City of St. Paul, Minn., No. 22, which is not entitled to a jury trial in municipal court of St. Paul, though conviction involves a fine of $100 or imprisonment for 90 days, and incidentally involves a suspension of the driver's license, and although at time of passage of ordinance, there existed a statute covering same, the subject matter which entitled violator to a jury trial. State v. Parks, 199 M 22, 273 NW 232. See Dun. Dig. 2472, 5235.

Where is revoked following conviction for driving while under influence of intoxicating liquor and person involved, removes from state, and purchases a vehicle in another state and obtains a driver's license there, he is at all times subsequent thereto guilty of violating laws of state, though he may, permit the vehicle to be registered interchangeably.

See §2720-145c. Financial responsibility act does not prevent registrar from registering and collecting annual registration tax for motor vehicle belonging to person whose driver's license has been suspended or revoked, but it does prohibit registrar from issuing license plates to such person until such time as he has established his financial responsibility. Op. Att'y Gen., (291f), Oct. 8, 1934.

Commissioner upon suspending license may not issue a new license because successor possesses or possesses the right of ability to earn a livelihood. Op. Att'y Gen., (291f), May 3, 1935.


Fees need not be reported under §276 of the statutes. See §2720-145c, post.

DRIVERS LICENSE LAW

§2720-142. Definitions.—The following words and phrases when used in this act, shall for the purpose of the act have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning.

(a) "Vehicle". Every device in, upon, or by which any person or property is or may be transported or moved on a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "Motor Vehicle". Every vehicle which is self-propelled and any vehicle propelled or drawn by a self-propelled vehicle, and not deriving its power from overhead wires.

(c) "Farm Tractor". Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

(d) "Person". Every natural person, firm, co-partnership, association or corporation.

(e) "Owner". Any person, firm, co-partnership, association or corporation who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease of vehicle which purchaser is owner of such vehicle as determined by competent authority or is addicted to the use of narcotic drugs.

(f) "Owner". Any person, firm, co-partnership, association or corporation who holds the legal title of a vehicle or the vehicle is the subject of an agreement for the conditional sale or lease of a vehicle which purchaser is owner of such vehicle as determined by competent authority or is addicted to the use of narcotic drugs.

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(h) "Owner". Any person, firm, co-partnership, association or corporation who holds the legal title of a vehicle or the vehicle is the subject of an agreement for the conditional sale or lease of a vehicle which purchaser is owner of such vehicle as determined by competent authority or is addicted to the use of narcotic drugs.

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(j) "Commissioner". The Commissioner of highways of the State of Minnesota, acting directly or through his duly authorized agents.

(k) "Department". The department of highways of the state acting directly or through its duly authorized officers and agents. (Act Apr. 22, 1939, c. 401, §1.) See §2720-123, ante.

See §2720-145c. Financial responsibility act does not prevent registrar from registering and collecting annual registration tax for motor vehicle belonging to person whose driver's license has been suspended or revoked, but it does prohibit registrar from issuing license plates to such person until such time as he has established his financial responsibility. Op. Att'y Gen., (291f), Oct. 8, 1934.

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and who has not at the time of making application been restored to competency by judicial decree or re-

and credited to the general revenue fund of said

good cause to believe that the operation of a motor

County. The clerk of court shall forward all applica-

Get the form. Shall be entitled to a hearing as provided herein.

The commissioner may, upon receiving satisfactory

tions and fees less the amount hereinafter allowed to be

was lost or destroyed or has become

commissioner shall have the authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability or such other restrictions applicable to the licensee as the commis-

eral address of the applicant and shall brie-

See §2720-127, ante.

Every licensee shall have his license in his immediate possession at all times when operating a motor vehicle and shall display the same, upon dem-

The commissioner may, upon receiving satisfactory
evidence of any violation of the restrictions of such license suspend or revoke the same, but the licensee shall be entitled to a hearing as provided herein.

The fee for an instruction permit shall be 35

cents. The fee for a driver's license shall be 35
cents. The fee for a duplicate license shall be 35

cents. Every said application shall state the full name,
date of birth, sex and residence address of the

(b) The fee for an instruction permit shall be 35

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cents. The fee for a duplicate license shall be 35
cents. Every said application shall state the full name,
date of birth, sex and residence address of the

(c) Every said application shall state the full name,
date of birth, sex and residence address of the

process furnished by the department, and every said application shall be accompanied by the fee prescribed in subdivision

(b) hereof.

(c) Every said application shall state the full name,
date of birth, sex and residence address of the

(d) Any applicant for an instruction permit, a

driver's license, restricted license or duplicate license may file his application with a clerk of the district
court. The clerk shall be paid into the county treasury and credited to the general revenue fund of said
county. The clerk of court shall forward all applica-

(b) hereof.

(c) Every said application shall state the full name,
date of birth, sex and residence address of the

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driver's license, restricted license or duplicate license may file his application with a clerk of the district
court. The clerk shall be paid into the county treasury and credited to the general revenue fund of said
county. The clerk of court shall forward all applica-

(b) hereof.
(a) The department shall file every application for a license received by it and shall maintain suitable indices containing, in alphabetical order:

1. All applications denied and on each thereof the reason for such denial;
2. All applications granted; and
3. The name of every person whose license has been suspended or revoked by the department and after such name the reasons for such action.

(b) The department shall file all accident reports and abstracts of court records of convictions received by the laws of this state and its political subdivision and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which he has been involved shall be readily ascertainable and available for the consideration of the department upon any application for renewal of license and the revocation, suspension or limitation of licenses.

The department may cause the application for driver's licenses and instruction permits, and records in connection therewith, to be destroyed one year after the period for which issued, except that the driver's record pertaining to revocations, suspensions, convictions and accidents shall be cumulative and kept for a period of at least five years. (Act Apr. 22, 1939, c. 401, §12.)

2720-144. May require examination.—(a) The commissioner in his discretion, require an examination by such agencies as the commissioner may direct of any applicant for an instruction permit or driver's license, or of any licensed driver, to determine incompetency, physical or mental disability or disease, or any other condition which might affect such applicant or driver from exercising reasonable and ordinary care in the operation of a motor vehicle. If as a result of such examination the commissioner has reason to believe that such applicant or driver is an unsafe person to operate a motor vehicle upon the public highways, he may refuse to grant such applicant a license or he may cancel the driver's license of such person. The commissioner shall forthwith notify such person by order in writing of such refusal to grant such license or cancellation thereof.

For failure or refusal of any applicant or licensee subject to such examinations as may be required by the commissioner, the commissioner may refuse to grant such applicant a license or he may cancel the driver's license of such licensee. (Act Apr. 22, 1939, c. 401, §15.)

2720-144k. May cancel licenses.—(a) The commissioner shall have authority to cancel any driver's license upon determination that the licensee was not entitled to the issuance thereof hereunder or that said licensee failed to give the required or correct information in his application or committed any fraud or deceit in making such application.

(b) Upon such cancellation, the license shall immediately surrender the license so cancelled to the department. (Act Apr. 22, 1939, c. 401, §14.)

2720-145. Non-resident permits.—(a) The privilege of operating a motor vehicle on the highways of this state given to a non-resident hereunder shall be subject to the suspension or revocation by the commissioner in like manner and for like cause as a driver's license issued hereunder may be suspended or revoked.

(b) The commissioner is further authorized, upon receiving a record of conviction in this state of a non-resident driver of a motor vehicle of any offense under the laws of this state, to forward to the department in the state wherein the person so convicted is a resident a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident. (Act Apr. 22, 1939, c. 401, §15.)

2720-145a. Courts to report to commissioner.—(a) Every court including district, municipal, and justice of the peace courts having jurisdiction over offenses committed under this act or any other law of this state regulating the operation of motor vehicles on streets or highways, shall forward to the department within ten (10) days a record of the conviction or plea of guilty or forfeiture of bail of any person in said court for a violation of any of said laws except parking violations, and may recommend the suspension of the driver's license of the person so convicted, and the commissioner is hereby authorized to suspend such license as recommended by such court, without a hearing as provided herein.

(b) Every court having jurisdiction over offenses committed under any city or village ordinance regulating the operation of motor vehicles on streets or highways shall forward to the department within ten days a record of the conviction or plea of guilty or forfeiture of bail of any person in said court for a violation of any of said ordinances, except parking ordinances, and may recommend the suspension of the driver's license of the person so convicted, and the commissioner is hereby authorized to suspend such license as recommended by such court, without a hearing.

(c) For the purpose of this act the term "conviction" shall mean the final conviction either after trial or upon a plea of guilty. Also, for the purposes of this act a forfeiture of cash or collateral deposited to guarantee a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.

(d) Whenever any person is convicted as herein defined of any offense for which this act makes mandatory the revocation of the driver's license of such person by the department, or when any person is convicted of any offense for which the court in which such conviction is had recommends the suspension of the driver's license of such person, the commissioner shall forthwith forward to the department in the state wherein the person so convicted and the court shall therewithforward the same together with a record of such conviction to the department.

(e) Whenever any judge of a juvenile court or any of its duly authorized agents shall determine finally or informally that any person under the age of 18 years has violated any of the provisions of this act or any other law of this state or ordinances of political subdivisions thereof regulating the operation of motor vehicles on streets and highways, except parking violations, such judge or duly authorized agent shall immediately report such determination to the department and may recommend the suspension of the driver's license of such person, and the commissioner is hereby authorized to suspend such license, without a hearing. (Act Apr. 22, 1939, c. 401, §16.)

See §2720-131, ante.

2720-145b. Revocation of licenses.—(a) The department shall forthwith revoke the license upon receiving a record of such driver's conviction of any of the following offenses:

1. Manslaughter or criminal negligence resulting from the operation of a motor vehicle.
2. Operating a motor vehicle under the influence of intoxicating liquor or narcotic drug.
3. Any felony in the commission of which a motor vehicle was used.
4. Failure to stop and disclose identity and render aid as required under any other law of this state in the event of a motor vehicle accident resulting in the death or personal injury of another.
5. Perjury or the making of a false affidavit or statement to the department under this act or under any other law relating to the ownership or operation of a motor vehicle.
(6) Conviction, plea of guilty or forfeiture of bail not vacated, upon three charges of careless or reckless driving, or illegal speeding committed within a period of 12 months.

(7) Conviction of an offense in another state which if committed in this state would be grounds for the revocation of the driver's license.

(b) Whenever any judge of a juvenile court or any of its duly authorized agents determine formally for the revocation of the driver's license.

(c) Whenever any person shall be committed to any institution as an inmate by a Court of Competent Jurisdiction the court or clerk thereof shall immediately notify the commissioner of such action and the Commissioner shall forthwith revoke the license of such person.

(Act Apr. 22, 1939, c. 401, §17.)

See §2720-132, ante.

§2720-136. Suspension of licenses.—(a) The commissioner shall have authority to and may suspend the license of any driver without preliminary hearing upon a showing by department records or other sufficient evidence that the licensees: 

1. Has committed an offense for which mandatory revocation of license is required upon conviction; or
2. Has been involved as a negligent driver in any accident resulting in the death or personal injury of another or serious property damage; or
3. Is an habitually reckless or negligent driver of a motor vehicle; or
4. Is an habitual violator of the traffic laws; or
5. Is incompetent to drive a motor vehicle; or
6. Has permitted an unlawful or fraudulent use of such license; or
7. Has committed an offense in another state which if committed in this state would be grounds for suspension.

Upon suspending the license of any person as hereinbefore in this section authorized the department shall immediately notify the licensee in writing, by depositing in the United States Post Office said notice addressed to the licensee at his last known address with postage prepaid thereon, and said licensee's written request shall afford him an opportunity for a hearing within not to exceed 20 days after receipt of such request in the county wherein the licensee resides unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the department or his duly authorized agent may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a re-examination of the licensee. Upon such hearing the department shall either rescind its order of suspension or, good cause appearing therefor, may extend the suspension of such license or revoke such license; and upon such determination shall not suspend a license for a period of more than one year. (Act Apr. 22, 1939, c. 401, §18.)

See §§2720-135, ante.

This section differs from former section 2720-136 in making it possible to suspend by the commissioner under §2720-102 to apply to a judge of district court for restoration of his license within a period of one year after the expiration of one year after the date of such hearing. (Act Apr. 22, 1939, c. 401, §19.)

§2720-136c. Licenses must be surrendered.—The commissioner upon suspending or revoking a license shall require that all license certificates issued to the licensee shall be surrendered to and be retained by the department except that at the end of a period of suspension the license certificate shall be returned to the licensee. Upon demand for surrender of a license by the commissioner, the licensee shall immediately forward said license certificates to the department.

Any resident or non-resident whose driver's license or right or privilege to operate a motor vehicle in this state has been suspended, revoked, or cancelled, as provided in this act, shall not operate a motor vehicle in this state under a license, permit or registration certificate issued by any other jurisdiction or otherwise during such suspension, or after such revocation until a new license is obtained when and as permitted under this act. (Act Apr. 22, 1939, c. 401, §20.)

§2720-136f. Copies to be received in evidence.—Copies of any of the files or records of the department certified by the commissioner, as being true copies, shall be received in evidence in any court in this state with the same force and effect as the originals. (Act Apr. 22, 1939, c. 401, §21.)

§2720-136g. Unlawful acts.—It shall be unlawful for any person:

1. To display or cause or permit to be displayed or have in his possession any cancelled, revoked, suspended, fictitious or fraudulently altered driver's license; or
2. To lend his driver's license to any other person or knowingly permit the use thereof by another; or
3. To display or represent as one's own any driver's license not issued to him; or
4. To fail or refuse to surrender to the department upon its lawful demand any driver's license which has been suspended, revoked, or cancelled; or
5. To use a false or fictitious name in any application for a driver's license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application. (Act Apr. 22, 1939, c. 401, §22.)

§2720-136h. Driving without license to be misdemeanor.—Any person whose driver's license or driving privilege has been cancelled, suspended, revoked, or permitted to expire as provided in this act, and who shall operate any motor vehicle upon the streets or highways in this district court in the county wherein such person shall reside, and in the case of a nonresident, in the district court in any county, and such court is hereby vested with jurisdiction, and it shall be its duty to set the cause for hearing de novo before the commissioner, and thereupon to take testimony and examine into the facts of the case to determine whether the petitioner is entitled to a license or is subject to revocation, suspension, cancellation, or revocation of it under the provisions of this act and shall render judgment accordingly. Said petition shall be heard by the court without a jury and may be heard in or out of term. The commissioner may appear in person or by his agents or representatives and may present his evidence upon said hearing by affidavit by himself, his agents or representatives. The petitioner may present his evidence by affidavit except that said petitioner must be present in person at such hearing for the purpose of cross-examination. If, and in the event the department shall be sustained in these proceedings the petitioner shall have no further right to make further petition to any court for the purpose of obtaining a driver's license until after the expiration of one year after the date of such hearing. (Act Apr. 22, 1939, c. 401, §18.)
state while such license or privilege is cancelled, suspended or revoked shall be guilty of a misdemeanor. (Act Apr. 22, 1939, c. 401, §23.) See §2720-137, ante.

2720-1451. Shall not rent motor vehicle to unlicensed driver.—No person shall rent or lease a motor vehicle to any other person unless the latter person is the duly licensed hereunder or, in the case of a non-resident, then duly licensed under the law of the state or country of his residence except a nonresident whose home state or country does not require that a driver be licensed. (Act Apr. 22, 1939, c. 401, §24.)

2720-145j. Violations misdemeanor.—Exceptions.—It shall be a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other laws of this state declared to be a felony, or gross misdemeanor. (Act Apr. 22, 1939, c. 401, §25.)

2720-145k. Commissioner to enforce act.—The commissioner shall be charged with the responsibility for the administration and execution of this act. (Act Apr. 22, 1939, c. 401, §26.) See §2720-139, ante.

2720-146. Agents of commissioner.—Any duties required of, or powers conferred on the commissioner under the provisions of this act may be done and performed or exercised by any of his duly authorized agents. (Act Apr. 22, 1939, c. 401, §27.) See §2720-139, ante.

2720-146a. Moneys to be paid into state treasury.—All money received under the provisions of this act shall be paid into the state treasury and shall be credited to an operator's license fund and the entire amount or so much thereof, as shall be necessary for the expense of the administration of this Act, is hereby appropriated for that purpose. (Act Apr. 22, 1939, c. 401, §28.) See §2720-138, ante.

2720-146b. Licensees not required to obtain new licenses.—Persons who are now duly licensed as drivers by the State of Minnesota shall not be required to obtain a new license under this act unless and until their permanent domiciles are changed. (Act Apr. 22, 1939, c. 401, §29.)

2720-146c. Drivers license law.—This act may be cited as the driver's license law. (Act Apr. 22, 1939, c. 401, §30.)

2720-146d. Provisions severable.—If any part or parts of this act shall be held to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional. (Act Apr. 22, 1939, c. 401, §31.) See §2720-140, ante.

2720-146e. Law repealed.—Chapter 352, Laws 1933 is hereby repealed. Any and all other acts or part of acts inconsistent with the provisions of this act are hereby suspended and/or repealed in the measure necessary to give this act full force and effect. (Act Apr. 22, 1939, c. 401, §32.)

HIGHWAY TRAFFIC REGULATION ACT

ARTICLE I

WORDS AND PHRASES DEFINED

2720-151. Definitions.—The following words and phrases when used in this act shall, for the purpose of this act, have the meanings respectively ascribed to them in this article. "Vehicle." Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.
(20) "Commissioner." The commissioner of highways of this state, acting directly or thru his duly authorized officers and agents.
(21) "Department." The department of highways of this state, acting directly or thru its duly authorized officers and agents.
(22) "Person." Every natural person, firm, co-partnership, association, or corporation.
(23) "Pedestrian." Any person afoot.
(24) "Driver." Every person who drives or is in actual physical control of a vehicle.
(25) "Owner." A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act. (As amended July 14, 1937, Sp. Sess., c. 38, §1.)
(26) "Police officer." Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
(27) "Local authorities." Every county, municipal, and other local board or body having authority to make the regulations under the constitution and laws of this state.
(28) "Street or highway." The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular travel.
(29) "Private road or driveway." Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.
(30) "Roadway." That portion of a highway improved, designed, or ordinarily used for vehicular travel.
(31) "One-way roadway." A street or roadway designated and sign-posted for one-way traffic and on which all vehicles are required to move in one indicated direction.
(32) "Sidewalk." That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
(33) "Laned highway." A highway the roadway of which is divided into three or more clearly marked lanes for vehicular travel.
(34) "Thru highway." Every highway or portion thereof at the entrances to which vehicular travel from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this act.
(35) "Intersection." The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the two highways which join one another, at, or approximately at, right angles, or the area within in which vehicles traveling upon different highways joining at any other angle may come in conflict.
(36) "Crosstown." (a) That portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections.
(b) Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.
(37) "Safety zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times set apart as a safety zone.
(38) "Business district." The territory contiguous to and including a highway when 50 per cent or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business purposes.
(39) "Residence district." The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or buildings in use for business.
(40) "Official traffic control devices." All signs, signals, markings, and devices not inconsistent with this act placed or erected by authority of a public body or official having in addition for the purpose of regulating, warning, or guiding traffic.
(41) "Traffic control signal." Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.
(42) "Railroad sign or signal." Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.
(43) "Traffic." Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together while using any highway for purposes of travel.
(44) "Right-of-way." The privilege of the immediate use of highway.
(45) "Gross weight." The unloaded weight of a vehicle and/or the unloaded weight of a truck-tractor and semi-trailer combination, plus the weight of the load. (Apr. 26, 1937, c. 464, §1.)
(46) "Custom Service Vehicles." All vehicles used as well-drilling machine, wood-sawing machine, cement mixer, rock crusher, road grader, ditch diggers, or elevating graders, and similar service equipment. (Added Apr. 22, 1939, c. 430, §1.)
(47) "Motor Vehicle Dealer." Any person engaged in the business of manufacturing or selling new and unused motor vehicles, or used motor vehicles, or both, having an established place of business for the sale, trade, and display of such motor vehicles, and having in his possession motor vehicles for the purpose of sale or trade. (Apr. 26, 1937, c. 464, §1; July 14, 1937, Sp. Sess., c. 38, §1; Subdivisions (46) and (47) added Apr. 22, 1939, c. 430, §1.)
Definition of terms in prior law, see §2720-1.

ARTICLE II

OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

2720-152. Obedience to and effect of traffic laws.

The provisions of this act relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:
1. Where a different place is specifically referred to in a given section.
2. The provisions of Articles IV and V shall apply upon highways and elsewhere throughout the state. (Apr. 26, 1937, c. 464, §2.)

Except as specifically provided in the Highway Traffic Regulation Act the common law prevails and a driver is not barred from recovery simply because he is making a movement not specifically authorized, and not forbidden by this act. Carlson v. P., 284 NW 824. See Dun. Dig. 162a.

2720-153. Violations a misdemeanor.—It is unlawful and, unless otherwise declared in this act with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this act. (Apr. 26, 1937, c. 464, §3.)

2720-154. Must not refuse to obey order.—No person shall willfully fail or refuse to comply with any lawful order or direction of any peace officer invested by law with authority to direct, control, or regulate traffic. (Apr. 26, 1937, c. 464, §4.)

2720-155. Application of act.—(a) The provisions of this act applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles.
owned or operated by the United States, this state or any county, city, town, district, or any other political subdivision of this state, subject to such specific exceptions as are set forth in this act with reference to authorized emergency vehicles.

(b) The driver of any authorized emergency vehicle when responding to an emergency call upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety but may proceed cautiously past such red or stop sign or signal after sounding siren and displaying red lights.

(c) No driver of any authorized emergency vehicle shall assume any special privilege under this act except when such vehicle is operated in response to any emergency call or in the immediate pursuit of an actual or suspected violator of the law.

(d) The provisions of this act shall not apply to persons, teams, motor vehicles and other equipment which are employed in work upon the roadway of a highway but shall apply to such persons and vehicles when travelling to or from such work.

(e) Street cars and trackless trolley cars, except where otherwise specifically provided, shall be governed by the same rules and regulations as provided in this act for vehicles and motor vehicles, only in so far as such regulations apply to such vehicles and motor vehicles, stopping at thru streets and railroad tracks, and obeying signals of traffic control devices and rights-of-way, and shall be entitled to the same rights and benefits of this act, as are automobiles and motor vehicles, stopping at and yielding the right-of-way, as any vehicle or motor vehicle in the streets and highways of this state. (Apr. 26, 1937, c. 464, §5; July 14, 1937, Sp. Ses., c. 33, §1.)

Similar provisions of former law and annotations, see §2720-32.

ARTICLE III
TRAFFIC SIGNS, SIGNALS, AND MARKINGS

2720-156. Bicycles and horse drawn vehicles to come under act.—Every person riding a bicycle or an animal or driving any animal drawing a vehicle upon a roadway shall be subject to the provisions of this act applicable to the driver of a vehicle, except those provisions of this act which by their nature can have no application. (Apr. 26, 1937, c. 464, §6.)

2720-157. Uniform in application.—The provisions of this act shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein and no local authority shall enact or enforce any rule or regulation in conflict with the provisions of this act unless expressly authorized herein. Local authorities may, however, adopt traffic regulations which are not in conflict with the provisions of this act. (Apr. 26, 1937, c. 464, §7.)

Similar provisions of former law and annotations, see §2720-32.

Minneapolis city ordinance requiring fuel dealers to obtain liability insurance as a condition precedent to obtaining a license to make deliveries is valid. Sverker son v. City of Minneapolis, 285 N.W.2d 562. See, also, D.I.N. 4163.

City ordinance requiring fuel dealers to carry liability insurance did not conflict with this act. Ibid.

2720-158. Not to restrict local authorities.—(a) The provisions of this act shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and with the consent of the commissioner with respect to state trunk highways, within the corporate limits of a municipality or within the limits of a town in a county in this state now having, or which may hereafter have, a population of 500,000 or more inhabitants and a land area of not more than 690 square miles, and within the reasonable exercise of the police power from:
1. Regulating the standing or parking of vehicles;
2. Regulating traffic by means of police officers or traffic control signals;
3. Regulating or prohibiting processions or assemblages on the highways;
4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;
5. Designating any highway as a thru highway and requiring that all vehicles stop before entering or leaving, and requiring the stoppage of such vehicles as a stop intersection and requiring all vehicles to stop at one or more entrances to such intersections;
6. Restricting the use of highways as authorized in Article XVI of this act.

(b) No ordinance or regulation enacted under subdivisions 4, 5, or 6 hereof of this section shall be effective until signs giving notice of such local traffic regulations are posted upon and kept posted upon or at the entrances to the highway or part thereof affected as may be most appropriate. (Apr. 26, 1937, c. 464, §8; Apr. 21, 1939, c. 292, §1.)

Similar provisions of former law and annotations, see §2720-32.

2720-159. Not to apply to private roads.—Nothing in this act shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as matter of right from prohibiting such use, or from requiring other or different or additional conditions than those specified in this act or otherwise regulating such use as may seem best to such owner. (Apr. 26, 1937, c. 464, §9.)

ARTICLE III
TRAFFIC SIGNS, SIGNALS, AND MARKINGS

2720-160. Traffic signs, signals, and markings.—The commissioner shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this act for use upon highways within this state. Such uniform system shall correlate with and so far as possible conform to the same rules and regulations which are not in conflict with this act. Such uniform system shall be adopted by the commissioner except by the latter's specific permission. (Apr. 26, 1937, c. 464, §10.)

2720-161. Commissioner to place signs and traffic control devices on trunk highways.—(a) The commissioner shall place and maintain such traffic-control devices, conforming to the manual and specifications of former law, see §2720-158, on the name of the city, village or borough and the county thereof. (Apr. 26, 1937, c. 464, §11.)

Similar provisions of former law, see §2720-56.
2720-162. Local authorities shall place and maintain traffic control devices in municipalities.—Local authorities in their respective jurisdictions shall place and maintain traffic-control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this act or local traffic ordinances or to regulate, warn, or guide traffic. All such traffic-control devices hereafter erected shall conform to the state manual and specifications. (Apr. 26, 1937, c. 464, §12.)

2720-163. All persons to observe traffic-control device.—No driver of a vehicle or motorman of a street car or pedestrian or person riding an animal or bicycle shall disobey the instructions of any official traffic-control device placed in accordance with the provisions of this act, unless at the time directed otherwise by a police officer. (Apr. 26, 1937, c. 464, §13.)

2720-164. Colors for devices.—Whenever traffic is controlled by traffic-control signals exhibiting the words "Go" "Caution", or "Stop" or exhibiting different colored lights successively one at a time the following colors only shall be used and said terms and lights shall indicate as follows:

(a) Green alone or "Go" 1. Vehicular traffic facing the signal may proceed straight thru or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection at the time such signal is exhibited.

2. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(b) Yellow alone or "Caution" when shown following the green or "Go" signal.

1. Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection, but vehicles within the intersection may be driven cautiously thru the intersection.

2. Pedestrians facing such signal are hereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.

(c) Red alone or "Stop" 1. Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection or at such other point as may be indicated by a clearly visible line and shall remain standing until given the right to proceed as shown alone.

2. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

(d) Red with green arrow.

1. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall not interfere with other traffic or endanger pedestrians lawfully within a crosswalk.

2. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

(e) The motorman of any street car shall obey the above signals as applicable to vehicles. (Apr. 26, 1937, c. 464, §14.)

2720-165. Flashing signs.—Whenever flashing red or yellow signals are used they shall require obedience by vehicular traffic as follows:

1. Flashing red (stop signal). When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles before entering the nearest crosswalk at an intersection or at a limit line when marked and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

2. Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed thru the intersection or past such signal only with caution. (Apr. 26, 1937, c. 464, §15.)

2720-166. Placing of unauthorized signs prohibited.—(a) No person shall place, maintain, or display upon or in view of any highway or railroad or authorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control devices or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be construed to prohibit the reasonable, necessary, and legal advertising adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(b) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highways is hereby empowered to remove the same or cause it to be removed without notice. (Apr. 26, 1937, c. 464, §16.)

Similar provisions of former law, see 2720-58.

2720-167. Unlawful to alter, deface, or remove signs.—No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or inscription thereon, or any other part thereof. (Apr. 26, 1937, c. 464, §17.)

Similar provisions of former law, see 2720-59.

ARTICLE IV
ACCIDENTS

2720-168. Accidents.—(a) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled all requirements of this Act as to the giving of information. Every such stop shall be made without obstructing traffic more necessary.

(b) Any person failing to stop or to comply with such requirements under such circumstances shall upon conviction be punished by imprisonment for not less than ten days nor more than 90 days or by fine of not less than $10.00 nor more than $100.00.

(c) The commissioner shall revoke the driver's license of the person so convicted. (Apr. 26, 1937, c. 464, §18.)

Similar provisions of former law, see §2720-29 and §2720-32.

It is not mandatory upon a justice of the peace or judge of any court to secure possession of driver's license for purpose of forwarding it to commissioner of highways, but court in its sentence may require immediate surrender to court. Op. Atty. Gen. (291E), Aug. 19, 1928.

Revocation of license, §2712-6.

2720-169. Driver to stop at scene of accident.—The driver of any vehicle involved in an accident to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled all requirements of this Act as to the giving of information. Every such stop shall be made without obstructing traffic more necessary than is necessary. Any person failing to stop or to comply with such requirements under such circumstances shall be guilty of a misdemeanor. (Apr. 26, 1937, c. 464, §19.)

Similar provisions of former law, see §2720-29 and §2720-32.

2720-170. Shall give names and addresses.—The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person
shall stop and give his name, address and the registration number of the vehicle he is driving and shall upon request and if available exhibit his driver's or chauffeur's license and shall render to any person injured in such accident reasonable assistance, including the carrying of such person to a physician, surgeon, or hospital for medical or surgical treatment; if it is apparent that such treatment is necessary or if such carrying is requested by the injured person. (Apr. 26, 1937, c. 464, §20; Apr. 22, 1939, c. 430, §2.)

Similar provisions of former law, see §2720-29.

§2720-171. Shall report collision with unattended vehicle.—The driver of any vehicle which is involved in an accident resulting only in damage to fixtures legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address of the driver and owner of the vehicle striking the unattended vehicle or shall report the same to a police officer. (Apr. 26, 1937, c. 464, §21.)

§2720-172. Shall notify owner of property damage.—The driver of any vehicle involved in an accident resulting only in damage legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and the registration number of the vehicle he is driving and shall upon request and if available exhibit his driver's or chauffeur's license and shall make report of such accident when and as required by the provisions of this Act. (Apr. 26, 1937, c. 464, §22.)

§2720-173. Report of accidents to police and highway department—Confidential.—Subdivision 1. The driver of a vehicle involved in an accident resulting in injury to or death of any person shall, after compliance with the provisions of the 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-168, 2720-169, 2720-170 and 2720-171, by the quickest means of communication give notice of such accident to the local police department if such accident occurs within a municipality, otherwise he shall in like manner give notice to the office of the sheriff of the county.

Subdivision 2. The driver of a vehicle involved in an accident resulting in injury to or death of any person shall make and deliver to the owner or operator of such vehicle and the circumstances of such accident. Such report or contents thereof shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department shall furnish upon demand of any person who has, or claims to have, made such a report, or, upon demand of any court, a certificate showing that a specified accident has or has not occurred or has occurred on the date and place stated in such report or contents thereof shall be used as evidence solely to prove a compliance or a failure to comply with the requirement that such report be made to the department. Disclosing any information contained in the report is unlawful and a misdemeanor. (Apr. 26, 1937, c. 464, §23; Apr. 22, 1939, c. 430, §3.)

§2720-174. Department to tabulate and analyze reports.—The department shall tabulate and may analyze all accident reports and shall publish annually or at more frequent intervals statistical information based thereon as to the number and circumstances of traffic accidents. (Apr. 26, 1937, c. 464, §24.)

ARTICLE V
CRIMINAL NEGLIGENCE, DRIVING WHILE INTOXICATED, AND RECKLESS DRIVING

§2720-175. Criminal negligence defined.—(a) Any person who by operating or driving a vehicle of any kind in a reckless or grossly negligent manner causes a human being to be killed, under circumstances not constituting murder in the first, second or third degree or manslaughter in the first or second degree, is guilty of criminal negligence in the operation of a vehicle resulting in death of a human being. (Apr. 26, 1937, c. 464, §23; Apr. 22, 1939, c. 430, §3.)

(b) A person convicted of the crime defined by subsection (a) hereof, shall be punished by imprisonment in the State Penal Institutions for a term not exceeding five years, or in the workhouse or county jail for not more than one year, or by a fine of not more than $1,000.00, or by both a fine and imprisonment in the State Penal Institutions or a fine and imprisonment in the workhouse or county jail.

(c) The commissioner shall revoke the driver's license and the secretary of state shall revoke the chauffeur's license of any person convicted of the crime of criminal negligence in the operation of a vehicle resulting in the death of a human being. (Apr. 26, 1937, c. 464, §25.)

§2720-176. Persons under influence of drugs or liquor prohibited from driving vehicle.—(a) It is unlawful and punishable as provided in subdivision (b) of this section for any person who is an habitual user of narcotic drugs or any person who is under the influence of intoxicating liquor or narcotic drugs to drive or operate any vehicle within this state. Every person who is convicted of a violation of this section shall be punished by imprisonment for not less than ten days nor more than 90 days, or by a fine not less than $10.00, nor more than $100.00. On a second or subsequent conviction he shall be punished for not less than ten days nor more than 90 days, or a fine of not less than $25.00 nor more than $100.00. Upon a first conviction of any person hereunder the commissioner shall
revoke his driver's license when and as such revocation is recommended by the court before which such conviction was had. Upon a second or subsequent conviction of any person under this section, the commissioner shall revoke his driver's license. Any person whose driver's license has been revoked, refused, suspended or cancelled may file a petition for a hearing in the manner in the District Court in the county wherein such person is residing, for the purpose of having said license reinstated in the discretion of said District Court. (Apr. 26, 1937, c. 464, §26; Apr. 22, 1939, c. 430, §4.)

Similar provision of former law and annotations, see §2720-2.

This section, as amended by Laws 1939, c. 430, superseded Laws 1939, c. 401, §11(a). In so far as compulsory revocation of driver's license for driving while under influence of liquor or narcotics is involved in connection with prosecution under state laws, but revocation of a driver's license is still compulsory on convictions under an ordinance for the same offense. Op. Atty. Gen. (2110f), May 12, 1939.

Laws 1939, c. 430, apparently attempted to modify effect of a conviction of drivers while under influence of liquor, but did not fully accomplish that purpose for reason that Laws 1939, c. 251, (§2720-101 to §2720-120), is not mentioned or referred to. Op. Atty. Gen. (2111f), Sept. 12, 1939.

2720-177. What is reckless driving—penalty.—(a) Any person who drives in such a manner as to indicate either a willful or a wanton disregard for the safety of persons or property is guilty of reckless driving.

(b) Every person convicted of reckless driving shall be punished upon a first conviction by imprisonment for a period of not less than ten days nor more than 90 days, or by a fine of not less than $10.00 nor more than $500.00, and on a second or subsequent conviction shall be punished by imprisonment for not less than 30 days nor more than 90 days, or by a fine of not less than $25.00 nor more than $100.00.

(c) Any person who shall operate or halt any vehicle upon any street or highway carelessly or heedlessly in disregard of the rights or the safety of others or in a manner so as to endanger or be likely to endanger any person or property is guilty of careless driving.

ARTICLE VI

SPEED RESTRICTIONS

2720-178. Speed limitations.—(a) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and the existing speed limit upon any street or highway or at any place or time when due to weather or highway conditions the speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazards exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(d) Whenever the commissioner shall determine upon the basis of an engineering and traffic investigation that any speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist on any trunk highway or upon any part thereof, said commissioner may erect appropriate signs designating a reasonable and safe speed limit thereon which shall be effective when such appropriate signs giving notice thereof are erected.

(e) Whenever local authorities within their respective jurisdiction shall have reason to believe that the existing speed limit upon any street or highway or part thereof is greater or less than is reasonable and safe under existing conditions they may request the commissioner of highways to authorize, upon the basis of an engineering and traffic investigation, the erection of appropriate signs designating what speed is reasonable and safe, and the commissioner so hereby have authority to authorize the erection of such signs designating a reasonable and safe speed limit thereon which shall be effective when such signs giving notice thereof are erected by authority of the commissioner. Alteration of speed limits on streets and highways shall be made only upon authority of the commissioner.

(f) In every charge of violation of any speed regulation in this act the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the speed limit applicable within the district or at the location.

(g) The provisions of this act declaring speed limitation shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

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to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

Police officers are hereby authorized to enforce this provision as to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith the continued slow operation by a driver shall be a misdemeanor. (Apr. 26, 1937, c. 464, §28.)

§2720-180. Speed on bridges.—(a) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is sign-posted as provided in this section.

(b) The commissioner upon request from any local authority shall, or upon his own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if he shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the maximum speed permissible under this act, the commissioner shall determine and declare the maximum speed of vehicles which such structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of 100 feet before each end of such structure.

(c) Upon the trial of any person charged with a violation of this section, proof of said determination of the maximum speed by said commissioner and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure. (Apr. 26, 1937, c. 464, §30.)

Similar provisions of former law, see §2720-7.

§2720-181. Exceptions.—The speed limitations set forth in this article shall not apply to authorized emergency vehicles when responding to emergency calls providing the drivers thereof sound audible signal by siren, and two lighted red lights are displayed to the front. This provision shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others. (Apr. 26, 1937, c. 464, §31.)

ARTICLE VII
DRIVING ON RIGHT SIDE OF ROADWAY—OVER-TAKING AND PASSING, ETC.

§2720-182. Driving.—Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
2. When the right half of a roadway is closed to traffic while under construction or repair;
3. Upon a roadway designated and sign-posted for one-way traffic as a one-way roadway. (Apr. 26, 1937, c. 464, §33.)

Similar provisions of former law and annotations, see §2720-9.

The road-on, as in other collision cases, question of negligence is one of fact for jury, where evidence shows that driver might have avoided collision by exercise of due care. Hinman v. G., 286 NW 364. See Dun, Dig, 4163.

§2720-183. Shall pass on right side.—Drivers of vehicles proceeding in opposite directions shall pass each other to the right and upon roadways having more than one lane of traffic in each direction each driver shall give to the other at least one-half of the main traveled portion of the road-way as nearly as possible. (Apr. 26, 1937, c. 464, §33.)

Similar provisions of former law and annotations, see §2720-11.

§2720-184. Rules for passing.—The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible warning and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. (Apr. 26, 1937, c. 464, §34.)

Similar provisions of former law and annotations, see §2720-12 and 2720-14.

§2720-185. Same.—(a) The driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn. The driver of a vehicle may overtake and, allowing sufficient clearance, pass another vehicle proceeding in the same direction either upon the left or upon the right on a roadway with unobstructed pavement of sufficient width for four or more lines of moving traffic when such movement can be made in safety. (Apr. 26, 1937, c. 464, §35.)

§2720-186. Same.—(a) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and free of on-coming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

(b) Except on a one-way roadway, no vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle or at any other time, be driven to the left half of the roadway under the following condition:
1. When approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed within a distance of 700 feet;
2. When approaching within 100 feet of any under pass or tunnel or when approaching within 100 feet of or traversing any intersection of railroad grade crossing;
3. Where official signs are in place prohibiting passing, or a distinctive center line is marked, which distinctive line also so prohibits passing as declared in the manual of traffic control devices adopted by the commissioner. (Apr. 26, 1937, c. 464, §36; Apr. 22, 1939, c. 450, §7.)

Similar provisions of former law and annotations, see §2720-19 and 2720-15.

§2720-187. One way highways.—(a) Upon a roadway designated and sign-posted for one-way traffic as a one-way roadway, a vehicle shall be driven only in the direction designated.

(b) A vehicle passing around a rotary traffic island shall be driven only to the right of such island. (Apr. 26, 1937, c. 464, §37.)

§2720-188. Three-way roadways.—Whenever any roadway has been divided into three or more clearly marked lanes for traffic the following rules in addition to all others shall be in effect hereinafter shall apply:

(a) A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved...
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from such lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is not a one-way roadway and which is divided into three lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is sign-posted to give notice of such allocation. The left lane of a three lane roadway, which is not a one-way roadway, shall not be used for overtaking and passing another vehicle.

(c) Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign. (Apr. 26, 1937, c. 464, §38.)

$2720-180. Distance between vehicles.—(a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the conditions of the highway.

(b) Either of any motor vehicle driven from or on another vehicle, or the driver of any motor truck, when traveling upon a roadway outside of a business or residence district shall not follow within 150 feet of another vehicle. The provisions of this subdivision shall not be construed to prevent overtaking and passing nor shall the same apply upon any lane specially designated for use by motor trucks. (Apr. 26, 1937, c. 464, §39.)

ARTICLE VIII
TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING

$2720-190. Signals.—The driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.

(b) Approach for a left turn on other than one-way roadways shall be made in that portion of the right half of the roadway nearest the center line thereof and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered.

(c) Approach for a left turn from a two-way roadway into a one-way roadway shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection. A left turn from a one-way roadway into a two-way roadway shall be made by passing to the right of the center line of the roadway being entered upon leaving the intersection.

(d) Local authorities in their respective jurisdictions may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs. (Apr. 26, 1937, c. 464, §40.)

(b) A signal of intention to turn left shall be given by means of the hand and arm the driver shall tend in the hand and arm horizontally from and beyond the left side of the vehicle. (Apr. 26, 1937, c. 464, §41.)

ARTICLE IX
RIGHT-OF-WAY

$2720-194. Methods of signalling.—The signals herein required shall be given either by means of the hand and arm or by a signal lamp or signal device of a type approved by the commissioner, but when a vehicle is so constructed or loaded that a hand and arm signal would not be visible in normal sunlight and at night both to the front and rear of such vehicle then said signals must be given by such a lamp or device. (Apr. 26, 1937, c. 464, §42.)

ARTICLE X
STopping AND TURNING

$2720-199. Right of way.—(a) The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway.

(b) When two vehicles enter an intersection from different highways at approximately the same time the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(c) The foregoing rules are modified at thru highways and otherwise as hereinafter stated in this article.

(d) The driver of any vehicle or street car traveling at an unlawful speed shall forfeit any right-of-way which he might otherwise have hereunder. (Apr. 26, 1937, c. 464, §43.)

ARTICLE XI
STopping AND TURNING

Contributory negligence of motorist whose car was hit from his left by truck, was reasonably negatived by evidence on or near scene of accident of three approaching from plaintiff's front and one coming from his right and turning ahead of him. Evert v. A., 285N.W.2d. See Dun. Dig. 416e.

$2720-194. Methods of signalling.—The signals herein required shall be given either by means of the hand and arm or by a signal lamp or signal device of a type approved by the commissioner, but when a vehicle is so constructed or loaded that a hand and arm signal would not be visible in normal sunlight and at night both to the front and rear of such vehicle then said signals must be given by such a lamp or device. (Apr. 26, 1937, c. 464, §42.)

ARTICLE X
RIGHT-OF-WAY
required by this act, may make such left turn and
drivers of all other vehicles approaching the in-
tersection from said opposite direction shall yield the
right-of-way to the vehicle making the left turn.
(Apr. 26, 1937, c. 464, §47.)

Similar provisions of former law and annotations, see
§2720-18.

Plaintiff held chargeable with contributory negligence as
a matter of law in that, in daylight, he drove his
automobile into the intersection of two gravelled and
well-traveled highways without knowing that he was
approaching a crossroad. Dreyer v. O., 285 NW 707. See
Dun. Dig. 4164e.

2720-108. Thru highways.—(a) The driver of a
vehicle shall stop as required by this act at the en-
trance to a thru highway and shall yield the right-
of-way to other vehicles which have entered the
intersection from said thru highway and which are ap-
proaching so closely as to constitute an immediate
hazard, but said driver having so yielded may proceed and the drivers of all other
vehicles approaching the intersection on said thru
highway shall yield the right-of-way to the vehicles
so proceeding into or across the thru highway.

(b) The driver of a vehicle shall likewise stop in
obedience to a stop sign as required herein at an
intersection where a stop sign is erected at one or more
entrances thereto altho not a part of a thru highway
and shall proceed cautiously, yielding to vehicles not
so obliged to stop which are within the intersection
or approaching so closely as to constitute an imme-
diate hazard, but may then proceed. (Apr. 26, 1937,
c. 464, §§48.)

2720-109. Driver entering highway shall yield
right-of-way.—The driver of a vehicle entering or
crossing a highway from a private road or driveway
shall yield the right-of-way to all vehicles approaching
on said highway. (Apr. 26, 1937, c. 464, §49.)

Similar provisions of former law and annotations, see
§2720-18.

2720-200. Emergency vehicle to have right-of-way.
(a) Upon the immediate approach of an authorized
emergency vehicle, when the driver is giving audible
signal by siren, the driver of every other vehicle shall
yield the right-of-way and shall immediately drive to
the right-hand edge or curb of the highway clear of any
intersection and shall stop and remain in such posi-
tion until the authorized emergency vehicle has
passed, except when otherwise directed by a police
officer.

2720-200(b).—Upon the approach of an authorized
emergency vehicle, as above stated, the motorman of
every street car and the operator of every trackless
trolley car shall immediately stop such car clear of
any intersection and keep it in such position and keep
the doors and gates of the street car or trackless
trolley car closed until the authorized emergency ve-
cicle has passed, except when otherwise directed by a
police officer. (Apr. 26, 1937, c. 464, §§50; Apr.
22, 1939, c. 450, §9.)

(c) This section shall not operate to relieve the
driver of an authorized emergency vehicle from the
duty to drive with due regard for the safety of all
persons using the highways. (Apr. 26, 1937, c. 464,
§51.)

Similar provisions of former law and annotations, see

2720-201. Funeral processions to have right-of-
way.—Whenever any funeral procession identifies it-
self by using regular lights on all cars and by keeping
every all cars in close formation, the driver of every other
vehicle, except an emergency vehicle, shall yield the
right-of-way. (Apr. 26, 1937, c. 464, §§51.)

ARTICLE X

PEDESTRIANS' RIGHTS AND DUTIES

2720-202. Pedestrians' right and duties.—Pedes-
trians shall be subject to traffic-control signals at in-
tersections as heretofore declared in this act, but at
all other places pedestrians shall be accorded the
privileges and shall be subject to the restrictions
stated in this article. (Apr. 26, 1937, c. 464, §52.)

2720-203. Pedestrians to have right-of-way in cer-
tain cases.—(a) Where traffic-control signals are not
in place or in operation, the driver of a vehicle shall
yield the right-of-way, slowing down or stopping if
need be to so yield, to a pedestrian crossing the road-
way within any marked crosswalk or within any un-
marked crosswalk at an intersection, except as oth-
erwise provided in this article.

(b) Whenever any motor vehicle is stopped at a marked
crosswalk or at any unmarked crosswalk at an in-
tersection to permit a pedestrian to cross the roadway,
the driver of any other vehicle approaching from the
rear shall not overtake and pass such stopped vehicle.
(c) It shall be unlawful for any person to drive
a motor vehicle through a column of school children
crossing a street or highway or past a member of a
school safety-patrol created in accordance with Chap-
ter 23, Laws of 1933, §§2883-3 to 2883-5 while
such member of a school safety patrol is directing the
movement of children across a street or highway and
while said school safety patrol member is holding his
official signal in the stop position. (Apr. 26, 1937,
c. 464, §§53; Apr. 22, 1939, c. 450, §10.)

2720-204. Pedestrians not crossing at crosswalks
to yield right-of-way.—(a) Every pedestrian cross-
ing a roadway at any point other than within a
marked crosswalk or within an unmarked crosswalk
at an intersection shall yield the right-of-way to all
vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point
where a pedestrian tunnel or overhead pedes-
trian crossing has been provided shall yield the
right-of-way to all vehicles upon the roadway.

(c) Between adjacent intersections at which
traffic-control signals are in operation pedestrians
shall not cross at any place except in a marked cross-
walk.

(d) Notwithstanding the provisions of this sec-
tion every driver of a vehicle shall exercise due care
to avoid colliding with any pedestrian upon any road-
way and shall give warning by sounding the horn
when necessary and shall exercise proper precaution
upon observing any child or any confused or in-
capacitated person upon a roadway. (Apr. 26, 1937,
c. 464, §54.)

2720-205. To cross on right half of crosswalks.
—Pedestrians shall move, whenever practicable, up-
on the right half of crosswalks. (Apr. 26, 1937, c. 464,
§55.)

2720-206. Not to solicit rides.—No person shall
stand in a roadway for the purpose of soliciting a
ride from the driver of any private vehicle. (Apr.
26, 1937, c. 464, §56.)

Similar provisions of former law, see §2720-28.

2720-207. Must walk on left side of roadway.
—Pedestrians when walking along a roadway shall walk
near the left side of the roadway, giving way to on-
coming traffic. (Apr. 26, 1937, c. 464, §57.)

ARTICLE XI

STREET CARS AND SAFETY ZONES

2720-208. Passing street cars.—(a) The driver of
a vehicle shall not overtake and pass upon the left
or drive upon the left side of any street car pro-
ceeding in the same direction, whether such street
car is actually in motion or temporarily at rest ex-
cept:
1. When so directed by a police officer;
2. When upon a one-way street; or
3. When upon a street where the tracks are so
located as to prevent compliance with this section.
4. The driver of a vehicle which may be per-
mitted to overtake and pass upon the left of a street
car which has stopped for the purpose of receiving or dis-
charging any passenger shall reduce speed and may proceed only upon exercising due caution for pedestrians and shall accord pedestrians the right-of-way when required by other sections of this act. (Apr. 26, 1937, c. 464, §58.)

Similar provisions of former law and annotations, see §2720-22.

2720-209. Shall stop ten feet from street cars.—The driver of a vehicle overtaking upon the right any street car stopped or about to stop for the purpose of receiving or discharging any passenger shall stop such vehicle at least ten feet to the rear of the nearest running board or door of such street car and thereupon shall remain standing until all passengers have boarded such car or upon alighting have reached a place of safety, except that where a safety zone has been established a vehicle need not be brought to a stop before passing any such street car but may proceed past such car at a speed not greater than is reasonable and proper and with due caution for the safety of pedestrians. Provided the pedestrian going to and from a street car shall have the right-of-way over all vehicles and motor vehicles. (Apr. 26, 1937, c. 464, §59.)

Similar provisions of former law and annotations, see §2720-32.

2720-210. Shall not drive through safety zones.—No vehicle shall at any time be driven thru a safety zone. (Apr. 26, 1937, c. 464, §60.) When similar provisions of former law, see §2720-23.

ARTICLE XII
SPECIAL STOPS REQUIRED

2720-211. Special stops.—(a) Whenever any person driving a vehicle approaches a railroad grade crossing and a clearly visible electric or mechanical signal device gives warning of the immediate approach of a train, the driver of such vehicle shall stop not less than ten feet from the nearest track of such railroad and shall not proceed until he can do so safely.

(b) The driver of a vehicle shall stop and remain standing and not traverse such a grade crossing when a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a train. (Apr. 26, 1937, c. 464, §61.)

Similar provisions of former law, see §2720-5.

2720-212. Railroad and warehouse commission to mark dangerous crossings.—The railroad and warehouse commission is hereby authorized to designate particularly dangerous highway grade crossings of railroads and to order stops, and, in case a warning of the immediate approach of a train, the driver of such vehicle shall stop not less than ten feet from the nearest track of such railroad and shall proceed only upon exercising due care. (Apr. 26, 1937, c. 464, §62.)

2720-213. Drivers of certain vehicles must stop.—(a) The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle not less than ten feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. (As amended July 14, 1937, Sp. Ses., c. 38, §1.)

(b) No stop need be made at any such crossing where a flagman of a street car shall stop at such signal giving warning of the immediate approach of a train, and a clearly marked stop line before entering an intersection except when directed to proceed by a police officer or traffic control signal. (Apr. 26, 1937, c. 464, §63; Apr. 22, 1939, c. 459, §11.)

Similar provisions of former law and annotations, see §2720-21.

2720-214. Crossing railroad tracks with certain equipment.—(a) No person shall operate or move any other vehicle or equipment than a railroad, and may designate any railroad on grade crossings of any railroads, which is given by automatic signal or crossing gates or a flagman of a railroad on grade crossings of any railroads, a clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train or car. (Apr. 26, 1937, c. 464, §64.)

(b) Before making any such crossing the person operating or moving such vehicle or equipment shall first stop the same not less than ten feet or more than 50 feet from the nearest rail of such railroad and when so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(c) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman of any railroad on grade crossings of any railroads. (Apr. 26, 1937, c. 464, §65.)

ARTICLE XIII
STOPPING, STANDING AND PARKING

2720-217. Stopping, standing and parking.—(a) Upon any highway outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled part of the highway when it is practical to stop, park, or leave such vehicle off such part of said highway. But in every event a clear and unobstructed width of at least 20 feet of such part of the highway opposite such stopping vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle be available from a distance of 200 feet in each direction upon such highway.

(b) This section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway and in such a manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position. (Apr. 26, 1937, c. 464, §67.)

Similar provisions of former law and annotations, see §2720-24.

2720-218. Shall stop before reaching sidewalks.—The driver of a vehicle within a business or residence district emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alleyway or private driveway. (Apr. 26, 1937, c. 464, §68.)

ARTICLE XIV
SPECIAL STOPS REQUIRED

2720-217. Stopping, standing and parking.—(a) Upon any highway outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled part of the highway when it is practical to stop, park, or leave such vehicle off such part of said highway. But in every event a clear and unobstructed width of at least 20 feet of such part of the highway opposite such stopping vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle be available from a distance of 200 feet in each direction upon such highway.

(b) This section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway and in such a manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position. (Apr. 26, 1937, c. 464, §67.)

Similar provisions of former law and annotations, see §2720-24.

Section applies only to highways outside of a business or residence district. Bartley v. F., 285 NW2d 494. See Dun. Dig. 4171a.

In action for injuries received when crashing into rear of truck temporary workplace upon pavement, court properly refused instruction concerning disablement, fog,
or the emergency rule, there being no evidence warranting it. Johnson v. K., 285 N.W.881. See Dun. Dig. 9774.

Chapter 13—Roads

2720-218. Police officials may move cars.—(a) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the foregoing provisions of this article such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway.

(b) Whenever any police officer finds a vehicle unattended upon any street or highway or upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle and remove the same to the nearest convenient garage or other place of safety. (Apr. 26, 1937, c. 464, §68; Apr. 22, 1939, c. 430, §13.)

2720-219. Where stops are prohibited.—(a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:
  1. On a sidewalk;
  2. In front of a public or private driveway;
  3. Within an intersection;
  4. Within 10 feet of a fire hydrant;
  5. On a crosswalk;
  6. Within 20 feet of a crosswalk at an intersection;
  7. Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;
  8. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
  9. Within 50 feet of the nearest rail of a railroad crossing;
  10. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly sign-posted;
  11. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;
  12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
  13. Upon any bridge or elevated structure upon a highway or within a highway tunnel, except as otherwise provided by ordinance;
  14. At any place where official signs prohibit stopping.

(b) No person shall move a vehicle not owned by such person into any prohibited area or away from a curb such distance as is unlawful.

(c) No person shall, for camping purposes, leave or park a house trailer on or within the limits of any highway or on any highway right-of-way, except where signs have been posted designating the place as a camp site. (Apr. 26, 1937, c. 464, §69; July 14, 1937, Ex. Ses., c. 38, §1.)

(d) No person shall stop or park a vehicle on a street or highway when directed or ordered to proceed by any peace officer invested by law with authority to direct, control or regulate traffic. (Apr. 26, 1937, c. 464, §69; July 14, 1937, Ex. Ses., c. 38, §1; Apr. 22, 1939, c. 430, §13.)

2720-220. Parking on roadway.—Except where any parking is permitted by local ordinance every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be so stopped or parked with the right-hand wheels of such vehicle parallel with and within 12 inches of the right-hand curb, provided that such exception shall only apply to a state trunk highway after approval of the state commissioner. Otherwise upon all streets and highways every vehicle stopped or parked shall be so stopped or parked parallel with and to the right of the paved or improved or main traveled part of such street or highway. (Apr. 26, 1937, c. 464, §70; July 14, 1937, Ex. Ses., c. 38, §1; Apr. 22, 1939, c. 430, §14.)

Similar provisions of former law, see §§2720-25 and 2720-26.

2720-221. Brakes must be set.—No person driving or in charge of a motor vehicle shall permit it to stand unattended without effectively setting the brake thereon and turning the front wheels to the curb or side of the highway. (Apr. 26, 1937, c. 464, §71.)

Similar provisions of former law and annotations, see §§2720-26.

2720-222. Restrictions on loads.—(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle or street car shall ride in such position as to interfere with the driver's or motorman's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle or street car. (Apr. 26, 1937, c. 464, §72.)

Similar provisions of former law, see §§2720-27.

2720-223. To drive on right side of highways.—The driver of a motor vehicle traveling thru defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the highway as reasonably possible and, upon approaching any curve where the view is obstructed within a distance of 200 feet along the highway, shall give audible warning with the horn of such motor vehicle. (Apr. 26, 1937, c. 464, §73.)

Similar provisions of former law, see §§2720-27.

2720-224. Coasting.—(a) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.

(b) The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged. (Apr. 26, 1937, c. 464, §74.)

Similar provisions of former law, see §§2720-28.

2720-225. Following fire apparatus.—The driver of any vehicle other than one on official business shall not follow any fire apparatus travelling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (Apr. 26, 1937, c. 464, §75.)
2720-226. Must not cross fire hose.—No street car or vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway, or street car track, to be used at any fire or alarm of fire, without the consent of the fire department official in command. (Apr. 26, 1937, c. 464, §76.)

2720-227. Refuse on highway.—(a) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal, or vehicle upon such highway.

(b) Any person who drops or permits to be dropped upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle. (Apr. 26, 1937, c. 464, §77.)

2720-228. Swinging gate, loading rack or partition on trucks prohibited.—No truck shall be operated on any highway with gate, loading rack, or partition carried in any manner on any part of the exterior of the truck, unless the top and bottom of such gate, loading rack or partition are securely attached to the truck so as to prevent swinging or becoming loose. (Apr. 26, 1937, c. 464, §78; July 14, 1937, Sp. Ses., c. 38, §3.)

2720-229. Tail-board or tail-gate not to be left hanging.—No truck shall be driven or parked on any highway with tail-gate or tail-board hanging down or projecting from the vehicle, except while such vehicle is being loaded or unloaded, and except when a load thereon extends beyond the tail-gate or tail-board, rendering impossible the closing thereof. (Apr. 26, 1937, c. 464, §79.)

2720-230. Passing school busses.—(a) The driver of a vehicle upon a highway outside of a business or residence district upon meeting or overtaking any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall come to a complete stop and shall not resume motion until the school bus has completed loading or unloading passengers. (Apr. 26, 1937, c. 464, §80; Apr. 22, 1939, c. 430, §13.)

(b) This section shall be applicable only in the event the school bus shall bear upon the front and rear thereof a plainly visible sign containing the words “school bus” in letters not less than six inches in height, which can be removed or covered when the vehicle is not in use as a school bus. (Apr. 26, 1937, c. 464, §81.)

2720-231. Commissioner to govern design and color of school buses.—The commissioner shall adopt and enforce regulations not inconsistent with this act to govern the design, color and operation of all school buses used for the transportation of school children, which are operated by any school district or privately owned and operated under contract with any school district in this state and such regulations shall by reference be made a part of any such contract with a school district. Every driver, his employees, and every person employed under contract by a school district shall be subject to said regulations. (Apr. 26, 1937, c. 464, §82.)

2720-232. Shall not hitch behind motor vehicles.—No person shall hitch a toboggan, hand sled, bicycle or other similar device onto any motor vehicle, street car or trackless trolley car while being used on a highway. (Apr. 26, 1937, c. 464, §83.)

Similar provisions of former law, see §2720-28.

ARTICLE XV
EQUIPMENT

2720-233. Certain vehicles forbidden on highway.—(a) It is a misdemeanor for any person to drive or permit to be driven upon any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this act, or which is equipped in any manner in violation of this act, or for any person to do any act forbidden or fail to perform any act required under this act.

(b) The provisions of this act with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable. (Apr. 26, 1937, c. 464, §§84; Apr. 22, 1939, c. 430, §16.)

2720-234. Vehicle lights.—(a) Every vehicle upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise and at other times when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to period of time and to vehicles as hereinafter stated.

(b) Whenever requirement is hereinafter declared as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the time stated in subdivision (a) of this section upon a straight level unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated and unless otherwise specified the location of lamps and devices shall refer to the centers of such lamps or devices. (Apr. 26, 1937, c. 464, §84.)

2720-235. Head-lights.—(a) Every motor vehicle other than a motorcycle shall be equipped with two head lamps, no more, no less, one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this article.

(b) Every motorcycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this article. (Apr. 26, 1937, c. 464, §85.)

Similar provisions of former law and annotations, see §2720-48.

Where defendant testified that his lights would reveal an object 100 feet ahead, the car was not in a position of opportunity to add to this distance but did not do so; it was proper to permit jury to determine whether his lights conformed to statutory standard and whether their failure to do so had causal connection with his failure to see plaintiff's car. Carlson v. P., 284 N.W. 847. See Dun's Dig. 4167b.

2720-236. Rear-lights.—(a) Every motor vehicle and every vehicle which is being drawn at the end of a train of vehicles shall be equipped with a lighted red rear lamp, exhibiting a red light plainly visible from a distance of 500 feet to the rear. On and after January 1, 1938, no person shall sell or operate any new motor vehicle, trailer or semi-trailer unless the rear lamp thereon shall be mounted and located on

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§2720-237. Must be equipped within sixty days.—Within 60 days after the effective date of this act every motor vehicle or motor drawn vehicle designed or used for the transportation of passengers, or for the transportation of property, or for the transportation of property, shall be equipped with four clearance lamps, two located on the front at opposite sides and not more than 6 inches from the extreme outer edge of the vehicle, and two located on the rear on opposite sides not more than 6 inches from the extreme outer edge of the vehicle or load, displaying a red light visible from a distance of 500 feet to the rear of the vehicle. The front clearance lamps shall be located at a height of not less than 24 inches above the head lamp centers. The rear clearance lamps shall be in addition to the rear lamp hereinbefore required.

2. Every such vehicle or combination of such vehicles which exceeds 30 feet in overall length shall be equipped with at least four side marker lamps, one on each side near the front and one on each side of the vehicle, except that local authorities may provide by local parking regulations upon a highway where there is sufficient light to clearly reveal any person or object within a distance of 500 feet upon such highway. Any lighted head lamps upon a parked vehicle shall be depressed or dimmed. (Apr. 26, 1937, c. 464, §6.)

Similar provisions of former law and annotations, see §2720-48.

Exclusion of evidence as to condition of tail light of truck following accident was not prejudicial where it was unlikely that jury attributed any importance to evidence indicating that a large woman was standing back of a vehicle at a time of accident. K., 285 N.W. 881. See Dun. Dig. 4167c.

Contribution negligence of motorist crashing into rear of unlighted truck temporarily parked on pavement held for jury, in view of blending of truck with surrounding objects. F. 2d, 76 O. 420.


§2720-238. Lights and flags at end of load.—Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times when lighted lamps on vehicles are required in this act, a red light or lantern plainly visible from a distance of at least 500 feet to the sides and rear of the load. The light or lantern required under this section shall be in addition to the rear light required upon every vehicle. At any time when no lights are required there shall be displayed at the extreme rear end of such load a red flag or cloth not less than 16 inches square. (Apr. 26, 1937, c. 464, §8.)

Similar provisions of former law, see §2720-36.

§2720-239. Lights for parked vehicles.—Whenever a vehicle is parked or stopped upon a highway or shoulder adjacent thereto, whether attended or unattended during the times when lighted lamps on vehicles are required in this act, such vehicle shall be equipped with one or more lamps located near the extreme outer edge of the vehicle which shall exhibit a white light on the roadway side visible from a distance of 500 feet to the front of such vehicle and a red light visible from a distance of 500 feet to the rear, except that local authorities may provide by ordinance that no lights need be displayed upon any such vehicle when stopped or parked in accordance with local parking regulations upon a highway where there is sufficient light to clearly reveal any person or object within a distance of 500 feet upon such highway. Any lighted head lamps upon a parked vehicle shall be depressed or dimmed. (Apr. 26, 1937, c. 464, §89.)

Similar provisions of former law and annotations, see §2720-54.

§2720-240. Bicycles must have lights.—Every bicycle shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of 500 feet to the rear, except that an approved reflector meeting the minimum requirements of this act may be used in lieu of a rear lamp. (Apr. 26, 1937, c. 464, §90; Apr. 22, 1939, c. 430, §17.)

Similar provisions of former law and annotations, see §2720-36.

§2720-241. Horse drawn vehicles must have lights.—All vehicles, including animal-drawn vehicles and including those specifically excepted in this article with respect to equipment and not hereinafter specifically required to be equipped with lamps, shall at the times when lighted lamps on vehicles are required in this act be equipped with one or more lighted lamps or lanterns projecting a white light visible from a distance of 500 feet to the front and to the rear, mounted on the roadway side of the vehicle. Approved reflectors meeting the maximum requirements of this act may be used in lieu of the lights required in this section. (Apr. 26, 1937, c. 464, §91.)

§2720-242. May have spot lights.—(a) Any motor vehicle may be equipped with not to exceed two spot lamps and every lighted lamp thereon shall be aimed and used upon approaching another vehicle that no part of the high intensity portion of the beam will be directed on the road surface to the left of the center of the vehicle or more than 500 feet ahead of the vehicle upon which said lamps are mounted.

(b) Any motor vehicle may be equipped with not to exceed three auxiliary driving lamps mounted on the front at a height of not more than 42 inches nor less than 12 inches above the head level surface upon
which the vehicle stands, and every such auxiliary driving lamp or lamps shall meet the requirements and specifications set forth in this article. (Apr. 26, 1937, c. 464, §92.)

Similar provisions of former law, see §2720-49.

**2720-248. Certain lights prohibited after January 1, 1938.**—Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to January 1, 1938, in lieu of multiple-beam road lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

1. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet. (Apr. 25, 1937, c. 464, §88.)

**2720-249. Number of lights.**—(a) At all times when lighted lamps on vehicles are required in this act, at least two lighted head lamps shall be displayed one on each side at the front of every motor vehicle other than a motorcycle, provided that under adverse weather conditions two lighted auxiliary lamps one on each side at the front of the vehicle may be used in lieu of the head lamps, except when such vehicle is parked subject to the regulations governing lights on parked vehicles. (Apr. 26, 1937, c. 464, §§99; Apr. 22, 1939, c. 430, §18.)

(b) Whenever a motor vehicle equipped with head lamps as herein required is so equipped with any auxiliary lamps, spot lamps or any other lamps on the front thereof projecting a beam of intensity greater than 300 candle power, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

(c) The maximum beam candle power from any combination of lamps used at any time for road
lighting shall not exceed that authorized by the commissioner. (Apr. 26, 1937, c. 464, §99.)

2720-250. Certain lights prohibited.—(a) Any lighted lamp or illuminating device upon a motor vehicle other than head lamps, spot lamps or auxiliary driving lamps which projects a beam of light or any colored light other than those required or permitted in this act, except as herein authorized emergency vehicles or road machinery. Emergency vehicles shall be equipped with not less than two red lights to the front thereof which shall be lighted when on emergency trips but which shall not be lighted when using the highways at other times.

(b) No vehicle shall be equipped, nor shall any person drive or move any vehicle or equipment upon any highway with any lamp or device displaying a red light or any colored light other than those required or permitted in this act unless otherwise authorized by the commissioner. This section shall not apply to approved devices sold since the notification following the hearing being replaced with devices that do comply with the requirements of this act. The commissioner may refuse to renew the certificate of approval for such device upon such re-test fails to meet the requirements of this act, the commissioner may refuse to renew the certificate of approval for such device. (Apr. 26, 1937, c. 464, §104.)

2720-252. Commissioner must approve lighting apparatus.—(a) No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a vehicle, trailer or semi-trailer any lamp or device approved by him, together with instructions as to the permissible candle power rating of the bulbs which he has determined for use therein and such other instructions as to adjustment as the commissioner may deem necessary. (Apr. 26, 1937, c. 464, §109.)

2720-254. Commissioner may hold hearings.—When the commissioner has reason to believe that an approved device as being sold commercially does not comply with the requirements of this act, he may, after giving 30 days' previous notice to the person holding the certificate of approval for such device in this state, conduct a hearing upon the question of compliance of said approved device. After said hearing the commissioner shall determine whether said approved device meets the requirements of this act. If said device does not meet the requirements of this act he shall give notice to the person holding the certificate of approval for such device in this state. If at the expiration of 90 days after such notice the person holding the certificate of approval for such device has failed to satisfy the commissioner that said approved device as being sold commercially does not comply with the requirements of this act, the commissioner shall suspend or revoke the approval issued therefor until unless such device is resubmitted to and re-tested by an authorized testing agency and is found to meet the requirements of this act, and may require that all said devices sold since the notification following the hearing be replaced with devices that do comply with the requirements of this act. The commissioner may at the time of the re-test purchase in the open market and submit to the testing agency any one of such approved devices, and if such device upon such re-test fails to meet the requirements of this act, the commissioner may refuse to renew the certificate of approval of such device. (Apr. 26, 1937, c. 464, §104.)

2720-255. Brakes.—1. Every motor vehicle, other than a motorcycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If because of the means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

2. Every motorcycle, and bicycle with motor attached, when operated upon a highway shall be equipped with at least one brake, which may be operated by hand or foot.

3. Every trailer, semi-trailer or other vehicle of a gross weight of 1,500 pounds or more when drawn or pulled upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle and so designed as to be applied by the driver of a towing motor vehicle from its cab, excepting trailers owned by farmers when transporting agricultural products produced on the owner's farm or supplies back to the farm of the owner of the trailer. and except custom service vehicles drawn by motor vehicles equipped with brakes capable of stopping both vehicles within that distance required by law for vehicles equipped with wheel brakes, and except trailers or semi-trailers when used, by retail dealers, delivering implements of husbandry, providing the gross weight of such trailer or semi-trailer when drawn by a pleasure vehicle shall not exceed 3,000 pounds or when drawn by a tractor shall not exceed 6,000 pounds. (Apr. 26, 1937, c. 464, §105; July 14, 1937, Sp. Sess., c. 38, §2; Apr. 22, 1933, c. 450, §19.)
4. Every new motor vehicle trailer, or semi-trailer heretofore sold in this state and operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle, except any motorcycle and except that any semi-trailer of less than 1,000 pounds gross weight need not be equipped with brakes; provided that a third wheel, of a swivel type, on a house trailer need not be equipped with brakes. (Apr. 26, 1937, c. 464, §105; July 14, 1937, Sp. Ses., c. 38, §2.)

Similar provisions of former law, see §2720-43.

2720-256. Same.—1. The service brakes upon any motor vehicle or combination of vehicles shall be adequate to stop such vehicle or vehicles within a distance of 55 feet and said hand brake shall be adequate to hold such vehicle or vehicles stationary on any grade upon which operated. (As amended July 14, 1937, Sp. Ses., c. 38, §1.)

2. Under the above conditions the hand brake shall be adequate to stop such vehicle or vehicles within a distance of 40 feet and the hand brake adequate to stop the vehicle within a distance of 55 feet.

3. Under the above conditions the service brakes upon a motor vehicle equipped with two-wheel brakes only, and when permitted hereunder, shall be adequate to stop the vehicle within a distance of 40 feet and the hand brake adequate to stop the vehicle within a distance of 55 feet.

4. All braking distances specified in this section shall apply to all vehicles mentioned, whether such vehicles are not loaded or are loaded to the maximum capacity permitted under this act.

All brakes shall be maintained in good working order and shall be so adjusted as to operate as evenly as practicable with respect to the wheels on opposite sides of the vehicle. (Apr. 26, 1937, c. 464, §106.)

2720-257. Horns.—(a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 500 feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation, give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(b) The horn shall be so constructed as to be controlled or operated by the driver of the vehicle.

(c) No person shall drive any motor vehicle with the window covered with steam or frost to such an extent as to obscure proper vision or with any sign, poster or other non-transparent material upon the front windshield, side-wings, side or rear windows of such vehicle other than certificate or other paper required to be so displayed by law.

(d) The same provisions of former law and annotations, see §2720-44.

2720-260. Windshields.—(a) Every motor vehicle, trailer, or semi-trailer having any metal tire in contact with the roadway, except in case of emergency.

(b) No person shall open or move on any highway any motor vehicle, trailer, or semi-trailer having any metal tire in contact with the roadway, except in case of emergency.

(c) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway, and except also that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of any other conditions tending to cause a vehicle to skid.

(d) The Commissioner and local authorities in their respective jurisdictions may, in their discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this act. (Apr. 26, 1937, c. 464, §111.)

Similar provisions of former law, see §2720-41.

2720-262. Bumpers and reflectors.—All motor vehicles shall be equipped with front and rear bumpers or with front bumpers and with rear reflectors as herein provided and all trailers and semi-trailers weighing more than 1,500 pounds shall be equipped with rear bumpers or with rear reflectors as herein provided. Such bumpers shall be securely attached to the frame thereof, and shall extend beyond the extreme front and rear points respectively of such vehicles. The center point of such bumpers shall be not more than 20 inches nor less than 14 inches from the ground when the vehicle is unloaded, provided that two rigid cross-bars may be attached to any bumper to extend it so that it will reach into a point within the required height from the ground. (Apr. 26, 1937, c. 464, §§112; Apr. 22, 1939, c. 430, §22.)
2720-263. Safety glass required.—(a) On and after six months from the adoption of this act no person shall sell any new motor vehicle nor shall any new motor vehicle be registered thereafter which is designated or used for the purpose of transporting passengers for compensation or as a school bus unless such vehicle is equipped with safety glass wherever glass is used in doors, windows, and windshields.

(b) On and after one year from the adoption of this act no person shall sell any new motor vehicle nor shall any new motor vehicle be registered thereafter unless such vehicle is equipped with safety glass wherever glass is used in doors, windows, and windshields.

(c) The term "safety glass" shall mean any product composed of glass, or other material as may be approved by the commissioner, so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken.

(d) All glass replacements in doors, windows, windshield partitions, or partitions of motor vehicles on or after one year from the adoption of this act shall be made with materials meeting the requirements of this act for safety glass if glass is used thereafter. (Apr. 26, 1937, c. 464, §113.)

2720-204. Certain vehicles to have at least three lights.—(a) No person shall operate any bus, truck, or tractor except farm tractors upon a highway outside of a business or residence district at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicle a sufficient number of flares, not less than three, or electric lanterns capable of producing a light and shall be displayed upon the roadway when driving and flying of the glass when struck or broken.

(b) On and after one year from the adoption of this act, no person shall operate any bus, truck, or tractor except farm tractors upon a highway outside of a business or residence district at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicle a sufficient number of flares, not less than three, or electric lanterns capable of producing a light and shall be displayed upon the roadway when driving.

(c) Every such flare, lantern, signal, or reflector shall be of a type approved by the commissioner and he shall publish lists of those devices which he has approved as adequate for the purposes of this section. (Apr. 26, 1937, c. 464, §114; Apr. 22, 1939, c. 430, §23.)

(d) Whenever any motor truck or tractor or bus is disabled during the period when lighted lamps must be displayed on vehicles and such motor truck cannot immediately be removed from the main traveled portion of a highway outside of a business district, the driver or other person in charge of such vehicle shall cause such flares, lanterns, or other signals to be lighted and placed as warning lights upon the highway, one at a distance of approximately 100 feet for a period of at least 12 hours, except that a motor vehicle transporting flammables may carry reflectors in place of the other signals above mentioned.

Every such flare, lantern, signal, or reflector shall be of a type approved by the commissioner and he shall publish lists of those devices which he has approved as adequate for the purposes of this section. (Apr. 26, 1937, c. 464, §114; Apr. 22, 1939, c. 430, §23.)

(e) Said vehicle shall be marked or placarded on the rear lamp of such motor vehicle in the lower right hand corner of such lamp with the words "Flares" or "Lanterns" and shall be displayed on vehicles and such motor vehicle cannot be driven on a roadway unless it carries flares or lanterns or other signals capable of continuously producing three warning lights each visible from a distance of at least 500 feet for a period of at least 12 hours, except that a motor vehicle transporting flammables may carry reflectors in place of the other signals above mentioned.

(f) The driver or person in charge of such vehicle shall cause such flares, lanterns, or other signals to be lighted and placed as warning lights upon the highway, one at a distance of approximately 100 feet for a period of at least 12 hours, except that a motor vehicle transporting flammables may carry reflectors in place of the other signals above mentioned.

Every such flare, lantern, signal, or reflector shall be of a type approved by the commissioner and he shall publish lists of those devices which he has approved as adequate for the purposes of this section. (Apr. 26, 1937, c. 464, §114; Apr. 22, 1939, c. 430, §23.)

2720-205. Certain vehicles to have at least three lights.—(a) No person shall operate any bus, truck, or tractor except farm tractors upon a highway outside of a business or residence district at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicle a sufficient number of flares, not less than three, or electric lanterns capable of producing a light and shall be displayed upon the roadway when driving.

(b) On and after one year from the adoption of this act, no person shall operate any bus, truck, or tractor except farm tractors upon a highway outside of a business or residence district at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicle a sufficient number of flares, not less than three, or electric lanterns capable of producing a light and shall be displayed upon the roadway when driving.

(c) Every such flare, lantern, signal, or reflector shall be of a type approved by the commissioner and he shall publish lists of those devices which he has approved as adequate for the purposes of this section. (Apr. 26, 1937, c. 464, §114.)

2720-206. Adjusting headlights.—(a) The commissioner is hereby authorized and directed to prescribe, furnish instructions to and to supervise official stations for adjusting head lamps and auxiliary driving lamps to conform with the provisions of this act. When head lamps and auxiliary driving lamps have been adjusted in conformity with the instructions issued by the commissioner a certificate of adjustment shall be issued to the driver of the motor vehicle on forms issued in duplicate by the commissioner showing date of issue, registration number of the motor vehicle, owner's name, make of vehicle and official designation of the adjusting station.

(b) The driver of any motor vehicle equipped with approved head lamps, auxiliary driving lamps, rear lamps or signal lamps, who is arrested upon a charge that such lamps are improperly adjusted or are equipped with bulbs of a candlepower not approved for use therewith, shall be allowed 48 hours within which to bring such lamps into conformance with requirements of this act. It shall be a defense to any such charge that the person arrested produce in court or submit to the prosecuting attorney a certificate from an official adjusting station showing that within 48 hours after such arrest, such lamps have been made to conform with the requirements of this act. (Apr. 26, 1937, c. 464, §115.)

2720-207. Motor vehicle testing stations.—Every municipality in the state, regardless of how organized, having the power to operate and maintain motor vehicle testing stations for the purpose of testing and inspecting motor vehicles using the public streets of any such municipality, to finance and pay for the same out of the proceeds of the collection of fees charged for such inspection. Any municipality may pass and by proper penalties enforce ordinances for said purpose and by such ordinances:

(a) Require the attendance of such motor vehicles at such testing station for the purpose of inspection, at such time as shall be deemed reasonable after due notice thereof shall have first been given to the owner of such motor vehicle or his agent; provided that any owner of five or more commercial vehicles having testing equipment and facilities meeting the requirements of the municipality may be exempted from the requirement of attendance at such testing station.

(b) Require the payment of inspection fees, but such fees shall not exceed the amount of 50 cents for any one inspection or one dollar for any one year.

(c) Provide for the issuance of an inspection certificate, but such certificate shall not be issued to any owner of any vehicle of a type and number approved by the commissioner, filled and ready for immediate use and placed at a convenient point on the vehicle so used.

(d) The commissioner is hereby authorized and directed to promulgate such additional regulations governing the transportation of explosives and other dangerous articles by vehicles upon the highways as he shall deem advisable for the protection of the public. (Apr. 26, 1937, c. 464, §116.)

Similar provisions of former law, see §2720-53. CH. 13—ROADS
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(e) Prohibit the operation on the public streets of any motor vehicle which shall not have been submitted for inspection within a reasonable time after notice of such required inspection shall have been given to the owner of such motor vehicle or to the person operating any motor vehicle which shall be found to be in a faulty or unsafe condition or in violation of any city ordinance or state law, and now having a proper inspection certificate properly displayed.

No inspection as herein provided shall be required of any owner of a vehicle who is not a resident of the municipality operating and maintaining said motor vehicle testing station.

In making any such inspection or tests, no additional or different mechanical requirements than those provided for by the state law shall be imposed upon or against a motor vehicle or the owner thereof, or his agent, in order to entitle such vehicle to an inspection certificate, but no such certificate shall be issued or attached to any vehicle until and unless such vehicle shall, upon such inspection, be found to comply with the terms of the state law. (Apr. 26, 1937, c. 464, §117.)


2720-208. Vehicles must be registered.—No person shall operate or drive a motor vehicle on any highway unless such vehicle shall have been registered in accordance with the laws of this state and shall have the number plates for the current year only, as signed to it by the registrar of motor vehicles, conspicuously displayed thereon in such manner that the view thereof shall not be obstructed. If the vehicle be a motorcycle, motorcycle side-car, trailer, or semi-trailer, one such plate shall be displayed on the rear thereof, if it be any other kind of motor vehicle, one plate thereof, if it be any other kind of motor vehicle, one such plate shall be displayed on the front and one on the rear thereof; securely fastened so as to prevent pieces slipping out on either side and so as to be plainly visible at all times. (Apr. 26, 1937, c. 464, §118.)

Former law, see §2720-6.

2720-209. Size, weight and load. (a) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this article or otherwise in violation of this article, and the maximum size and weight of vehicles herein specified shall be lawful throughout this state, and local authorities shall have no power or authority to alter said limitations except as express authority may be granted in this article.

(b) The provisions of this article governing size, weight, and load shall not apply to fire apparatus, or to implements of husbandry temporarily moved upon a highway, or to loads of loose hay or corn stalks if transported by a horse-drawn vehicle or drawn by a farm tractor to a vehicle operated under the terms of a special permit issued as herein provided. (Act Apr. 26, 1937, c. 464, §119; July 14, 1937, Sp. Ses., c. 46, §1, Feb. 18, 1939, c. 23, §1.)

Sec. 2720-210, cited, provides that the act shall take effect from its passage.

2720-270. Width of vehicle or load.—(a) The total outside width of any vehicle or the load thereon shall not exceed eight feet except that the outside width of a farm tractor shall not exceed nine feet and except as otherwise provided in this section.

(b) The total outside width of a trackless trolley car or passenger motor bus, operated exclusively in any city or village, or contiguous cities or villages, in this state shall not exceed nine feet.

(c) The total outside width of loads of forest products when loaded on the axles or wheels shall not exceed 480 inches, provided the load is securely bound with a chain attached to front and rear of the loading platform of the vehicle and the sides of each load are covered with woven wire securely fastened at front and rear so as to prevent pieces slipping on either side to hold the load securely in place. (Apr. 26, 1937, c. 464, §120; Feb. 18, 1939, c. 23, §2; Apr. 22, 1939, c. 430, §24.)

Subdivision (c) was added by Act Feb. 18, 1939, cited. Similar provisions of former law and annotations, see §2720-35.

2720-271. Load on passenger vehicles.—No passenger-type vehicle shall be operated on any highway with any load carried therein extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof. (Apr. 26, 1937, c. 464, §121.)

Similar provisions of former law and annotations, see §2720-35.

2720-272. Height and length of vehicle and load. (a) No vehicle unladen or with load shall exceed a height of 12 feet six inches.

(b) No vehicle shall exceed a length of 40 feet exclusive of dimensions of fixed equipment including fenders, bumpers, except that the governing body of any city or village is hereby authorized by ordinance to provide for the maximum length of any motor vehicle, or combination of motor vehicles, or the number of vehicles that may be fastened together, and which may be operated upon the streets or highways of said city, and provided, however, that such ordinance shall not prescribe a length less than that permitted by state law. Any such motor vehicle operated in compliance with such ordinance on the streets or highways of such city shall not be deemed to be in violation of this act. A truck tractor and semi-trailer shall be regarded as one vehicle for the purposes of determining lawful length.

(c) No combination of vehicles coupled together shall consist of more than two units and no such combination of vehicles shall exceed a total length of 40 feet, provided that this limitation shall not apply to the transportation of telegraph poles, telephone poles, electric light and power poles or piling, and subject to the following further exceptions: Said length limitations shall not apply to vehicles when transporting pipe, or any vehicle by a public utility when required for emergency or repair of public service facilities or when operated under special permit as provided in this act, but in respect to night transportation every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps and marker lamps on both sides and upon the extreme ends of any projecting load to clearly mark the dimensions of such load. (Apr. 26, 1937, c. 464, §122; Apr. 22, 1939, c. 430, §25.)

(d) The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than three feet beyond the front wheels of such vehicle or the front bumper of such vehicle if it is equipped with such a bumper. (Apr. 26, 1937, c. 464, §122.)

Similar provisions of former law and annotations, see §2720-240 and 2720-422.

Editorial note.—The title of Act Apr. 22, 1939, cited, omits this section from the enumeration of sections to be amended.

Contributory negligence of a ten year old girl catching on tongue of horse was not actionable. Conserv. Farms v. 303 N.E. 1, 1941 Ill. App. 403a-1. (Dec. 14, 1937, cited, provides that the act shall take effect from its passage.

2720-273. Loading of vehicles.—No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of
its load from dropping, sitting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining such roadway. (Apr. 26, 1937, c. 464, §129.)

2720-274. Weight of trailers. (a) The unladen weight of any trailer other than a house trailer shall not exceed 2,000 pounds nor shall the gross weight of any house trailer, or any other trailer, including the weight of the trailer and the load, exceed 6,000 pounds, except when operated under special permit as provided in this act.

(b) When one vehicle is to anther the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby and said drawbar or other connection shall not exceed 15 feet from one vehicle to the other except the connection between any two vehicles transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered.

(c) When one vehicle is towing another and the connection consists of a chain, rope, or cable, there shall be displayed upon such connection a white flag or cloth not less than 12 inches square.

(d) Every trailer or semi-trailer shall be hitched to the motor vehicle furnishing the tractive power for it by a device approved by the commissioner as safe. (Apr. 26, 1937, c. 464, §124; Apr. 22, 1939, c. 430, §26.)

Similar provisions of former law and annotations, see §2720-42.

2720-275. Limit of weight upon vehicles. The gross weight upon any wheel or axle of a vehicle shall not exceed the following:

1. No vehicle equipped with pneumatic tires and with axles spaced eight feet or more apart, 9,000 pounds on a wheel or 18,000 pounds on an axle.

2. No vehicle equipped with pneumatic tires and with axles spaced less than 8 feet apart and driven or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this act.

3. When a vehicle is equipped with solid rubber or cushion tires, 60 per cent of the weight permitted for wheels on vehicles equipped with pneumatic tires.

4. The provisions of this section shall not apply to vehicles operated exclusively in any city or village, or contiguous cities or villages in this state. (Apr. 26, 1937, c. 464, §125.)

2720-276. Limit of load over bridges. Subject to the limitations upon wheel and axle loads prescribed in this act, the gross weight of any vehicle or combination of vehicles driven onto or over a bridge on any highway shall not exceed the safe capacity of said bridge, as may be indicated by warning posted on said bridge. (Apr. 26, 1937, c. 464, §126.)

2720-277. Weighing vehicles. (a) Any police officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same either by means of portable or stationary scales and may require that such vehicle be driven to the nearest public scales in the event such scales are within two miles.

(b) Whenever an officer upon weighing a vehicle and load, as above provided, determines that the weight is unlawful, such officer may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under this act. All material so unloaded shall be cared for by the owner or driver of such vehicle at the risk of such owner or driver.

(c) Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this act, shall be guilty of a misdemeanor. (Apr. 26, 1937, c. 464, §127.)

Similar provisions of former law, see §2720-38.

2720-278. Special permits for moving vehicles. (a) The commissioner with respect to highways under his jurisdiction and local authorities with respect to highways under their jurisdiction may, in their discretion, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this act or otherwise not in conformity with the provisions of this act upon any highway under the jurisdiction of the party granting such permit and for the maintenance of which said party is responsible.

(b) The application for any such permit shall specifically describe the vehicle or vehicles and load to be moved and the particular highways for which permit to so use is requested, and the time of the trip for which such permit is requested.

(c) The commissioner or local authority is authorized to issue or withhold such permit at his discretion; or, if such permit is issued, to limit or prescribe conditions of operation of such vehicle or vehicles, which necessary to assure against undue damage to the road foundations, surfaces or structures, and any such conditions or restrictions as the commissioner or local authority may deem necessary to compensate for any injury to any roadway or road structure.

(d) Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit, and no person shall violate any of the terms or conditions of such special permit. (Apr. 26, 1937, c. 464, §128.)

Similar provisions of former law and annotations, see §2720-37 and 2720-39.

2720-279. Restrictions on loads during certain seasons. (a) Local authorities with respect to highways under their jurisdiction may also, by ordinance, prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, whenever any said highway by reason of deterioration, which season or other abnormal conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

(b) The local authority enacting any such prohibition or restriction shall erect or cause to be erected and maintained signs plainly indicating the prohibition or restriction at each end of that portion of any highway affected thereby, and the prohibition or restriction shall not be effective unless and until such signs are erected and maintained.

(c) Municipalities with respect to highways under their jurisdiction may also, by ordinance, prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the weight thereof, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

(d) The commissioner shall likewise have authority by rule promulgate to local authorities to determine and to impose prohibitions or restrictions as to the weight of vehicles operated upon any highway under the jurisdiction of said commissioner, and such restrictions shall be effective when signs therefor are erected upon the highway or portion of any highway affected by such action. (Apr. 26, 1937, c. 464, §129.)

Similar provisions of former law and annotations, see §2720-40.
2720-280. Shall be liable for damages.—(a) Any person driving any vehicle, object, or contrivance upon any highway or highway structure shall be liable for all damage which said highway or structure may sustain as a result of any illegal operation, driving, or moving of such vehicle, object, or contrivance, or as a result of operation, driving or moving any vehicle, object, or contrivance weighing in excess of the maximum weight in this act but authorised by a special permit issued as provided in this article.

(b) Whenever such driver is not the owner of such vehicle, object, or contrivance, but is so operating, driving, or moving the same with the express or implied permission of said owner, then said owner and driver shall be jointly and severally liable for any such damage.

(c) Such damage may be recovered in a civil action brought by the authorities in control of such highway or highway structure. (Apr. 26, 1937, c. 464, §130.)

ARTICLE XVII

PENALTIES

2720-281. Penalties.—(a) It is a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this state declared to be a gross misdemeanor or a felony.

(b) Every person convicted of a misdemeanor for a violation of any of the provisions of this act for which another penalty is not provided, shall be punished by a fine of not more than $100.00 or by imprisonment of not more than 90 days.

(c) Whenever a person is arrested for any violation of this act or any violation of a city or village ordinance regulating traffic, the court before whom such matter is heard shall examine the driver's record of such person from the commission before hearing or considering such matter and the expense incident to the procurement of such information shall be taxable as costs upon conviction. (Apr. 26, 1937, c. 464, §131; Apr. 22, 1939, c. 430, §27.)

Similar provisions of former law, see §2720-60.

ARTICLE XVIII

PARTIES, PROCEDURE UPON ARREST AND REPORTS IN CRIMINAL CASES

2720-283. Who may be guilty of offenses.—Every person who commits, attempts to commit, conspires to commit, aids or abets in the commission of, any act declared herein to be a crime, whether individually or in connection with one or more other persons or as principal, agent, or accessory, shall be guilty of such crime. Every person who falsely or intentionally, forcibly, or wilfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this act is likewise guilty of such offense. (Apr. 26, 1937, c. 464, §132.)

2720-284. Owner liable.—It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law. (Apr. 26, 1937, c. 464, §133.)

2720-285. Procedure upon arrest.—Whenever any person is arrested for any violation of this act punishable as a misdemeanor, the arrested person shall be immediately taken before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of such offense. (Apr. 26, 1937, c. 464, §134; Apr. 22, 1939, c. 430, §28.)

(a) A written promise to appear in court may be accepted in lieu of the person arrested from custody. (Apr. 26, 1937, c. 464, §135; Apr. 22, 1939, c. 430, §29.)

(b) The place specified in said notice to appear must be before a magistrate within the town if there be a magistrate within said town, otherwise within the county in which the offense charged is alleged to have been committed and who has jurisdiction of such offense.

(c) The arrested person in order to secure release, as provided in this section, must give his written promise to appear in court by signing in duplicate the written notice prepared by the arresting officer. The original of said notice shall be retained by said officers and the copy thereof delivered to the person arrested. Thereupon, said officer shall forthwith release the person arrested from custody. (Apr. 26, 1937, c. 464, §136; Apr. 22, 1939, c. 430, §30.)

Similar provisions of former law, see §2720-63.

2720-286. Failure to appear a misdemeanor.—(a) Any person willfully violating his written promise to appear in court, given as provided in this article, is guilty of a misdemeanor provided he is found guilty of the charge upon which he was originally arrested.

(b) A written promise to appear in court may be compiled with by an appearance by counsel. (Apr. 26, 1937, c. 464, §137.)

Similar provisions of former law, see §2720-64.

2720-287. Arrest without warrant.—The foregoing provisions of this article shall govern all police officers in making arrests without a warrant for violations of this act for offenses committed in their presence, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade. (Apr. 26, 1937, c. 464, §138.)

2720-288. Records not admissible as evidence.—No record of the conviction of any person for any violation of this act shall be admissible as evidence in any court in any civil action. (Apr. 26, 1937, c. 464, §139.)

2720-289. Conviction not to affect credibility as a witness.—The conviction of a person upon a charge of violating any provision of this act or other traffic regulation less than a felony shall not affect or impair the credibility of such person as a witness in any other civil or criminal proceeding. (Apr. 26, 1937, c. 464, §140.)

2720-290. Records of violations.—(a) Every magistrate or judge of a court not of record and every clerk of a court of record shall keep a full record of every case in which a person is charged with any violation of this act or of any other law, or city or county ordinance, regulating the operation of vehicles on highways.
Vessels Navigating Lakes and Rivers

MOTOR BOATS

2740-1. Definition. — The words "motor boat" whose used in this act shall include every vessel propelled by machinery, except tug and/or tow boats propelled by steam and operated upon any lakes or streams of this state, except lakes and streams situated in whole or in part north of the north line of township 52 as the same extends due west across the state and excepting likewise all waters constituting the boundary between the State of Minnesota and any other state. (Act Mar. 26, 1931, c. 85, §1.)

2740-2. Speed of motor boats. — No motor boat under the provisions of this chapter shall be operated at a speed greater than is reasonable and proper having due regard to the safety of other boats and persons. (Act Mar. 26, 1931, c. 85, §2.)

2740-3. Must have mufflers. — Every motor boat under the provisions of this chapter propelled by an internal combustion engine shall at all times be so equipped as to completely and effectually "muffle" and silence the sound of the explosions of such engine by diverting its exhaust under water, or otherwise. It shall be unlawful to operate any such motor boat so propelled by an internal combustion engine with the muffler or cut-out open on any navigable or public waters in this state other than international waters, waters constituting the boundary between the State of Minnesota and any other state, except while such motor boat is actually competing in a race licensed to be held pursuant to section 4 [§2740-4] hereof. (Act Mar. 26, 1931, c. 85, §3.)

2740-4. Mufflers may be open in races. — Such motor boats may be operated with mufflers or cut-outs open while actually competing in any race licensed to be held by the council or other governing body of the city, village, or town adjacent or nearest to that portion of the body of water on which such race is to be held. (Act Mar. 26, 1931, c. 88, §4.)

2740-5. Owner to report accidents. — Within 48 hours after a motor boat meets with an accident involving personal injury or loss of life, it shall be the duty of the owner or the person in charge of such motor boat to prepare a written report, setting forth the details of the casualty, which report shall be forwarded by mail or otherwise to the sheriff of the county in which the accident occurred. (Act Mar. 26, 1931, c. 85, §5.)

2740-6. Inconsistent acts repealed. — All prior acts or parts of prior acts inconsistent with the provisions of this act are hereby repealed. (Act Mar. 26, 1931, c. 88, §6.)

2740-7. Violation — penalties. — Any person who violates any section of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or imprisonment not exceeding thirty days, or both. (Act Mar. 26, 1931, c. 88, §7.)

2740-8. Effective July 1, 1931. — This act shall take effect and be in force from and after July 1st, 1931. (Act Mar. 26, 1931, c. 88, §8.)

INSPECTION AND LICENSING

2740-11. Intercounty commission: powers. — The County Boards of Commissioners of any counties, which counties are contiguous to or have within their borders an inland lake having a water area of at least 250 square miles may by joint action

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establish a Commission to be composed of the members of such county boards, which Commission shall be authorized to license and regulate boats in the manner hereinafter described. Wherever the word "Commission" is used in this act it shall mean the Commission so established. (July 16, 1937, Sp. Ses., c. 80, §1.)

County boards can set up a commission by joint action only. (34g-2, op. atty gen., feb. 3, 1938.)

2740-12. Commission to enforce act—rules and regulations. —The Commission is hereby authorized and empowered, and it shall be its duty, to carry out the provisions of this act, and it shall have the power and authority to make such rules and regulations as it may deem necessary to carry out the purposes of this act. (July 16, 1937, Sp. Ses., c. 80, §2.)

2740-13. Inspectors. —The Commission shall appoint such inspectors as may be necessary for the purposes of enforcing this act and shall fix the compensation thereof. (July 16, 1937, Sp. Ses., c. 80, §3.)

2740-14. License to operate boats. —Any person, corporation, association or partnership having in his or her possession, as owner or otherwise, any boat used in the carrying of five passengers or more for hire, or for the purpose of rental or for use by others than the owner thereof on any inland lake having a water area of at least two hundred and fifty square miles, shall, on or before the 10th day of April, 1938, and annually thereafter, procure from the Commission a license before using any such boat for the purposes herein stated. (July 16, 1937, Sp. Ses., c. 80, §4.)

Boats coming within this act must procure license from commission, though they are also examined and charged an inspection fee by the boiler inspector under 464 N. (Op. Atty. Gen., 34g-2, Feb. 3, 1938.)


2740-15. Application for license. —Before any license is issued by the Commission it shall require the applicant therefor to make and file an application, in writing, showing the number of boats owned or controlled by the applicant, the size thereof, the owner's name and address, and such other information that the Commission may require. The owner of any boat transported to any inland lake for the use of which in this act shall make application to the Commission in writing and must secure permission before such boat shall be used. All applications shall designate the lake or lakes on which said boat or boats are to be used. (July 16, 1937, Sp. Ses., c. 80, §5.)

2740-16. Rules and regulations for operation of boats. —The Commission shall make rules and regulations regulating the operation of all such boats and shall designate the number of persons that each of such boats shall be permitted to carry, and when so determined the Commission shall cause such capacity to be plainly marked on each licensed boat. Should any boat carry more than the designated number of persons, the Commission shall revoke the license issued for such boat. (July 16, 1937, Sp. Ses., c. 80, §6.)

2740-17. License fee. —The Commission shall determine the license fee and shall pay all monies received for such licenses to the county treasury and the county treasurer shall credit such monies to the "Boat Inspection Fund" for the use of the Commission in carrying out the provisions of this act. (July 16, 1937, Sp. Ses., c. 80, §7.)

2740-18. Offense. —Any person, corporation, association or partnership who shall let, lease or carry five passengers or more in any boat without first procuring a license as herein provided for, or who shall violate any rule or regulation of the Commission or any provision of this act shall be guilty of a misdemeanor. (July 16, 1937, Sp. Ses., c. 80, §8.)

2740-19. Effective date. —This act shall become effective on January 1, 1938. (July 16, 1937, Sp. Ses., c. 80, §9.)

CHAPTER 14

Education

2741. Public schools—Tuition free—Age of pupils. Interim committee to study educational situation in state. —Maximum of public school system is a matter of state and not of local concern. State v. Erickson, 190 M. 214 (1922). Dependent children placed in homes in school districts freeholders of villages may vote for increased tax. Dependent children placed in homes in school districts freeholders of villages may vote for increased tax. State v. School Dist. No. 70, 204 M. 279, 283 NW 397. Children of an orphanage have legal right to attend school without payment of tuition. State v. School Dist. No. 17, 204 M. 289, 283 NW 397. Children of an orphanage have legal right to attend school without payment of tuition. State v. School Dist. No. 17, 204 M. 289, 283 NW 397.


Board may exclude pupils for immoral conduct where such danger to morals of other pupils are endangered, but such danger to morals of other pupils are not necessarily shown. McSherry v. C., 202 M. 102, 277 NW 541. See Dun. Dig. 1656.


School districts are governmental agencies established by legislative authority to perform duties of educating children, and legislature may clothe them with such powers as it deems wise and regulate manner of exercise thereof. State v. School Dist. No. 17, 204 M. 289, 283 NW 397. See Dun. Dig. 1656.

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2743. Formation of districts. Corporate organization of certain special school districts in cities of fourth class under home rule charters and bonds issued thereby legalized. Laws 1939, c. 98. Where independent school district sells all school buildings located in village within district, freeholders of village a district separate from the independent district, and no vote of electors of independent district is necessary. Op. Atty. Gen. (180d-3), Sept. 7, 1934.

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2747. Appeal from order. Determination of board in granting or rejecting petition will not be disturbed by the courts unless based...