

CHAPTER 259—H. F. No. 781.

In Act to license and define the road regulations of motor and other vehicles and appropriating money therefor.

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

Definitions.—Section 1. The term “motor vehicle” as used in this act, except where otherwise expressly provided, shall include all vehicles propelled by any other than muscular power, except traction engines, road rollers, fire wagons and engines, police patrol wagons, ambulances, and such vehicles as run only upon rails or tracks.

The term “Local Authorities” shall include all officials of counties, cities, towns or villages.

The term “Chauffeur” shall mean any person operating a motor vehicle for hire, or as the employe of the owner thereof, and will include all persons who receive compensation for services in connection with motor cars, whether directly or indirectly.

The term “State” as used in this act, except where otherwise provided, shall also include the territories and the federal districts of the United States.

The term “owner” shall also include 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 thirty days.

The term “public highway” shall include any highway, town road, county road, state road, public street, avenue, alley, park, parkway, or public place in any county, city, town or village, except any speedway which may have been or may be expressly set apart by law for the exclusive use of horses and light carriages.

Registration of motor vehicles.—Sec. 2. Every owner of a motor vehicle which shall be operated or driven upon the public highways of this state, for each motor vehicle owned, except as herein otherwise provided, shall cause to be filed, by mail or otherwise, in the office of the secretary of state, a verified application for registration on a blank to be furnished by the secretary of state for that purpose, containing:

(1) A brief description of the motor vehicle to be registered including the name of the manufacturer, the factory number and model, if such number or model there be.

(2) The name, residence and business address of the owner of such motor vehicle and the name of the county in which he resides: *provided*, that if such motor vehicle is used solely for commercial purposes the applicant shall so certify and also state the business in connection with which such vehicle is so used or to be used.

Sale and registration of vendee.—Sec. 3. Upon the sale of a motor vehicle registered in accordance with this section, the vendee shall, within ten days after the date of such sale, notify the secretary of state of the same upon a blank furnished him for that purpose, stating the name and business address of the previous owner, if known, the number under which such vehicle is registered and the name, residence and business address of such vendee.

Upon filing such statement such vendee shall pay to the secretary of state a fee of one dollar; and upon receipt of such statement and fee the secretary of state shall file such statement in his office and note in the registration book or index such change in ownership.

Registration book.—Sec. 4. Upon receipt of an application for registration of a motor vehicle or vehicles as provided in section two and in section eleven of this act, the secretary of state shall file such application in his office and register such motor vehicle, or vehicles with the name and residence and business address of the owner, manufacturer or dealer as the case may be, together with the facts stated in such application in a book or index to be kept for that purpose, under the distinctive number assigned to such motor vehicle by the secretary of state, which book or index shall be open to inspection during reasonable business hours.

Certificate of registration.—Sec. 5. Upon the filing of such application and the payment of the fee provided in section seven, the secretary of state shall assign to such motor vehicle a distinctive number, and without other fee, issue and deliver to the owner a set of two (2) tags of registration, upon each of which shall be displayed the distinctive number assigned in the form and size provided in section ten, which shall be evidence of payment of license fee of such registration.

In the event of the loss, mutilation or destruction of a certificate of registration, the owner of a registered motor vehicle may obtain from the secretary of state an affidavit showing the fact and the payment of a fee of one dollar for each set of duplicates.

Re-registration annually.—Sec. 6. Such registration shall be renewed annually, and upon the payment of the same fee as provided in this act for original registration, such renewal to take effect on the first day of January of each year.

Registration fees.—Sec. 7. A fee of one and 50-100 (\$1.50) dollars shall be paid to the secretary of state upon the registration or re-registration of a motor vehicle in accordance with the provisions of this act.

Distinctive number must be carried on motor vehicles.—Sec. 8. No person shall operate or drive a motor vehicle on the public highways of this state after thirty days after this act takes effect, unless such vehicle shall have been registered in accordance with this act and shall have the tag of registration assigned to it by the secretary of state conspicuously displayed on the rear of such vehicle, securely fastened.

No person shall display on such vehicle at the same time any number assigned to it under any other motor vehicle law or ordinance.

Color of number plate to be changed annually.—Sec. 9. Such certificate shall be of a distinctly different color or shade each year, there being at all times a marked contrast between the color of the number plate and that of the numerals or letters thereon.

Form of certificate.—Sec. 10. Such certificate of registration shall be substantially of the following size and form, namely:

A plate or placard of metal or enamel with metal letters eight and one-half inches in length and five inches in width for one or two numerals; ten inches in length and five inches in width for three numerals; twelve inches in length and five inches in width for four or more numerals; on the left end of this plate with letters running vertically from the top, there shall be the four letters, "MINN.," each letter of which shall be approximately one inch in length, and on the right end, arranged in the same manner and of the same size, there shall be the four numerals of the year in which the license is issued; and on the body of such plate there shall be the distinctive numbers assigned to the vehicle in numerals four inches long, each stroke of which shall be at least one-half inch in width; *provided*, that motor cycles shall be assigned tags three inches in width and of a height to permit numerals to be placed vertically; across the top of this tag with letters running horizontally there shall be the four letters, "MINN.," and across the bottom, arranged in the same manner, there shall be the four numerals of the year in which the license is issued; except that the letters shall be in proportionate size to the small plate; *provided, further*, that in the case of a motor vehicle registered under section eleven of this act, there shall be, in addition to the foregoing, the letter "M" preceding the numeral or numerals for the manufacturer of vehicles and the letter "D" preceding the numeral or numerals for the dealer in vehicles.

The letter in this instance to be approximately three and one-half inches in length and four inches in width, and to be added to the length of the registration certificates heretofore specified.

Provided, further, that the owner, in lieu of such registration tag, may use a tail lamp with the registration number, the word "Minn." and the numerals of the year, displayed in the lens, the registration numerals to be of the size displayed above.

Registration by manufacturers and dealers.—Sec. 11. Every person, firm, association or corporation manufacturing or dealing in motor vehicles may, instead of registering each motor vehicle so manufactured or dealt in, make a verified application upon a blank to be furnished by the secretary of state for a general distinctive number for all motor vehicles owned or controlled by such manufacturer or dealer, such application to contain:

(1) A brief description of each style or type or vehicle manufactured or dealt in by such manufacturer or dealer and,

(2) The name, residence and business address of such manufacturer or dealer.

On the payment of a registration fee of ten dollars such application shall be filed and registered in the office of the secretary of state in the manner provided in section 2 of this act.

There shall thereupon be assigned and issued to such manufacturer or dealer a general distinctive number and duplicate tags of registration in the manner provided by section 2, which shall be in the form of plates as provided in section ten, duplicates of which shall be carried or displayed by every motor vehicle of such manufacturer or dealer so registered when the same is driven or operated on the public highways.

Such manufacturer or dealer may obtain as many duplicate sets of such tags of registration as may be desired upon payment to the secretary of state of one dollar for each such duplicate.

Brakes, horns, lamps, et cetera.—Sec. 12. Every motor vehicle operated upon the public highways of this state, shall be provided with adequate brakes sufficient to control the vehicles at all times, and a suitable adequate bell, horn or other device for signaling, and shall, during the period from one hour after sunset to one hour before sunrise, display at least two lighted lamps visible from the front and one on the rear of such vehicle, which shall also display a red light visible from the rear.

The white rays of such lamp shall shine upon the number plate carried on the rear of such vehicle.

The light of the front lamps shall be visible at least two hundred feet in the direction in which the motor vehicle is proceeding.

And every such motor vehicle using gasoline as motive power shall use a "muffler," so called, and the same shall not be cut out or disconnected within the limits of any city or village within the state.

Stopping on signal.—Sec. 13. A person operating a motor vehicle, at request or on signal by putting up the hand from a person riding, leading or driving a restive horse or horses or other draft animals, or on any evidence of fright of any animal so rid-

den, led or driven sufficient to attract the attention of the operator of a motor vehicle, shall bring such motor vehicle immediately to a stop, and, if traveling in the opposite direction, remain stationary so long as may be reasonable to allow such horse or animal to pass and if traveling in the same direction, use reasonable caution in thereafter passing such horse or animal; *provided*, that in case such horse or animal appears badly frightened, or the person operating such motor vehicle is requested to do so, such person shall cause the motor of such vehicle to cease running so long as shall be reasonably necessary to prevent accident and insure the safety of others; *provided*, however, that no person shall unreasonably obstruct or impede the right of travel upon the public highways of a driver of a motor vehicle or of a horse, and any one so doing shall be held amenable under this act.

Road rules.—Sec. 14. Whenever a person walking in the traveled portion of a public highway, or a person riding, driving or leading a horse or other animal therein, or driving or operating a vehicle therein, shall meet another person thus walking or thus riding, driving or leading a horse or other animal, or thus driving or operating a vehicle, if such persons are moving in opposite directions, each shall slacken his pace, if necessary, and seasonable turn to the right so as to give half of the traveled road, if practicable, and a fair and equal opportunity to pass, to the other; or, if they are moving in the same direction, the person overtaking shall pass on the left side of the person overtaken, and the person overtaken shall, as soon as practicable, turn to the right so as to give half of the traveled road to the other.

Any such person shall, at the intersection of public highways, keep to the right of the intersection of the centers of such highways when turning to the right and pass to the right of such intersection when turning to the left.

In cities or villages or any place where traffic is large, or on streets usually congested with traffic of horse drawn vehicles or street cars, slow moving vehicles must keep near the right curb, allowing those moving more rapidly to keep nearer the center of the street.

All vehicles, however, must keep to the right of the center of the street.

Exemption of non-resident owners.—Sec. 15. The provisions of the foregoing sections in regard to registration shall not apply to a motor vehicle owned by a non-resident of this state, who is temporarily within the state while passing into or through this state from an adjoining state, *provided*, that such non-resident shall have displayed in a conspicuous way on the motor vehicle he is operating, a number and tag which shall make it and the place from which it comes easily identified.

Speed permitted.—Sec. 16. No person shall operate a motor vehicle on the public highways of this state at a rate of speed greater than is reasonable and proper, having regard to the width, condition and use of the highway at the time and the general and usual rules of the road, or so as to endanger property or the life or limb of any person. *Provided*, that upon approaching a dam, bridge, sharp curve or steep descent, and also in traversing such dam, bridge, sharp curve or descent, and upon approaching a crossing or intersecting highway or in passing from a side street into a main thoroughfare where persons or vehicles are not plainly discernable, a person operating a motor vehicle shall have such vehicle under perfect control and the rate of speed shall not exceed one mile in eight minutes, nor on any street or highway shall the rate of speed exceed twenty-five miles per hour.

Registration of chauffeurs.—Sec. 17. Every person hereafter desiring to operate a motor vehicle as a chauffeur shall file in the office of the secretary of state, upon the payment of a registration fee of two dollars for the first certificate and one dollar for renewal thereafter, annually, a verified application for registration on a blank to be furnished by the secretary of state for that purpose, containing:

(1) The name and address of the applicant and that he is competent to operate a motor vehicle.

(2) The trade name and motor power of the motor vehicle or vehicles he is competent to operate.

(3) Whether or not the applicant has been convicted of violation of any of the provisions of this or any other motor vehicle law or ordinance, giving the date and place of such conviction and the provision or provisions of the law or ordinance violated.

Chauffeur's registration book.—Sec. 18. Upon the receipt of such an application the secretary of state shall thereupon file the same in his office, assign the applicant a number and register him in a book or index which shall be kept in the same manner as the book or index for the registration of motor vehicles.

Chauffeur's badge.—Sec. 19. The secretary of state shall forthwith, upon registering such chauffeur, and without other fee, issue and deliver to him a badge of aluminum or other suitable metal, which shall be oval in form with its greater diameter not more than two inches, upon which shall be stamped the words "Registered Chauffeur Number., State of Minnesota," with the number inserted therein.

The badge shall thereafter be worn by such chauffeur, pinned upon his clothing in a conspicuous place, and at all times while he is operating a motor vehicle upon the public highways of this state.

Fictitious badge.—Sec. 20. No chauffeur, having registered as hereinbefore provided, shall voluntarily permit any other person to wear his badge; nor shall any person while operating a motor vehicle upon the public highways of this state wear a chauffeur's badge belonging to another person, or a fictitious chauffeur's badge.

Unregistered chauffeurs cannot drive motor vehicles.—Sec. 21. No person shall operate or drive a motor vehicle as chauffeur, upon the public highways of this state thirty days after this act takes effect, unless such person shall have complied in all respects with the requirements of this act, *provided*, however, that a non-resident chauffeur, who has registered under the provisions of the law of the state of his residence which are substantially similar to the provisions of this section, shall be exempt from registration under this section: and *provided, further*, he shall wear the badge assigned him in the state of his residence in the manner provided in section 19 of this act.

Tampering with machines.—Sec. 22. 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 in 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 signaling 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.

Fees to be paid into state treasury.—Sec. 23. At the end of each month, the secretary of state shall pay into the state treasury to the account of the general fund of the state, all moneys received by him under this act, and file with the state auditor a verified statement of the amount and sources thereof.

For the purchase of tags, books of registration and the salary of an additional clerk in the office of the secretary of state, and not to exceed \$1,200 per annum, and the other necessary expenses provided in this act, the sum of \$10,000, or so much thereof as may be necessary, is annually appropriated out of the general fund of the state.

On or before the 10th of each month, the secretary of state shall certify to the state auditor the items and amounts of all expenses necessarily incurred by him in the carrying out of this act, and such items and amounts being duly audited shall be paid by the state.

Suit for damages not abridged.—Sec. 24. Nothing in this act shall be construed to curtail or abridge the right of any person to prosecute a civil suit for damages by reason of injuries to per-

sons or property resulting from the negligent use of the highways by a motor vehicle or its owner or his employe or agent, and in all actions and proceedings against the registered owner of a motor vehicle for negligence in the operation of such vehicle or for any violation of this act, the fact that such motor vehicle had upon it the registration number assigned to such owner under this act, shall be prima facie evidence that such motor vehicle belonged to such registered owner.

In case of accident to any person or property on the public highway, due to the operation thereof of a motor vehicle, the person operating such motor vehicle shall stop and, upon request of any person injured, or any person present, give such person his name and address.

Acts repealed.—Sec. 25. Sections 1273-1277, inclusive, of the Revised Laws of 1905 and all other acts or parts of acts inconsistent herewith are hereby expressly repealed.

Sec. 26. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

Sec. 27. This act shall take effect and be in force from and after May 15th, 1909.

Approved April 19, 1909.

CHAPTER 260—H. F. No. 1082.

An Act to validate and legalize mortgages of real estate made under license from a probate court to guardians.

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

Certain mortgages legalized.—Section 1. That all mortgages on real estate in this state heretofore made by a guardian of a minor or minors under license from a proper probate court of this state, wherein the mortgage and the note or notes accompanying it bear date before the execution of a proper bond by the guardian and the approval and filing of said bond by the proper probate court, *provided*, all other proceedings therein were legal, are hereby legalized and made as valid and effectual to all intents and purposes and of the same force and effect as if said mortgage and the note or notes accompanying it bore date after the execution of a proper bond by the guardian and the approval and filing of the same by the proper probate court, *provided*, the acknowledgment of the guardian in the mortgage bears date after the execution of the bond by the guardian and the approval and filing of the said bond by the proper probate court.

Provided, however, that nothing herein shall affect any action or proceeding now pending.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 19, 1909.