

not, unless said employee, his agent or attorney shall file with the court in which said action is pending his written waiver of all or part of such exemption; in the absence of proof of dependents he shall be entitled to an exemption of \$35.00, in any event; and if proof is made by affidavit or testimony of additional dependents he shall be entitled to such additional exemption as provided by this Act; provided, that the party instituting garnishment proceedings shall pay the cost of any garnishment where the amount in the hands of the garnishee is wholly exempt. The spouse of such person and all minor children under the age of eighteen years dependent upon him or her for support are to be classed as dependents within the meaning of this Act, provided, however, that the maximum exemption in any case shall not exceed \$50.00.

Sec. 2. **Effective July 1, 1933.**—This Act shall not be effective until July, 1933.

Approved April 21, 1933.

CHAPTER 351—S. F. No. 405

An act to provide for the establishment of financial responsibility by owners of motor vehicles for injury, including death to persons, and damages to property resulting from the maintenance, use and operation of such motor vehicles,—and conferring powers and duties in respect thereto upon the Commissioner of Highways. Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Definitions.**—The following 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 neuter as requisite;

(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, referees, trustees, executors and 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.

Sec. 2. **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 by final order or judgment of any Court of competent jurisdiction 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 wreckless 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 personal injury to or death of any one person in the amount of at least Five Thousand (\$5,000.00) Dollars, and subject to the aforesaid limit for each person injured or killed of at least Ten Thousand (\$10,000.00) Dollars for such injury to or death of two or more persons in any one accident, and for damage to property of at least One Thousand (\$1,000.00) Dollars resulting from any one accident. Such proof in said amounts shall be furnished for each motor vehicle owned or registered by any such person. If any such person shall fail to furnish said proof, his right and permission to

operate a motor vehicle and his license to operate a motor vehicle shall be and remain revoked and shall not at any time thereafter be renewed nor shall any other motor vehicle be thereafter licensed or be permitted to be operated by him or in his name until such time as said proof is given. 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 so 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 such certified copy shall be 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, certified to by him to the officer 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 a chauffeur, or 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 or household of the owner of such motor vehicle, then 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 relieved of the necessity of giving such proof in his own behalf, 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.

Sec. 3. Drivers license suspended when.—The right and permission of any person to operate a motor vehicle and license of any person to operate a motor vehicle, in the event of his failure to satisfy every judgment which shall have become final by expiration, 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 in this or any other State, or the District of Columbia, or in the District 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 hereafter of a motor vehicle, shall be forthwith suspended by the Commissioner, upon receiving a certified copy or transcript of such final judgment from the court in which the same was rendered, showing such judgment or judgments to have been still unsatisfied more than thirty days after the same became final, and shall remain so suspended and shall not be renewed until the said person gives proof of his ability to respond in damages for future accidents as required by this Act. It shall be the duty of the court in which any such judgment is rendered to forward immediately after the expiration of said thirty days to the Commissioner a certified copy of such judgment or a transcript thereof. In the event the defendant is a non-resident it shall be the duty of the Commissioner to transmit to the officer in charge of the issuance of operators' permits or registration certificates of the State of which the defendant is a resident a certified copy of said judgment.

If any such motor vehicle owner or operator shall not be a resident of this state, the right, privilege, permission and license of operating any motor vehicle within the State shall be withdrawn and withheld while any final judgment against him shall be unstayed and unsatisfied for more than thirty (30) 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 given proof of his ability to respond in damages for future accidents as required by Section Two (2) of this Act.

Sec. 4. Motor vehicles 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, with the consent of the owner express or implied, the operator thereof shall in case of accident, be deemed the agent of the owner of such motor vehicle in the operation thereof.

Sec. 5. Non-resident owner to be responsible.—The use and operation by a non-resident or his agent of a motor truck vehicle upon and over the highways of the State of Minnesota, shall be deemed an appointment by such non-resident of the Commissioner 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 Commissioner 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 sent 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 continuance as may be necessary to afford the defendant reasonable opportunity to defend any such action, not exceeding ninety days from the date of the filing of the action in such court. The fee of two dollars paid by the plaintiff to the commissioner at the time of service of such proceedings shall be taxed in his cost if he prevails in the suit. The said Commissioner shall keep a record of all such processes so served which shall show the day and hour of such service.

Sec. 6. Certificate as to responsibility—bond.—Proof of ability to respond in damages when required by this Act may be evidenced by the written certificate or certificates of any insurance carrier duly authorized to do business within the State, that it has issued to or for the benefit of the person named therein a motor vehicle liability policy or policies as defined in this Act, which, at the date of said certificate or certificates, is in full force and effect, and designating therein by explicit description or by other appropriate reference all motor vehicles with respect to which coverage is granted by the policy certified to. The Commissioner shall not accept any certificate or certificates unless the same shall cover all motor vehicles registered in the name of the person furnishing such proof. Additional certificates as aforesaid shall be required as a condition precedent to the registration of any additional motor vehicle or motor vehicles in the name of such person required to furnish proof as aforesaid. Said certificate or certificates shall certify that the motor vehicle liability policy or policies therein cited shall not be cancelled or expire except as hereinafter provided. If such person be a non-resident, a certificate as aforesaid of an insurance carrier authorized to transact business in the State or Province in which the motor vehicle described in such certificate is registered, or if none be described, then in the State or Province in which the insured resides shall be accepted.

The Commissioner shall be notified of the cancellation or expiration of any motor vehicle liability policy of insurance certified under the provisions of this Act at least ten days before the effective

date of such cancellation or expiration. In the absence of such notice of cancellation or expiration said policy of insurance shall remain in full force and effect. Additional evidence of ability to respond in damages shall be furnished the Commissioner at any time upon his demand.

Such proof may also be the bond of a surety company, duly authorized to do business within the State, or a bond with individual sureties, each owning unencumbered real estate, same to be scheduled in the bond, approved by the Commissioner, which said bond shall be conditioned for the payment of the amounts specified in Section 2 hereof, and shall not be cancellable except after ten days' written notice to the Commissioner. Such bond shall constitute a lien in favor of the State upon the real estate of any surety, which lien shall exist in favor of and be enforced by any holder of any final judgment on account of damage to property over One Hundred (\$100.00) Dollars in amount, or injury to any person or persons caused by the operation of such person's motor vehicle, upon the filing of notice to that effect by the Commissioner in the office of the Register of Deeds in the county in the State where such real estate shall be located.

Such proof of ability to respond in damages may also be evidence presented to the Commissioner of a deposit by such person with the State Treasurer who shall give his receipt therefor, of a sum of money or collateral the amount of which money or collateral shall be Eleven Thousand (\$11,000.00) Dollars. But the Treasurer shall not accept a deposit of money or collateral where any judgment or judgments, theretofore recovered against such person as a result of damages arising from the operation of any motor vehicle, shall not have been paid in full.

Sec. 7. Commissioner or treasurer to hold bond.—Such bond, money or collateral shall be held by the Commissioner or Treasurer to satisfy, in accordance with the provisions of this Act any execution issued against such person in any suit arising out of damage caused by the operation of any motor vehicle owned or operated by such person. Money or collateral so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages, including injury to property, and personal injury or death, as a result of the operation of a motor vehicle. If a final judgment rendered against the principal on the surety or real estate bond shall not be satisfied within thirty days after its rendition, the judgment creditor may, for his own use and benefit and at his sole expense, bring 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.

Sec. 8. 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 fully designate 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 collect for each such certificate the sum of One (\$1.00) Dollar.

Sec. 9. 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.

Sec. 10. License to be returned to commissioner, when.—Any operator or any owner, whose operators' permit, permission or license to operate a motor vehicle shall have been suspended, revoked, or withdrawn as herein provided, or whose policy of insurance or surety bond shall have been cancelled or 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 operators' license. If any person shall fail to return to said 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.

Sec. 11. Commissioner to cancel bond.—The Commissioner may cancel such bond or return such evidence of insurance, or the Treasurer may, with the consent of the Commissioner return such money or collateral to the person furnishing the same, provided three years shall have elapsed since the filing of such evidence or the 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 ownership, maintenance, or operation hereafter of a motor vehicle shall then be outstanding or unsatisfied against such person. The Commissioner may direct the return of any money or collateral to the person who furnished the same upon the acceptance and substitution of other evidence of his ability to respond

in damages, or at any time after three years from the expiration of any registration or license issued to such person, or at any time in the event of the death or insanity of the person required to furnish such proof, provided no written notice shall have been filed with the Commissioner stating that such suit has been brought against such person by reason of the ownership, maintenance or operation of a motor vehicle and upon the filing by such person with the Commissioner of an affidavit that he has abandoned his residence in this State; or that he has made a bona fide sale of any and all motor vehicles owned by him, and does not intend to own or operate any motor vehicle in this State for a period of one or more years.

Sec. 12. 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.

Sec. 13. 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 by said policy, and shall insure the insured named therein against the loss from the liability imposed upon such insured by 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 in charge of the insured or the insured's employees growing out of the maintenance, use or operation 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 a workmen's compensation law, and 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 motor vehicle, except a motor vehicle registered in the name of such insured, and occurring while such insured is personally in control, as driver or occupant, of such motor vehicle within the continental limits of the United States of America, or the Dominion

of Canada, in either case, to the amount or limit of Five Thousand (\$5,000.00) Dollars exclusive of interest and costs, on account of injury to or death of any person, and subject to the same limit as respects injury to or death of one person of Ten Thousand (\$10,000.00) Dollars exclusive of interest and costs, on account of any one accident resulting in injury to or death of more than one person: and of One Thousand (\$1,000.00) Dollars for damage to property of others as herein provided resulting from any one accident or a binder pending the issuance of any such policy or an endorsement to an existing policy both as hereinafter provided; provided that this Section shall not be construed as preventing such insurance carrier from granting in a "Motor Vehicle Liability Policy" any lawful coverage in excess of or in addition to the coverage herein provided for nor from embodying in such policy any agreements, provisions or stipulations not contrary to the provisions of this Act and not otherwise contrary to law. And provided further that separate concurrent policies whether issued by one or several carriers, covering respectively (a) personal injury or death as aforesaid, and (b) property damage shall be termed, "Motor Vehicle Liability Policy" within the meaning of this Act.

Sec. 14. 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 thirty (30) days the Commissioner of Insurance shall have notified the carrier in writing that in his opinion specifying the reasons therefore 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.

Sec. 15. 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.

The policy may provide that the insured, or any other person covered by the policy shall reimburse the insurance carrier for pay-

ments made on account of any accident, claim or suit involving a breach of terms, provisions or conditions of the policy, and further if the policy shall provide for limits in excess of the limits designated in this Act, the insurance carrier may plead against any plaintiff, with respect to the amount of such excess limits of liability, any defenses which it may be entitled to plead against the insured. Any such policy may further provide for the pro-rating of the insurance thereunder with other applicable valid and collectible insurance.

(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) Any carrier authorized to issue motor vehicle liability policies as provided for in this Act, may, pending the issue of such a policy, execute an agreement, to be known as a binder, or may, in lieu of such a policy, 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.

Sec. 16. 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 from rates which have received the approval of the Commissioner of Insurance.

Sec. 17. To be cited as Safety Responsibility Act.—This Act may be cited as the Safety Responsibility Act.

Sec. 18. Commissioner to make rules and regulations.—The Commissioner shall make rules and regulations necessary for the administration of this Act.

Sec. 19. 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.

Sec. 20. Provisions separable.—If any part, sub-division, or section of this Act shall be deemed unconstitutional, the validity of its remaining provisions shall not be affected thereby.

Sec. 21. **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.

Sec. 22. **Effective March 1, 1934.**—This Act shall take effect and be in force from and after the first (1st) day of March, 1934.

Approved April 21, 1933.

CHAPTER 352—S. F. No. 407

An act regulating the licensing of persons operating motor vehicles upon the public highways of this State.

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

Section 1. **Definitions.**—The following words: "Motor Vehicle," "Farm Tractor," "Owner," "Operator," "Chauffeur," "Non-resident," "Public Highway," as used in this Act shall be interpreted to have the meanings usually ascribed to them, except in those instances where the context clearly indicates a different meaning.

Sec. 2. **Driver's licenses.**—Except as provided by Section 3 of this Act, no person 15 years of age or over shall on and after March 1, 1934 operate any motor vehicle upon the public highways of this State unless such person shall have made application for and secured a driver's license from the Commissioner of Highways for which he shall pay to the Commissioner of Highways the sum of 25 cents payable at the time of making such application. Provided, however, that when the license fee of 25c is paid by the head of a family, or household, licenses may be issued upon application therefor, to each of the members of the immediate family of the head of said family or household, without the payment of any other or additional fee. For the purposes of this Act, the term "immediate family," is hereby defined to mean all persons bound together by the ties of relationship and parents and children living together as members of one household under one head. Such application shall be made upon a form approved by the Commissioner.

Every applicant shall state his name, age, sex, and residence address, and what experience he has had in operating a motor vehicle; that he is competent to operate a motor vehicle upon the public highways of the state; that he knows of no physical impairment or defect or any other fact which would render him an im-