

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.

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#### 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-

proper and unsafe person to operate a motor vehicle. Every applicant shall also state whether or not he has been heretofore licensed, and if so, by what state, and whether or not the license has ever been suspended or revoked and if so, the date and reason for such suspension or revocation, together with such other facts pertaining to the qualifications of the applicant and his ability to operate a motor vehicle with safety, as may be required by the Commissioner. Thereupon license shall issue as of course.

To every person granted a license the Commissioner shall issue a certificate of license which shall bear thereon the distinguishing number assigned to the license and shall contain the name, age, sex, and residence address, and a space where such person shall write his usual signature with pen and ink.

**Sec. 3. Exemptions.**—Every person driving or operating a road roller, road machinery, or any farm tractor or implement of husbandry temporarily drawn or moved upon the highways, and every person in the service of the Army, Navy, or Marine Corps of the United States when furnished a driver's permit and operating an official motor vehicle in such service, and persons licensed as chauffeurs under Laws 1929, Chapter 433, shall be exempted from license under this Act.

**Sec. 4. Commissioner of highways to administer act.**—The Commissioner of Highways shall be charged with the responsibility for the administration and execution of this Act.

**Sec. 5. Clerk of court may receive applications.**—Any applicant for a license may file his application with the Clerk of the District Court of the county in which he resides and such clerk is hereby authorized to receive and accept the same upon the payment by the applicant to such clerk of an additional fee of ten cents for such service. The clerk shall then immediately forward such application to the Commissioner, together with the fee of 25 cents.

**Sec. 6. Persons under fifteen years of age not to be licensed.**—No operator's license shall be granted to any person under the age of 15 years.

**Sec. 7. Non-residents need not have licenses.**—During the period within which a motor vehicle of a non-resident may be operated in this State in accordance with law, such motor vehicle may be operated by its owner or a member of his family without a license, provided such owner and members of his family have fully complied with the laws of the state of their residence regarding the operation of motor vehicles. Such motor vehicles shall at all times display the license number plates issued therefor at the home, state or country of the owner.

**Sec. 8. Must carry certificate.**—The licensee shall have his certificate of license in his possession while operating a motor vehicle upon the public highways of this state. Said certificate of license shall be subject to examination upon demand by any peace officer or by any officer authorized by law to enforce the laws relating to the operation of motor vehicles on the trunk highways, and the licensee shall, upon request of any such officer, write his name in the presence of such officer in order that the identity of the licensee may be determined. It shall be a complete defense to any charge under this section that the person so charged produce in court an operator's certificate of license theretofore issued to such person and valid, or produce evidence that he had made application therefor; that he had not received his certificate; but same had not been denied, at the time of his arrest. If a certificate of license issued under the provisions of this Act shall be lost or destroyed, the person to whom the same was issued may obtain a duplicate or substitute therefor upon furnishing satisfactory proof that such license has been lost or destroyed, and upon the payment of a fee of 25 cents.

**Sec. 9. Courts to certify convictions to commissioner.**—Every court having jurisdiction of offenses committed under this Act or any law of this State regulating the operation of motor vehicles on public highways shall certify to the Commissioner a record of the conviction of any person in said court for a violation of any of said laws, and may recommend the suspension of the license of any person so convicted. The Commissioner acting upon such recommendation may suspend such license, but such suspension shall not be for a period of more than one year. Upon suspending the license the Commissioner shall require that the certificate of license be surrendered to him. At the end of the period of suspension the certificate of license shall be returned to the licensee.

**Sec. 10. Commissioner to revoke license.**—(a) The Commissioner shall forthwith revoke the license of any person and require that the certificate of license be returned to him, upon receiving a record of the conviction of such person of any of the following offenses:

1. Manslaughter resulting from the operation of a motor vehicle.
2. Driving a motor vehicle while under the influence of intoxicating liquor or narcotic drug.
3. 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.

4. Conviction or forfeiture of bail upon three charges of reckless driving all within the preceding twelve months.
5. A 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.

(b) The Commissioner upon receiving a record of the conviction of any person upon a charge of operating a motor vehicle while the license of such person is suspended, shall immediately extend the period of such first suspension for an additional like period.

**Sec. 11. Commissioner may suspend license.**—(a) The Commissioner may immediately suspend the license of any person for a period of ninety days, without hearing and without receiving a record of conviction of such person of crime whenever he has reason to believe:

1. That such person has committed any offense for which mandatory revocation of license is provided in Section 10.
2. That such person has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death.
3. That such person is incompetent to drive a motor vehicle or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for such person to drive a motor vehicle upon the highways. Provided, that deafness in itself shall not be deemed to be a physical infirmity or disability in a driver.
4. That such person is an habitual reckless or negligent driver of a motor vehicle or has committed a violation of the laws of this state relating to the operation of motor vehicles.

**Sec. 12. Must notify licensee.**—(a) Whenever the Commissioner suspends the license pursuant to the provisions of Section 11 hereof, he shall immediately notify the licensee and afford him an opportunity of a hearing in the county wherein the licensee resides, or in the case of a non-resident, in the county in which such non-resident may be temporarily residing, and upon such hearing the Commissioner shall either rescind his temporary order of suspension or, good cause appearing therefor, may continue such suspension in effect for a period not exceeding 90 days.

(b) The Commissioner is hereby authorized to suspend or revoke the license of any resident of this state upon receiving a record of the conviction of such person in another state of an offense

therein committed which, if committed in this state, would be grounds for the suspension or revocation of the license of the operator. The Commissioner is further authorized upon receiving a record of the conviction in this state of a non-resident driver of a motor vehicle, of any offense under the motor vehicle laws of this state, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

(c) The Commissioner shall not suspend a license for a period of more than one year and upon suspending or revoking any license shall require that such license, so suspended or revoked, shall be surrendered except that at the end of the period of suspension, such license shall be returned to the licensee.

**Sec. 13. Suspended licensee may appeal to court.**—Any person whose license has been suspended by the Commissioner, may, file a petition within thirty days thereafter for a hearing in the matter in the District Court in the County wherein such person shall reside, and in the case of a non-resident, in the District Court in any County, and such court is hereby vested with jurisdiction, and it shall be its duty to set the matter for hearing upon ten days' written notice to 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 suspension of license under the provisions of this Act and shall render judgment accordingly.

**Sec. 14. May apply for new license after one year.**—Any person whose license has been revoked under the provisions of Section 10 hereof may, after one year from the date of such revocation, petition the district court of the county wherein he resides, or, in case of a non-resident, the district court of any county, for an order directing the commissioner to issue a certificate of license to him. The district court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon 10 days' written notice to the commissioner. At the hearing the court shall take testimony and examine into the facts of the case to determine whether the petitioner is entitled to a license and shall make its order, granting or denying the petition. If the petition is granted, the commissioner, upon receipt of a certified copy of the order of the court, shall issue such license. If the petition is denied, no renewal thereof shall be made during the period of one year from the date of the order of the court.

**Sec. 15. Misdemeanor to operate motor vehicle after suspension of license.**—Any person whose operator's license has been suspended or revoked as provided in this Act, and who shall

drive any motor vehicle upon the highways of this state while such license is suspended or revoked or who shall violate any of the other provisions of this Act shall be guilty of a misdemeanor.

Sec. 16. **Fees 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.

Sec. 17. **Commissioner of highways may appoint agent.**—Any duties required of, or powers conferred on the Commissioner of Highways under the provisions of this Act may be done and performed or exercised by any of his duly authorized agents.

Sec. 18. **Provisions separable.**—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.

Sec. 19. **Inconsistent acts repealed.**—All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved April 21, 1933.

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#### CHAPTER 353—S. F. No. 408

*An act to designate as Colvill Memorial Highway, the highway beginning at Gaylord and running thence in an easterly direction through Lonsdale, Northfield and Cannon Falls to the city of Red Wing.*

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

Section 1. **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.

Approved April 21, 1933.