

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

Section 1. Highway patrol.—That Laws 1929, Chapter 355, Section 1, Subdivision 18, Paragraph (a), as amended by Laws 1935, Chapter 304, being the 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2554, Subdivision 18, Paragraph (a), be amended so as to read as follows :

“Subdivision 18 (a). The Commissioner of Highways is hereby authorized to employ and designate not to exceed 108 persons *during the calendar year 1939 and thereafter not to exceed 116 persons* 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 in connection with strikes or industrial disputes. Employees thus employed and designated shall subscribe 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.”

Approved April 22, 1939.

CHAPTER 401—S. F. No. 393

An act to regulate and license persons operating motor vehicles upon the streets and public highways; providing for license fees and penalties for the violation of the act; repealing Chapter 352, Laws of 1933 and other acts or parts of acts.

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

Section 1. 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 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 drawn upon 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) "Driver". Every person, other than a chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway.

(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 carrier of persons or property for hire.

(g) "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 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 purposes of this act.

(h) "Non-resident". Every person who is not a resident of this state.

(i) "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 purpose of vehicular traffic.

(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.

Sec. 2. Motor vehicle drivers license.—No person, except those hereinafter expressly exempted, shall operate or drive any motor vehicle upon any street or highway in this state unless such person has a valid license as a driver under the provisions of this' act.

Sec. 3. Who are exempt.—The following persons are exempt from license hereunder :

(1) Persons licensed as chauffeurs under the laws of the state of Minnesota ;

(2) Any person while driving or operating a motor vehicle in the service of the Army, Navy, or Marine Corps of the United States ;

(3) Any person while driving or operating any farm tractor, or implement of husbandry temporarily operated or moved on a highway ;

(4) A non-resident who is at least 15 years of age and who has in his immediate possession a valid driver's license issued to him in his home state or country may operate a motor vehicle in this state only as a driver ;

(5) Any non-resident who is at least 18 years of age, whose home state or country does not require the licensing of drivers may operate a motor vehicle as a driver only, for a period of not more than 90 days in any calendar year if the motor vehicle so operated is duly registered for the current calendar year in the home state or country of such non-resident.

Sec. 4. Who may not receive drivers license.—The department shall not issue a driver's license hereunder :

(1) To any person who is under the age of 15 years ; nor to any person under 18 years unless the application for license is approved by the father of the applicant, if the father is living and has custody of the applicant, otherwise by the mother or guardian having the custody of such minor, or in the event a person under the age of eighteen has no living father, mother or guardian, the license shall not be issued to such person unless his application therefor is approved by his employer.

(2) To any person whose license has been suspended during the period of suspension.

(3) To any person whose license has been revoked until the expiration of one year after the last conviction for viola-

tion of this act or any law or ordinance regulating traffic upon the public streets or highways except upon order of the district court, and then only upon furnishing proof of financial responsibility as required in the safety responsibility act.

(4) To any person who is an habitual drunkard as determined by competent authority or is addicted to the use of narcotic drugs.

(5) To any person who has previously been adjudged insane or an idiot, epileptic or feeble-minded and who has not at the time of making application been restored to competency by judicial decree or released from a hospital for the insane or feeble-minded upon a certificate of the superintendent that such person is competent, nor then unless the department is satisfied that such person is competent to operate a motor vehicle with safety to persons or property.

(6) To any person who is required by this act to take an examination, unless such person shall have successfully passed such examination.

(7) To any person who is required under the provisions of the safety responsibility laws of this state to deposit proof of financial responsibility and who has not deposited such proof.

(8) To any person when the commissioner has good cause to believe that the operation of a motor vehicle on the highways by such person would be inimical to public safety or welfare.

(9) To any person when, in the opinion of the commissioner, such person is afflicted with or suffering from such physical or mental disability or disease as will affect such person in a manner to prevent him from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways; nor to a person who is unable to read and understand official signs regulating, warning and directing traffic.

Sec. 5. Instruction permits.—Any person who, except for his lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a driver's license under this act, may apply for an instruction permit, and the department shall issue such permit, entitling the applicant, while having such permit in his immediate possession, to drive a motor vehicle upon the highways for a period of 60 days, but such

person must be accompanied by a licensed driver or chauffeur who is actually occupying a seat beside the driver.

Sec. 6. Forms of application.—(a) Every application for an instruction permit or for a driver's license or for a duplicate license or for a renewal of a driver's license shall be made upon a form furnished by the department, and every said application shall be accompanied by the fee prescribed in subdivision (b) hereof.

(b) 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 restricted license shall be 35 cents. The fee for a duplicate license shall be 35 cents.

(c) Every said application shall state the full name, date of birth, sex and residence address of the applicant and briefly describe the applicant and shall state whether or not the applicant has theretofore been licensed as a driver, and if so, when and by what state or country and whether any such license has ever been suspended or revoked, or whether an application has ever been refused and if so, the date of, and reason for such suspension, revocation or refusal, together with such facts pertaining to the applicant and his ability to operate a motor vehicle with safety, as may be required by the commissioner, and such application shall be in the form prepared by the commissioner.

(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. Such clerk shall and is hereby authorized to receive and accept such application. To cover all expense involved in receiving, accepting and forwarding to the department applications and fees, the clerk of the district court shall retain ten (10) cents of the fee collected with each application, provided that in all counties of this state where the clerk of the district court receives a stated salary and no fees, the ten (10) cents allowed to be retained by the clerk of the district court shall be paid into the county treasury and credited to the general revenue fund of said county. The clerk of court shall forward all applications and fees less the amount herein allowed to be retained for expense, to the department within fifteen (15) days of the receipt by him. The clerks of the district courts may appoint agents to assist in accepting applications, but the clerks shall require every such agent to forward to the clerk by whom he is appointed all applications accepted and fees collected by him. The clerks of court shall be responsible for the

acts of agents appointed by them and for the forwarding to the department of all applications accepted and all fees collected by such agents and by themselves.

Sec. 7. Department shall issue licenses.—The department shall, upon the payment of the required fee, issue to every applicant qualifying therefor a license as applied for, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address and a brief description of the licensee, and a space upon which the licensee shall write his usual signature with pen and ink. No license shall be valid until it has been so signed by the licensee.

Sec. 8. Licensee to have license in possession.—(a) Every licensee shall have his license in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a justice of peace, a peace officer, an authorized representative of the department, or by an officer authorized by law to enforce the laws relating to the operation of motor vehicles on public streets and 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.

Sec. 9. Commissioner may impose restrictions.—(a) The 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 commissioner may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee. 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.

(b) It shall be unlawful for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

Sec. 10. Duplicate licenses.—In the event that an instruction permit or driver's license issued under the provisions of this act is lost or destroyed, or becomes illegible, the person to whom the same was issued shall obtain a duplicate thereof, furnishing proof satisfactory to the department that such permit or license has been lost or destroyed or has become illegible and make payment of the required fee.

Sec. 11. Change of address.—Whenever any person, after

applying for or receiving a driver's license, shall change his permanent domicile from the address named in such application or in the license issued to him, or, shall change his or her name by marriage or otherwise, such person shall, within fifteen days thereafter, make application for a duplicate driver's license upon a form furnished by the department; such application for duplicate license shall show both the licensee's old address and his new address or his former name and new name as the case may be. Such application for a duplicate license, upon change of address or change of name, shall be accompanied by all certificates of driver's license then in the possession of the applicant together with the required fee.

Sec. 12. Licenses to be filed in alphabetical order.—(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 each such name the reasons for such action.

(b) The department shall also file all accident reports and abstracts of court records of convictions received by it under 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.

(c) 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.

Sec. 13. May require examination. (a) The commissioner may 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 control over 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.

(b) For failure or refusal of any applicant or licensee to submit 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.

Sec. 14. 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 licensee shall immediately surrender the license so cancelled to the department.

Sec. 15. Non-resident permits.—(a) The privilege of driving 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 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.

Sec. 16. 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 a 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 court in which such conviction is had shall require the surrender to it of all driver's licenses then held by the person so convicted and the court shall thereupon forward 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 formally 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.

Sec. 17. Revocation of licenses.—(a) The department shall forthwith revoke the license of any driver upon receiv-

ing 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 while 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 the laws 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 or informally that any person under the age of 18 years has committed any offense defined in this section such judge or duly authorized agent shall immediately report such determination to the department and the commissioner shall immediately revoke the license of said person.

(c) Whenever any person shall be committed to any institution as an inebriate 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 driver's license of such person.

Sec. 18. 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 licensee:

(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.

(b) 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 commissioner 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. The department shall not suspend a license for a period of more than one year.

Sec. 19. Petition for re-instatement of licenses.—Any person whose driver's license has been refused, revoked, suspended or cancelled by the commissioner may file a petition 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 fifteen 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 revocation, suspension, cancellation, or refusal of license 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.

Sec. 20. 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.

Sec. 21. 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.

Sec. 22. 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.

Sec. 23. Driving without license to be misdemeanor.—Any person whose driver's license or driving privilege has been cancelled, suspended or revoked as provided in this act, and who shall operate any motor vehicle upon the streets or highways in this state while such license or privilege is cancelled, suspended or revoked shall be guilty of a misdemeanor.

Sec. 24. 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 then 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 non-resident whose home state or country does not require that a driver be licensed.

Sec. 25. 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.

Sec. 26. Commissioner to enforce act.—The commissioner shall be charged with the responsibility for the administration and execution of this act.

Sec. 27. 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.

Sec. 28. 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.

Sec. 29. 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.

Sec. 30. **Drivers license law.**—This act may be cited as the driver's license law.

Sec. 31. **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.

Sec. 32. **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.

Approved April 22, 1939.

CHAPTER 402—S. F. No. 414

An act relating to the closing hours for the on sale of non-intoxicating malt liquors.

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

Section 1. **Closing hours for sale of non-intoxicating liquors.**—No non-intoxicating malt liquors containing from one-half of one per cent by volume or 3.2 per cent of alcohol by weight shall be sold in this state between the hours of 1:00 A.M. and 7:00 A.M. on any day except Sunday, and between the hours of 2:00 A.M. and 12:00 M. on any Sunday.

Sec. 2. **Municipalities may not extend closing hours.**—It shall be beyond the power of any political subdivision of this state to authorize or permit the sale of non-intoxicating malt liquors at hours when such sale is prohibited by the provisions hereof, but such political subdivisions may, within the time the laws of this state permit such sale, further limit the hours of sale of non-intoxicating malt liquors.

Sec. 3. **Violations.**—Any violation of this act shall be punished as a misdemeanor and shall be cause for the revocation or suspension of the license of the offender.

Sec. 4. **Inconsistent acts repealed.**—All acts and parts of acts inconsistent herewith are hereby repealed and superseded by this act.