

Sec. 13. Laws repealed.—Mason's Minnesota Statutes of 1927, Section 5549, as amended, Mason's 1938 Minn. Supp., Section 5548, 5553, 5554, 5555, 5571, and 5572 are hereby repealed.

Sec. 14. Open season for migratory game birds.—*All migratory game birds may be taken and possessed at any time between September 16th and December 15th following, both inclusive, whenever and so long as the taking thereof is not prohibited by Federal Laws or Regulations provided that it shall be unlawful to take any of the aforesaid kinds of birds or other migratory game birds at any time in violation of any Federal Law or Regulation. Provided, further, that the daily bag limits and the possession bag limits permitted to be taken shall not exceed the limits provided by any Federal Law or Regulation.*

Approved April 22, 1939.

CHAPTER 425—H. F. No. 211

An act to amend Mason's 1938 Minn. Supp., Section 1918-65, relating to powers of municipalities to contract with Federal agencies in construction and financing of public works projects.

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

Section 1. Powers of municipality.—Mason's 1938 Minn. Supp., Section 1918-65, is hereby amended to read as follows:

"1918-65. Except in pursuance of any contract or agreement theretofore entered into by and between any municipality and any Federal agency, no municipality shall exercise any of the powers conferred by this act after *December 31, 1941.*"

Approved April 22, 1939.

CHAPTER 426—H. F. No. 345

An act to amend Laws 1929, Chapter 433, as amended by Laws 1931, Chapter 196, as amended by Laws 1935, Chapter 327, relating to chauffeurs licenses.

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

Section 1. **Chauffeur licenses.**—That Mason's Minnesota Statutes of 1927, Section 2712, as amended by Laws 1929, Chapter 433, as amended by Laws 1931, Chapter 196, as amended by Laws 1935, Chapter 327, is hereby amended so as to read as follows:

"2712. No person shall drive a motor vehicle as a chauffeur upon any public highway in this state unless he be licensed by the secretary of state as provided by this act, except that a non-resident chauffeur, registered under the provisions of the law of the *country*, state, territory or district of his residence, operating such motor vehicle temporarily within this state not more than 60 days in any one year, and while wearing the badge assigned to him as such chauffeur in the *country*, state, territory or district of his residence, shall be exempt from such license requirements. No person, whether licensed or not, who is an habitual user of narcotics or who is under the influence of intoxicating liquors or narcotics, shall drive any vehicle upon any highway.

The term chauffeur, as used in this act, shall mean and shall include:

1. *Every person, including the owner, who operates a motor vehicle while it is in use as a carrier of persons or property for hire.*

2. *Every person who is employed for the principal purpose of operating a passenger vehicle.*

3. *Every employee who in the course of his employment operates upon the streets or highways, a truck, tractor or truck-tractor belonging to another, with the exception of those light cars classified as trucks which are only used to carry tools, repairs or light materials used by the driver in his employment, and trucks registered in the "T" class when operated by members of the family of the owner.*

4. *Every person who drives a school bus transporting school children.*

Sec. 2. **Secretary of State to establish chauffeur licenses division.**—The secretary of state shall establish a chauffeurs' license division in the motor vehicle department of his office for the purpose of ascertaining and determining the qualifications of applicants for chauffeurs' licenses, and shall conduct examinations of applicants for such license at such times and places as he shall designate, and shall issue licenses only to such applicants as shall be found to have a practical know-

ledge of the construction, mechanism and operation of motor vehicles and a sufficient knowledge of the traffic laws of this state, and other needful qualifications, to enable him to drive with safety, and he may appoint such examiners and other employees as may be necessary in the conduct of the license division so established. Any deputy registrar of motor vehicles may be appointed by the secretary of state to conduct chauffeurs' examinations and any deputy registrar not serving on a stated salary when so appointed shall be allowed and paid fifty cents (\$0.50) for each examinee for the first examination given to such examinee by him under such appointment to be paid by the secretary of the state out of the same fund and in the same manner that salaries are paid to other employees serving in the chauffeurs' license division of the Motor Vehicle Department, such payment to be in addition to the fees allowed to such deputy as provided by law for registering motor vehicles.

Sec. 3. To provide badges.—The secretary of state shall provide every person licensed hereunder with a suitable badge to be worn by him attached conspicuously upon the outside of his clothing at all times while he is engaged in service as a chauffeur, and no licensed chauffeur shall voluntarily permit another person to possess and use the badge so provided, nor shall any person, while driving or operating a motor vehicle, use any license or badge belonging to another.

Sec. 4. Expiration of licenses.—All chauffeurs' licenses issued hereunder shall expire at midnight on December 31 of the year for which *they are* issued, but may be renewed without examination, but no renewal of a license issued before November 1, in any year shall be granted unless application for such renewal is made during the month of November of the year for which the license was issued; provided, however, that such license may be renewed at any time within 30 days after the expiration thereof without examination upon payment of the regular license fee and an additional charge of one dollar as penalty.

Sec. 5. Application for examinations—Fee.—Applications for examination and license hereunder shall be in writing upon such forms and shall contain such needed information as the secretary of state may prescribe, and shall be accompanied by the payment of an examination and license fee of one dollar and fifty cents, except that the fee for a renewal license shall be one dollar. The state treasurer shall maintain a separate fund known as a chauffeurs' license fund, in which all fees

so received shall be credited, and the amount necessary for payment of salaries and expenses in connection with this act is hereby appropriated. No fees that have been paid into this fund shall be refunded, but the secretary of state in his discretion, upon proper application within three months thereafter, may grant one re-examination without additional fee to a person who has been refused a license on a previous application. Any balance remaining in this fund at the end of the calendar year, after the payment of employees' salaries and other expenses of the license division shall be transferred to and deposited in the general fund.

Sec. 6. Revocation of licenses:

For sufficient cause upon complaint and after hearing, or upon report of conviction by any court in this state of violation of any provision of the Highway Traffic Regulation Act, or upon report of conviction of any offense in any other State or in any Province of the Dominion of Canada, which, if committed in this State, would be cause for revocation, the Secretary of State may revoke the license of any chauffeur who, in the judgment of the secretary of state, should not be permitted to continue as a licensed chauffeur.

Any court in which the conviction is had, shall revoke the chauffeur's license upon the chauffeur's conviction of any of the following offenses:

(a) *Manslaughter resulting from the operation of a motor vehicle;*

(b) *Driving a vehicle while under the influence of intoxicating liquor or narcotic drug;*

(c) *Any crime punishable as a felony under the motor vehicle laws of this state or any other felony in the commission of which a motor vehicle is used;*

(d) *Conviction of forfeiture of bail upon three charges of reckless driving all within the preceding twelve months;*

(e) *Conviction of a driver of a motor vehicle, involved in an accident resulting in the death or injury of another person, upon a charge of failing to stop and disclose his identity at the scene of the accident.*

Upon conviction of a licensed chauffeur of any other violation of provisions of the Highway Traffic regulation Act, or of a violation of any provision of this Act, the court in which

such conviction is had may order that such chauffeur's license be revoked forthwith.

A revocation of a chauffeur's license by a court shall be for a period of three, six, nine or twelve months, the length of period to be determined in each particular case by the court on the basis of the seriousness of the offense and the interest of public safety and welfare.

If and when a court revokes a chauffeur's license, the court shall require such chauffeur to surrender to the court his chauffeur's badge and, when so surrendered, shall return it to the office of the secretary of state with the order of revocation and a synopsis of the proceedings.

When at least three months have elapsed of a longer period for which a chauffeur's license has been revoked by a court, and if the chauffeur's livelihood depends upon his employment as a licensed chauffeur, the secretary of state may, upon recommendation by the court that revoked the license, issue a limited license to such chauffeur. The secretary of state in issuing such limited license may impose such conditions and limitations as in his judgment are necessary in the interest of public safety and welfare, including examination as to the chauffeur's qualifications and proof of financial responsibility covering the vehicle or vehicles to be operated. Such license may be limited to the operation of particular vehicles, to particular classes of operation, and to particular conditions of traffic.

The badge issued as evidence of a limited chauffeur's license shall be of a special design to distinguish it from the regular unlimited chauffeur's license and, for the information of enforcement officers, the chauffeur operating under such license shall carry on his person at all times when operating a motor vehicle a certificate issued by the secretary of state indicating the limitations of such license.

Sec. 7. Violations a misdemeanor.—Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor.

Sec. 8. Inconsistent acts repealed.—All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after passage."

Approved April 22, 1939.