

nor before 3 o'clock P. M. on any Memorial Day nor before 8 o'clock P. M. on any Election Day in the district in which such election shall be held. No 'On sale' shall be made before 8 o'clock A. M., or after 12 o'clock midnight on any day. *Provided, however, in cities of the first class only, 'On sale' may be permitted until two hours after 12 o'clock midnight on Saturday and until one hour after twelve o'clock midnight on Monday, Tuesday, Wednesday, Thursday and Friday.* No 'Off sale' shall be made before 8 o'clock A. M. or after 8 o'clock P. M. of any day except Saturday, on which day 'Off sales' may be made until 10 o'clock P. M. No 'On sale' place of business shall be permitted to have swinging doors or opaque windows. All sales shall be made in full view of the public. No intoxicating liquor shall be sold or furnished for any purpose whatever to any person under the age of 21 years, or to an habitual drunkard or to any person obviously intoxicated or to any of the persons to whom sale is prohibited by statute or by reason of sale to whom a penalty is provided by statute. No intoxicating liquors shall be sold within the Capitol or upon the grounds thereof, or upon the State Fair Grounds or in any place where such sales shall be prohibited by law or by the ordinance of any city, village or borough. Every licensee shall be responsible for the conduct of his place of business and for conditions of sobriety and order therein. No licensee shall keep, possess or operate, or permit the keeping, possession or operation of, on the licensed premises, or in any room adjoining the licensed premises, any slot machine, dice or any gambling device or apparatus, nor permit any gambling therein, or permit the licensed premises or any room in the same or in any adjoining building, directly or indirectly under its control, to be used as a resort for prostitutes or other disorderly persons. No person under 21 years of age shall be employed in any rooms constituting the place in which intoxicating liquors are sold at retail 'On sale'. No pool table or billiard table shall be kept or used in any 'On sale' premises except a club as defined in this act."

Approved April 22, 1939.

CHAPTER 430—H. F. No. 989

An act relating to the regulation of traffic on highways, defining certain crimes in the use and operation of motor vehicles and procedure upon arrest and trial; to amend the 1938 Supplement to Mason's Minnesota Statutes of 1927, Sections

2720-151, 2720-170, 2720-173, 2720-176, Subsections (a) and (b), 2720-177, 2720-178, 2720-186, Subsection (b), 2720-191, 2720-200, Subsection (b), 2720-203, 2720-215, 2720-218, Subsection (b), 2720-219, 2720-220, 2720-230 (a), 2720-233, 2720-240, 2720-249, Subsection (a), 2720-255, Subsection 3, 2720-258, 2720-260, 2720-262, 2720-264, Subsection (a), 2720-270, 2720-274, Subsection (d), 2720-281, 2720-284, 2720-285 and 2720-291.

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

Section 1. Law amended.—Definitions.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-151, is hereby amended by adding thereto two subsections to be known and designated as subsection 46 and subsection 47, respectively which shall read as follows:

"(46) 'Custom Service Vehicles.' All vehicles used as well-drilling machine, wood-sawing machine, cement mixer, rock crusher, road grader, ditch diggers, or elevating graders, and similar service equipment.

(47) 'Motor Vehicle Dealer'. Any person engaged in the business of manufacturing or selling new and unused motor vehicles, or used motor vehicles; or both, having an established place of business for the sale, trade, and display of such motor vehicles, and having in his possession motor vehicles for the purpose of sale or trade."

Sec. 2. Law amended.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-170, is hereby amended so as to read as follows:

"2720-170. Driver to stop and give name.—The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall stop and give his name, address and the registration number of the vehicle he is driving and shall upon request and if available exhibit his driver's or chauffeur's license to the person struck or the driver or occupant of or person attending any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

Sec. 3. Law amended.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-173, is hereby amended so as to read as follows:

"2720-173. To give notice of accident.—Subdivision 1. *The driver of a vehicle involved in an accident resulting in injury to or death of any person shall, after compliance with the provisions of the 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-168, 2720-169, 2720-170 and 2720-171, by the quickest means of communication give notice of such accident to the local police department, if such accident occurs within a municipality, otherwise he shall in like manner give notice to the office of the sheriff of the county.*

Subdivision 2. *The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of \$50.00 or more shall, within 24 hours forward a written report of such accident to the commissioner.*

Subdivision 3. *Every law enforcement officer who in the regular course of duty, investigates a motor vehicle accident of which report must be made as required in this section, either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses, shall, within 24 hours after completing such investigation, forward a written report of such accident to the Commissioner.*

Subdivision 4. *The department shall prepare and upon request supply to police departments, coroners, sheriffs, garages and other suitable agencies or individuals, forms for accident reports required hereunder, appropriate with respect to the persons required to make such reports and the purposes to be served. The written reports to be made by persons involved in accidents and by investigating officers shall call for sufficiently detailed information to disclose with reference to a traffic accident the causes, conditions then existing, and the persons and vehicles involved.*

Subdivision 5. *Every accident report required to be made in writing shall be made on the appropriate form approved by the department and shall contain all of the information required therein unless not available.*

Subdivision 6. *Every coroner or other official performing like functions shall report in writing to the department the death of any person within his jurisdiction as the result of an accident involving a motor vehicle and the circumstances of such accident. Such report shall be made within five days after such death.*

Subdivision 7. *The person in charge of any garage or repair shop to which is brought any motor vehicle which shows*

evidence of having been struck by any bullet, shall immediately report to the local police or sheriff and to the Commissioner within 24 hours after such motor vehicle is received, giving the engine number, registration number and the name and address of the owner or operator of such vehicle.

Subdivision 8. All required accident reports and supplemental reports shall be without prejudice to the individual so reporting and shall be for the confidential use of the department for accident prevention purposes, except that the department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such report or contents thereof shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the department shall furnish upon demand of any person who has, or claims to have, made such a report, or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance or a failure to comply with the requirement that such report be made to the department. Disclosing any information contained in any accident report except as provided herein is unlawful and a misdemeanor."

Sec. 4. Law amended.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-176, Subsections (a) and (b) are hereby amended so as to read as follows:

"2720-176. Operation of motor vehicle by certain persons prohibited.—(a). It is unlawful and punishable as provided in subdivision (b) of this section for any person who is an habitual user of narcotic drugs or any person who is under the influence of intoxicating liquor or narcotic drugs to drive or operate any vehicle within this state."

(b) Every person who is convicted of a violation of this section shall be punished by imprisonment for not less than ten days nor more 90 days, or by fine of not less than \$10.00, nor more than \$100.00. On a second or subsequent conviction he shall be punished by imprisonment for not less than 30 days nor more than 90 days, or a fine of not less than \$25.00 nor more than \$100.00. *Upon a first conviction of any person hereunder the commissioner shall revoke his driver's license when and as such revocation is recommended by the court before which such conviction was had. Upon a second or subsequent conviction of any person under this section, the commissioner shall revoke his driver's license. Any person whose driver's license has been revoked, refused, suspended or can-*

celled may file a petition for a hearing in the matter in the District Court in the county wherein such person is residing, for the purpose of having said license reinstated in the discretion of said District Court.

Sec. 5. Careless driving.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-177, is hereby amended by adding thereto a subsection to be known and designated as subsection (c), which shall read as follows:

(c) Any person who shall operate or halt any vehicle upon any street or highway carelessly or heedlessly in disregard of the rights or the safety of others or in a manner so as to endanger or be likely to endanger any person or property is guilty of careless driving."

Sec. 6. Law amended.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-178, is hereby amended so as to read as follows:

"2720-178. Speed limitations:

(a) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so restricted as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(b) Where no special hazard exists the following speeds shall be lawful but any speeds in excess of said limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful; except that any speed limit within any municipality shall be an absolute speed limit and any speed in excess thereof shall be unlawful.

- 1. 30 miles per hour in any municipality;*
- 2. 60 miles per hour in other locations during the daytime.*
- 3. 50 miles per hour in such other locations during the nighttime.*

Daytime means from a half hour before sunrise to a half hour after sunset except at any time when due to weather or other conditions there is not sufficient light to render clearly discernible persons and vehicles at a distance of 500 feet.

Nighttime means at any other hour or at any time when due to weather or other conditions there is not sufficient light to render clearly discernible persons and vehicles at a distance of 500 feet.

(c) The driver of every vehicle shall, consistent with the requirements drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exists with respect to pedestrians or other traffic or by reason or weather or highway conditions.

(d) Whenever the commissioner shall determine upon the basis of an engineering and traffic investigation that any speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist on any trunk highway or upon any part thereof, said commissioner may erect appropriate signs designating a reasonable and safe speed limit thereat which shall be effective when such appropriate signs giving notice thereof are erected.

(e) Whenever local authorities within their respective jurisdiction shall have reason to believe that the existing speed limit upon any street or highway or part thereof not a part of the trunk highway system is greater or less than is reasonable or safe under conditions existing they may request the commissioner of highways to authorize, upon the basis of an engineering and traffic investigation, the erection of appropriate signs designating what speed is reasonable and safe, and the commissioner does hereby have authority to authorize the erection of such signs designating a reasonable and safe speed limit thereat which shall be effective when such appropriate signs giving notice thereof are erected by authority of the commissioner. Alteration of speed limits on streets and highways shall be made only upon authority of the commissioner.

(f) In every charge of violation of any speed regulation in this act the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the speed limit applicable within the district or at the location.

(g) The provisions of this act declaring speed limitation shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident."

Sec. 7. Law amended.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-186, Subsection (b), is hereby amended so as to read as follows:

“2720-186. **Passing vehicles on roads.**—(b) Except on a one-way roadway, no vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the left half of the roadway under the following condition:

1. When approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed *within a distance of 700 feet*;

2. When approaching within 100 feet of any *under pass* or tunnel or when approaching within 100 feet of or traversing any intersection of railroad grade crossing;

3. Where official signs are in place *prohibiting passing*, or a distinctive center line is marked, which distinctive line also so *prohibits passing* as declared in the manual of *traffic control devices* adopted by the commissioner.”

Sec. 8. Law amended.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-191, is hereby amended so as to read as follows:

“2720-191. **Turning vehicles on road.**—No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 1,000 feet.”

Sec. 9. Law amended.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-200, Subsection b, is hereby amended so as to read as follows:

“2720-200. **Trackless trolley cars.**—(b) Upon the approach of an authorized emergency vehicle, as above stated, the motorman of every street car *and the operator of every trackless trolley car* shall immediately stop such car clear of any intersection and keep it in such position *and keep the doors and gates of such street car or trackless trolley car closed* until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.”

Sec. 10. Law amended.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-203, is hereby amended so as to read as follows:

“2720-203. **Right of way when traffic control signals are**

not operating.—(a) When traffic-control signals are not in place or in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk, at an intersection, except as otherwise provided in this article.

(b) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(c) *It shall be unlawful for any person to drive a motor vehicle through a column of school children crossing a street or highway or past a member of a school safety patrol created in accordance with Chapter 23, Laws of 1933, while such member of a school safety patrol is directing the movement of children across a street or highway and while said school safety patrol member is holding his official signal in the stop position.*

Sec. 11. Law amended.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-215, is hereby amended so as to read as follows:

“2720-215. Designation of thru highways. — (a) The commissioner with reference to state trunk highways, and local authorities with reference to other highway under their jurisdiction may designate thru highways *by erecting* stop signs at entrances thereto or may designate any intersection as a stop intersection *by erecting* like signs at one or more entrances to such intersection; provided, that local authorities, with the consent of the commissioner, may designate thru highways and/or stop intersections on state trunk highways.

(b) Every driver of a vehicle and every motorman of a street car shall stop at such sign or at a clearly marked stop line before entering an intersection except when directed to proceed by a police officer or traffic control signal.”

Sec. 12. Law amended.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-218, Subsection (b), is hereby amended so as to read as follows:

“2720-218. Unattended vehicles. — (b) Whenever any police officer finds a vehicle unattended upon *any street or high-way or upon* any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such

officer is hereby authorized to provide for the removal of such vehicle and remove the same to the nearest convenient garage or other place of safety."

Sec. 13. **Parking cars.**—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-219, is hereby amended by adding thereto a subsection to be known and designated as subsection (d), which shall read as follows:

"(d) No person shall stop or park a vehicle on a street or highway when directed or ordered to proceed by any peace officer invested by law with authority to direct, control or regulate traffic."

Sec. 14. **Law amended.**—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-220, is hereby amended so as to read as follows:

"2720-220. Parking cars on street.—Except where angle parking is permitted by local ordinance every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be so stopped or parked with the right-hand wheels of such vehicle parallel with and within 12 inches of the right-hand curb, provided that such exception shall only apply to a state trunk highway after approval by the commissioner. *Otherwise upon all streets and highways every vehicle stopped or parked shall be so stopped or parked parallel with and to the right of the paved or improved or main traveled part of such street or highway.*"

Sec. 15. **Law amended.**—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-230(a) is hereby amended so as to read as follows:

"2720-230. School buses.—(a) The driver of a vehicle upon a highway outside of a business or residence district upon meeting or overtaking any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall *come to a complete stop and shall not resume motion until the school bus has completed loading or unloading passengers.*

Sec. 16. **Law amended.**—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-233, is hereby amended so as to read as follows:

"2720-233. Certain acts to be misdemeanor.—(a) It is a misdemeanor for any person to drive or for the owner to cause or knowingly permit to be driven on any highway any vehicle or combination of vehicles which is in such unsafe condition

as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this *act*, or which is equipped in any manner in violation of this *act*, or for any person to do any act forbidden or fail to perform any act required under this *act*.

(b) The provisions of this *act* with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

Sec. 17. **Law amended.**—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-240, is hereby amended so as to read as follows:

"2720-240. **Lamps on bicycles.**—Every bicycle shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of 500 feet to the rear, except that *an approved* reflector meeting the minimum requirements of this act may be used in lieu of a rear light."

Sec. 18. **Law amended.**—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-249, Subsection (a), is hereby amended so as to read as follows:

"2720-249. **Lamps on motor vehicles.**—(a) At all times when lighted lamps on vehicles are required in this act, at least two lighted head lamps shall be displayed one on each side at the front of every motor vehicle other than a motorcycle, *provided that under adverse weather conditions two lighted auxiliary lamps one on each side at the front of the vehicle may be used in lieu of two lighted head lamps*, except when such vehicle is parked subject to the regulations governing lights on parked vehicles."

Sec. 19. **Law amended.**—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-255, Subsection 3, is hereby amended so as to read as follows:

"2720-255. **Trailers.**—3. Every trailer, semi-trailer or other vehicle of a gross weight of 1,500 pounds or more when drawn or pulled upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of a towing motor vehicle from its cab, excepting trailers owned by farmers when transporting agricultural products produced on the owner's farm or supplies back to the farm of

the owner of the trailer, and except custom service vehicles drawn by motor vehicles equipped with brakes capable of stopping both vehicles within that distance required by law for vehicles equipped with 4-wheel brakes, and except trailers or semi-trailers when used, by retail dealers, delivering implements of husbandry, providing the gross weight of such trailer of semi-trailer when drawn by a pleasure vehicle shall not exceed 3000 pounds or when drawn by a truck or tractor shall not exceed 6000 pounds, and except disabled vehicles being towed to a place of repair."

Sec. 20. Law amended.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-258, is hereby amended so as to read as follows:

"2720-258. **Mufflers.**—Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and no person shall use a muffler cutout, by-pass or similar device upon a motor vehicle on a street or highway. *Every motor vehicle shall at all times be equipped with such parts and equipment so arranged and kept in such state of repair as to prevent carbon monoxide gas from entering the interior of the vehicle.*"

Sec. 21. Law amended.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-260, is hereby amended so as to read as follows:

"2720-260. **Cracked and discolored windshield prohibited.**—(a) No person shall drive or operate any motor vehicle with a windshield cracked or discolored to an extent to limit or obscure proper vision or with any sign, poster or other nontransparent material upon the front windshield, sidewings, side or rear windows of such vehicle other than a certificate or other paper required to be so displayed by law.

(b) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(c) *No person shall drive any motor vehicle with the windshield covered with steam or frost to such an extent as to prevent proper vision.*"

Sec. 22. Law amended.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-262, is hereby amended so as to read as follows:

"2720-262. **Bumpers.**—All motor vehicles shall be equipped with front and rear bumpers or *with front bumpers and with rear reflectors as herein provided and all trailers and semi-trailers weighing more than 1,500 pounds shall be equipped with rear bumpers or with rear reflectors as herein provided.* Such bumpers shall be securely attached to the frame thereof, and shall extend beyond the extreme front and rear points respectively of such vehicles. The center point of such bumpers shall be not more than 20 inches nor less than 14 inches from the ground when the vehicle is unloaded, provided that two rigid cross-bars may be attached to any bumper to extend it so that it will reach into a point within the required height from the ground."

Sec. 23. **Law amended.**—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-264, Subsection (a), is hereby amended so as to read as follows:

"2720-264. **Flares and signals.**—(a) No person shall operate any bus, motor truck or tractor *except farm tractors upon a highway outside of a business or residence district at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicle a sufficient number of flares, not less than three, or electric lanterns or other signals capable of continuously producing three warning lights each visible from a distance of at least 500 feet for a period of at least 12 hours, except that a motor vehicle transporting flammables may carry reflectors in place of the other signals above mentioned.*

Every such flare, lantern, signal, or reflector shall be of a type approved by the commissioner and he shall publish lists of those devices which he has approved as adequate for the purposes of this section."

Sec. 24. **Law amended.**—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-270, is hereby amended so as to read as follows:

"2720-270. **Width of loads.**—(a) The total outside width of any vehicle or the load thereon shall not exceed eight feet *except that the outside width of a farm tractor shall not exceed nine feet and except as otherwise provided in this section.*

(b) The total outside width of a trackless trolley car or passenger motor bus, operated exclusively in any city or village, or contiguous cities or villages, in this state shall not exceed nine feet."

(c) *The total outside width of loads of forest products when loaded crossways shall not exceed 100 inches, provided the load is securely bound with a chain attached to front and rear of the loading platform of the vehicle and the sides of each load are covered with woven wire securely fastened at front and rear so as to prevent pieces slipping out on either side and so as to hold the load securely in place.*

Sec. 25. **Law amended.**—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-272, Subsection (c) is hereby amended so as to read as follows:

"2720-272. Length of loads—Exceptions.—(c) No combination of vehicles coupled together shall consist of more than two units and no such combination of vehicles shall exceed a total length of 40 feet, *provided that this limitation shall not apply to the transportation of telegraph poles, telephone poles, electric light and power poles or piling, and* subject to the following further exceptions: Said length limitations shall not apply to vehicles when transporting pipe, or other objects by a public utility when required for emergency or repair of public service facilities or when operated under special permit as provided in this act, but in respect to night transportation every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps and marker lamps on both sides and upon the extreme ends of any projecting load to clearly mark the dimensions of such load."

Sec. 26. **Law amended.**—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-274, Subsection (d), is hereby amended so as to read as follows:

"2720-274. Trailer hitches.—(d) Every trailer or semi-trailer shall be hitched to the motor vehicle furnishing the tractive power for it by a device approved by the commissioner as safe.

Sec. 27. **Law amended.**—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-281, is hereby amended so as to read as follows:

"2720-281. Violations—Penalties.—(a) It is a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this state declared to be a gross misdemeanor or a felony.

(b) Every person convicted of a misdemeanor for a violation of any of the provisions of this act for which another penalty is not provided, shall be punished by a fine of not

more than \$100.00 or by imprisonment of not more than 90 days.

(c) Whenever a person is arrested for any violation of this act or any violation of a city or village ordinance regulating traffic, the court before whom such matter is heard shall determine the driver's record of such person from the commissioner before hearing or considering such matter and the expense incident to the procurement of such information shall be taxable as costs upon conviction."

Sec. 28. Law amended.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-284, is hereby amended so as to read as follows:

"2720-284. Procedure after arrest.—Whenever any person is arrested for any violation of this act punishable as a misdemeanor, the arrested person shall be immediately taken before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of such offenses and is nearest or most accessible with reference to the place where said arrest is made, in any of the following cases:

1. When a person arrested demands an immediate appearance before a magistrate;

2. When a person is arrested and charged with an offense under this act causing or contributing to an accident resulting in injury or death to any person;

3. When the person is arrested upon a charge of negligent homicide;

4. When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injuries, or damage to property;

5. In any other event when the person arrested refused to give his written promise to appear in court as hereinafter provided."

Sec. 29. Law amended.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-285, is hereby amended so as to read as follows:

"2720-285. Officer to make report.—(a) Whenever a person is arrested for any violation of this act punishable as a misdemeanor, and such person is not immediately taken before a magistrate the arresting officer shall prepare in duplicate written notice to appear in court containing the name and ad-

dress of such person, his driver's license or chauffeur's license number, the license of his vehicle, if any, the offense charged, and the time and place when and where such person shall appear in court.

(b) The place specified in said notice to appear must be before a magistrate within the town if there be a magistrate within said town, otherwise within the county in which the offense charged is alleged to have been committed and who has jurisdiction of such offense.

(c) The arrested person in order to secure release, as provided in this section, must give his written promise so to appear in court by signing in duplicate the written notice prepared by the arresting officer. The original of said notice shall be retained by said officers and the copy thereof delivered to the person arrested. Thereupon, said officer shall forthwith release the person arrested from custody."

Sec. 30. Law amended.—The 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 2720-291, is hereby amended so as to read as follows:

"2720-291. Construction of act.—(a) This act shall be interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

(b) *In all civil actions, a violation of any of the provisions of this act by either or any of the parties to such action or actions shall not be negligence per se but shall be prima facie evidence of negligence only.*"

Approved April 22, 1939.

CHAPTER 431—H. F. No. 1270

An act relating to the organization and administration of the state government, appropriating money therefor, prescribing penalties for violations, and repealing Mason's Minnesota Statutes of 1927, Sections 2317 and 2318, and other acts and parts of acts inconsistent herewith.

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

ARTICLE I

Section 1. Departments of State Government.—The following departments and agencies of the state government are