

CHAPTER 474—S. F. No. 1002

An act to regulate the manufacture, sale, distribution, use and possession of explosives, with penalties for violations.

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

Section 1. Definitions.—As used in this act:

(a) “Explosives” means gunpowders, powders used for blasting, high explosives, blasting materials, fuses (other than electric circuit breakers), detonators and other detonating agents, smokeless powder, and any chemical compound or any mechanical mixture containing any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that ignition by fire, friction, concussion, percussion, or detonation of any part thereof may and is intended to cause an explosion, but shall not include fixed ammunition for small arms, firecrackers, or matches, when the individual units contain any of the articles above specified in such limited quantity or of such nature and in such packing that it is impossible to produce an explosion of such units to the injury of life, limb, or property, and shall not include fluid petroleum products, alcohol, ether, or compressed or liquefied gas.

(b) “Person” includes any natural person, partnership, association, or corporation.

(c) “Manufacturer” means any person who is engaged in the manufacture of explosives or who otherwise produces any explosive.

(d) “Dealer” means any person, not a manufacturer, engaged in the business of buying and selling explosives.

(e) “Licensing authority” means the adjutant general, the chief of police or other chief peace officer of a municipality, the sheriff of a county for all territory therein outside of municipalities, or other officer designated as a licensing authority for any specified territory by the governor.

Sec. 2. Manufacturers of explosives to be licensed.—No person shall manufacture, possess, or deal in explosives without a license therefor as herein provided.

Sec. 3. Must hold license to acquire explosives.—No person shall sell, give, ship, deliver, or otherwise dispose of explosives to any person within this state who does not hold a license hereunder.

Sec. 4. Contents of application.—Subdivision 1. Application for a license to manufacture explosives shall be made to

the adjutant general in such form as he shall prescribe, shall be verified upon oath, and shall state, among other things: (1) the name and address of the applicant, (2) the reason for desiring to manufacture explosives, (3) his citizenship, if the applicant is an individual, (4) if the applicant is a partnership, the names and addresses of the partners and their citizenship, and (5) if the applicant is an association or corporation, the names and addresses of the officers and directors thereof and their citizenship.

Subdivision 2. Application for a license to engage in the business of dealing in explosives shall be made to the licensing authority of the county or municipality in which the applicant conducts his business in such form as the adjutant general shall prescribe, shall be verified upon oath, and shall state, among other things: (1) the name and address of the applicant, (2) the reason for desiring to engage in the business of dealing in explosives, (3) his citizenship, if the applicant is an individual, (4) if the applicant is a partnership, the names and addresses of the partners and their citizenship, and (5) if the applicant is an association or corporation, the names and addresses of the officers and directors thereof and their citizenship.

Subdivision 3. Application for a license to possess explosives shall be made in writing to the licensing authority of the county or municipality in which the applicant resides or has his regular place of business in such form as the adjutant general shall prescribe, shall be verified upon oath, and shall state, among other things: (1) the name and address of the applicant, (2) the reason for desiring the license to possess explosives, (3) his citizenship, if the applicant is an individual, (4) if the applicant is a partnership, the names and addresses of the partners and their citizenship, and (5) if the applicant is an association or corporation, the names and addresses of the officers and directors thereof and their citizenship.

Sec. 5. **Fees.**—Applications for licenses shall be accompanied by the following fees, which shall be refunded if the application be denied: For a manufacturer's license \$25.00, for a dealer's license \$2.00, for a possessor's license \$1.00; provided, that if the license will expire within six months from the date of issuance, the fee shall be one half of the regular license fee. All license fees shall be paid into the treasury of the state, county, or municipality served by the licensing authority.

Sec. 6. **Licenses issued when.**—Upon receipt of an application for a license, with the prescribed fee, the licensing

authority shall issue the license applied for unless he finds that the applicant or any officer, agent, or employe of the applicant who is to be engaged in manufacturing, dealing in, or handling explosives, as the case may be, is not competent therefor, or lacks suitable facilities therefor, or has been convicted of a crime involving moral turpitude, or is disloyal to the United States; provided, that no license shall be issued for manufacturing, dealing in, or possessing explosives under any circumstances contrary to any law or local ordinance, nor shall any license be deemed to authorize manufacturing, dealing in, or possessing explosives under any such circumstances. In case of failure or refusal by the licensing authority to grant a license within two days after receipt of the application, the applicant may file a written demand for hearing thereon, which shall be held by the licensing authority within five days thereafter, unless the time be extended with the consent of the applicant. If the application be denied after hearing, the licensing authority shall make a written order stating the grounds of denial, and shall serve a copy thereof on the applicant.

Sec. 7. Expiration of licenses.—Every license issued hereunder shall expire on the last day of the calendar year in which it was issued, unless sooner revoked. A limited license for any shorter time may be issued upon request of the applicant, subject to reduction of the fee as hereinbefore provided.

Sec. 8. Must keep record of sale or disposition of explosives.—Every manufacturer and dealer shall keep a record of all explosives received, kept, or disposed of by him, showing the name and address of each person dealt with and the amount of explosives involved in each transaction. Such record shall be open for inspection by the licensing authority or his duly authorized agents and by all federal, state, and local law enforcement officers at all times. Any manufacturer or dealer shall mail or deliver to such licensing authority, agent, or officer, upon request, a written statement of such information from any such record as such authority, agent, or officer may require.

Sec. 9. Shall report to adjutant general.—Forthwith upon issuing a license to deal in or to possess explosives, the county or municipal licensing authority shall mail to the adjutant general a report giving the name and address of the licensee and such further information from the application as the adjutant general may require.

Sec. 10. Licenses may be revoked.—Any license issued hereunder may be revoked after hearing by the authority

issuing the same for any violation of or failure to comply with any provision of this act or upon any ground specified herein as cause for denying an application for a license. Written notice of such hearing shall be given the licensee at least one week before the time fixed for hearing. Pending such hearing the licensing authority may, if he has reasonable cause to believe that grounds for revocation exist and that the public safety so requires, suspend the license forthwith by giving written notice of the suspension to the licensee, but no such suspension shall continue for more than ten days without a hearing unless the time be extended at the request or with the consent of the licensee.

Sec. 11. Summons as in civil actions.—Any notice or order required to be served upon an applicant or licensee hereunder may be served upon him personally as provided by law for service of a summons in a civil action or by mailing a copy to him at the address stated in the application or at such other address as he may have designated in writing to the licensing authority.

Sec. 12. May appeal to district court.—Any person aggrieved by an order of a licensing authority, made after hearing, refusing to grant or revoking a license may appeal therefrom to the district court of the county in which the office of the licensing authority is located by serving a notice of appeal on the licensing authority and filing the same with the clerk of the court within fifteen days after service or mailing of notice of the order appealed from, together with a bond to the state in the sum of \$100.00, approved by the clerk, conditioned to prosecute the appeal with diligence and to pay all costs that may be adjudged. Upon application of the appellant and upon such notice to the licensing authority as the court may direct, the appeal shall be brought on for trial before the court, without a jury, at such time as the court may fix. The court shall try the issues de novo, and shall render judgment affirming the order appealed from or reversing the same and directing the issuance of a license, as the case may require.

Sec. 13. Adjutant general to prescribe regulations.—The adjutant general may prescribe such regulations as he may deem necessary and proper for the safekeeping or transportation of explosives or for carrying out the provisions of this act. Every such regulation shall be published once in a legal daily newspaper published in each city of the first class in the state and circulating generally in and about such city, and shall be filed, together with proof of such publication,

with the secretary of state, and shall thereupon have the force of law.

Sec. 14. Violation a misdemeanor.—Every person who shall violate or fail to comply with any provision of this act with respect to manufacturing, possessing, dealing in, selling, giving, shipping, delivering, or otherwise disposing of explosives, or who shall knowingly make any false statement in any application, report, or other writing required or permitted to be filed with any licensing authority hereunder, or who shall knowingly make any false entry in any record required to be kept hereunder, shall be guilty of a gross misdemeanor, and shall be punished by imprisonment in the county jail for a term of not more than one year, or by a fine of not more than \$1000.00, or by both. Every person who shall violate or fail to comply with any other provision of this act or any regulation made thereunder shall be guilty of a misdemeanor.

Sec. 15. Explosives may be contraband in certain cases.—Any explosives kept, transported, or otherwise disposed of in violation of any provision of this act shall be contraband, and may be seized by any licensing authority, sheriff, police officer, or other peace officer, with or without a warrant. Explosives so seized shall be held subject to the order of the district court in a criminal prosecution involving the same, or in a civil action to determine the disposition thereof. Such action may be brought by the attorney general or the county attorney in the name of the state. If the court finds that the explosives were not intended for any unlawful use, it shall order the same released to the owner, if he has or shall obtain the required license, or the court shall order such other lawful disposition of the explosives as the owner may request, provided, that in either case the owner shall furnish such security for the lawful disposition of the explosives as the court may require. Otherwise the court shall order the explosives confiscated in the name of the state. Confiscated explosives shall be sold or destroyed by the sheriff of the county as the court may direct. Proceeds of such sales shall be paid into the treasury of the county in which the proceedings are had.

Sec. 16. Search warrants.—A search warrant for explosives unlawfully kept, transported, or otherwise disposed of may be issued and executed in like manner as provided by law in the case of stolen property.

Sec. 17. Application of act.—The provisions of this act shall not apply to any of the armed forces of the United States or of this state, or to officers or employes of the United States or of this state or of any governmental subdivision thereof

when handling or disposing of explosives in the course of their official duties under lawful authority.

Sec. 18. Provisions severable.—The provisions of this act shall be severable, and if any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any other provision or application of the act which can be given effect without the invalid provision or application.

Sec. 19. Effective date of act.—This act shall take effect June 1, 1941; provided, that forms and regulations may be prescribed and licenses may be applied for and issued hereunder prior to said date, to become effective on said date, and this act shall continue in full force and effect until March 1, 1943.

Approved April 26, 1941.

CHAPTER 475—S. F. No. 1035

An act regulating school bus service; providing for minimum equipment of such buses; providing for the issuance of permits therefor and penalties for the violation thereof.

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

Section 1. Equipment of school buses.—Every school bus used within this state in the transportation of school children shall, when in service, carry as minimum equipment the following:

- (a) "One First Aid Kit completely stocked according to the requirements of the State Department of Health.
- (b) Two United States Army hinged ring upper extremity splints, or in lieu thereof, two splints for the upper extremity, approved by the State Department of Health.
- (c) Two United States Army hinged half-ring lower extremity splints, or in lieu thereof, two lower extremity splints, approved by the State Department of Health."
- (d) Two clean, heavy woolen blankets.