

CHAPTER 108—S. F. No. 530

An act relating to licenses for operation and exhibition of moving pictures; providing for the licensing of open-air drive-in theaters; and amending Minnesota Statutes 1945, Section 75.22.

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

Section 1. Minnesota Statutes 1945, Section 75.22, is amended to read as follows :

75.22. Moving picture machines; licenses for operation; open-air drive-in theater. It shall be unlawful for any person to operate a moving picture machine or to exhibit moving pictures in any building, theater, hall, or *open-air drive-in theater* to which the public is admitted, or in any other place of public entertainment or amusement within this state, unless the owner, lessee, occupant, or agent of the place has been licensed by the state fire marshal to use the place for that purpose. The application shall be made and presented at least 30 days prior to the date when the license is desired to go into effect, to the end that the fire marshal may make the necessary investigation and inspection before the license issues. The license fee shall be \$5.00 for the year and each application shall be accompanied by the license fee. Every license shall expire on the first day of September each year. The state fire marshal, upon application therefor, shall furnish to any person desiring a license an application blank, upon which the applicant shall state the full name and address of the applicant or applicants and, if it be a corporation, the names and addresses of the principal officers thereof, whether the applicant be the owner, lessee, occupant, or agent of the building or *open-air drive-in theater* for which a license is desired, the location and a full description of the property and the building and the room within the building to be used, or proposed to be used, for the exhibition of moving pictures, and such other information as may be required to be contained therein by the state fire marshal. Every application shall be verified by the applicant for the license and the verified application shall be prima facie proof of the facts therein stated.

Upon receipt of the application, the state fire marshal shall make such investigation as he shall deem necessary and shall grant a license to the applicant unless it appears to him that the *applicable* provisions of sections 75.03 to 75.27 are

being violated or are about to be violated. The license thus granted shall not be transferable to any other building, room, or place than that stated in the license. The state fire marshal, in his discretion and under such regulations and conditions as he may prescribe therefor, may grant a permit for the exhibition of moving pictures in an unlicensed building, and without a formal license therefor, for not more than seven consecutive days. These exhibitions are to be given solely for religious, benevolent, educational, or scientific purposes. No license shall be granted except after examination by the state fire marshal, or his authorized deputy or agent; provided, that the state fire marshal may issue a temporary license upon the verified application herein provided for, which shall be good until revoked for cause or until a permanent license is substituted therefor. There shall be deducted from the fee for the permanent license a part thereof proportionate to the unexpired portion of the year for which the temporary license was granted. All public exhibitions of moving pictures in any place, except a building or open-air drive-in theater, shall be subject to such rules, conditions, and regulations, in addition to those provided by law with reference to the safety of the public, as the fire marshal may deem necessary. Any person, firm, or corporation giving public exhibitions of moving pictures in any place, except a building or open-air drive-in theater, shall be classified as itinerant moving picture exhibitors. No such person, firm, or corporation shall give any such public moving picture exhibition at any place, except under a permit from the state fire marshal authorizing the exhibition, and after the person, firm, or corporation has made and executed a bond of indemnity to the state in such sum as the fire marshal may approve, conditioned to pay any and all liability for damages ensuing through the negligence of the exhibitor. The fee for each such permit shall be \$5.00. No licenses or bond shall be required or necessary to operate a moving picture machine or to exhibit moving pictures by any firm, person, association, or corporation in any village having a population of less than 700 where no admission charge is made therefor and where there is no licensed moving picture business.

For the purposes of this section "open-air drive-in theater" shall mean a permanently established place or closure designed to exhibit motion pictures to patrons who view the exhibition from vehicles.

The license shall be posted in a conspicuous place within the *theater* and a picture thereof shall be exhibited upon the screen at the commencement of each performance.

Approved March 12, 1949.

CHAPTER 109—S. F. No. 668

[Not Coded]

An act providing for the payment of the claim of Francis J. Chiles and the Western National Bank of Duluth, Minnesota, arising out of the location, construction, reconstruction, improvement, and maintenance of Trunk Highway 61 and appropriating money out of the Trunk Highway fund, or funds accredited thereto from highway patrol fines or other sources, therefor.

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

Section 1. Claim of Francis Chiles and others; appropriation. The sum hereinafter named, or so much thereof as may be necessary, is hereby appropriated out of the trunk highway fund, or funds accredited thereto from highway patrol fines or other sources, for the purpose hereinafter specified, and the commissioner of highways is requested and directed, upon receiving receipt, release, and discharge in full from the persons hereinafter named, to pay out of the trunk highway fund, or funds accredited thereto from highway patrol fines or other sources, to said persons a sum not to exceed the amount of the claim.

- (a) To reimburse Francis J. Chiles and the Western National Bank of Duluth, Minnesota, for the actual cost of digging a well required to be built by the location, construction, reconstruction, improvement, and maintenance of trunk highway 61 and not compensated for by the department of highways . . . a sum not to exceed \$5,200.

Approved March 12, 1949.