

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

[252.015] Section 1. **Minnesota school and colony; Cambridge state school and hospital.** The state institution for the mentally deficient located at Faribault shall hereafter be known and designated as the Minnesota School and Colony, and the state institution for the epileptics located at Cambridge shall hereafter be known and designated as the Cambridge State School and Hospital.

Approved March 18, 1949.

CHAPTER 143—H. F. No. 715

An act relating to tax on gasoline and gasoline substitutes; amending Minnesota Statutes 1945, Sections 296.025, 296.05, 296.11, 296.12, 296.15, Subdivision 2, 296.16, Subdivision 2, 296.17, Subdivisions 1, 4, 5, 296.19, 296.20, 296.21, 296.27, 296.46; amending Minnesota Statutes 1945, Sections 296.01, 296.06, Subdivisions 1 and 2, 296.22, Subdivision 1, 296.25, 296.48, as amended; and repealing Minnesota Statutes 1945, Sections 296.43, 296.44, 296.45.

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

Section 1. Minnesota Statutes 1945, Section 296.01, as amended by Laws 1947, Chapter 412, Sections 1, 2, 3, and 4, is amended to read :

296.01. **Definitions.** Subdivision 1. **Words, terms and phrases.** Unless the language or context clearly indicates that a different meaning is intended, the following for the purposes of sections 296.01 to 296.49, shall be given the meanings subjoined to them.

Subd. 2. "Petroleum products" means gasoline, fuel oil, and farm tractor fuel.

Subd. 3. "Gasoline" means (a) all products commonly or commercially known or sold as gasoline (including casing-head and absorption or natural gasoline) regardless of their classification or uses; and (b) any liquid prepared, advertised, offered for sale or sold for use as or commonly and commer-

cially used as a fuel in internal combustion engines, which when subjected to distillation in accordance with the standard method of test for distillation of gasoline, naphtha, kerosene and similar petroleum products (American Society for Testing Materials Designation D-86) shows not less than ten per centum (10%) distilled (recovered) below three hundred forty-seven degrees (347°) Fahrenheit (one hundred seventy-five degrees (175°) Centigrade) and not less than ninety-five per centum (95%) distilled (recovered) below four hundred sixty-four degrees (464°) Fahrenheit (two hundred forty degrees (240°) Centigrade); provided however, that "gasoline" shall not include liquefied gases which would not exist as liquids at a temperature of sixty degrees (60°) Fahrenheit and at a pressure of fourteen and seven-tenths (14.7) pounds per square inch absolute.

Subd. 4. "Fuel oil" means any petroleum product other than gasoline which is received in this state for distribution to retail consumers and which when tested with a Cleveland open cup tester shall not flash below 120 degrees Fahrenheit and which has a viscosity of not more than 50 at 100 degrees Fahrenheit by the Saybolt universal process, and any product designated for such use outside this range which is to be blended with other products or processed to produce a resulting product coming within this range.

Subd. 5. "Farm tractor fuel" means any petroleum product other than gasoline and fuel oil as herein defined which is received in this state for distribution to retail consumers for use by them for the generation of power for the propulsion of farm tractors.

Subd. 6. "Special use fuel" means all combustible gases and liquid petroleum products or substitutes therefor, including liquefied gases which exist in a gaseous state at a temperature of 60 degrees Fahrenheit and at a pressure of 14.7 pounds per square inch absolute, which are used in motor vehicles used on the public highways of this state, except gasoline; and includes combustible gases and liquid petroleum products or substitutes therefor which are used as substitutes for aviation gasoline.

Subd. 7. "Distributor" means any person (1) who receives petroleum products in this state for storage and subsequent distribution by tank car or tank truck or both, or (2) who produces, manufactures or refines petroleum products in

this state, or (3) who imports petroleum products into this state via boat, barge or pipe line for storage and subsequent delivery at or further transportation from boat, barge or pipe line terminals in this state.

Subd. 8. "Person" means any individual, firm, trust, estate, partnership, association, cooperative association, joint stock company or corporation, public or private, or any representative appointed by order of any court.

Subd. 9. "Dealer" means any person, except a distributor, engaged in the business of buying and selling gasoline, petroleum products or special use fuel, in this state.

Subd. 10. "Motor vehicles used on the public highways of this state" means every vehicle operated upon the highways of this state the power for the operation of which is produced or generated in an internal combustion engine, but does not include tractors used solely for agricultural purposes.

Subd. 11. "For use in motor vehicles" means for use in producing or generating power for propelling motor vehicles on the public highways of this state or in machinery operated on the public highways of this state for the purpose of constructing, reconstructing, or maintaining such public highways.

Subd. 12. "Commissioner" means the commissioner of taxation of the State of Minnesota.

Subd. 13. **Received.** Except as otherwise provided in this subdivision, petroleum products brought into this state shall be deemed to be "received" in this state at the time and place the same are unloaded in this state. When so unloaded such products shall be deemed to be "received" in this state by the person who is the owner thereof immediately after such unloading; provided, however, that if such owner is not licensed as a distributor in this state and if such products were shipped or delivered into this state by a person who is licensed as a distributor, then such products shall be deemed to be "received" in this state by the licensed distributor by whom the same were so shipped or delivered. Petroleum products produced, manufactured, or refined, at a refinery in this state and stored thereat, or brought into the state by boat or barge or like form of transportation and delivered at a marine

terminal in this state and stored thereat, or brought into the state by pipeline and delivered at a pipe-line terminal in this state and stored thereat, shall not be considered "received" until the same are withdrawn from such refinery or terminal for sale or use in this state or for delivery or shipment to points within this state. When so withdrawn, such products shall be deemed to be "received" by the person who was the owner thereof immediately prior to withdrawal; unless (1) such products are withdrawn for shipment or delivery to another licensed distributor, in which case the licensed distributor to whom such shipment or delivery is made shall be deemed to have "received" such products in this state, or (2) such products are withdrawn for shipment or delivery to a person not licensed as a distributor, pursuant to one or more sale or exchange agreements by or between persons one or more of whom is a licensed distributor, in which case the last purchaser or exchangee under such agreement or agreements, who is licensed as a distributor, shall be deemed to have "received" such products in this state. Petroleum products produced in this state in any manner other than as covered heretofore in this subdivision shall be considered "received" by the producer thereof at the time and place produced.

Subd. 14. "Aircraft" means any contrivance, now or hereafter invented, used or designed for navigation of or flight in the air.

Subd. 15. "*Aviation gasoline*" means any gasoline which is capable of use for the purpose of producing or generating power for propelling aircraft, which (1) is invoiced and billed by a producer, manufacturer, refiner, or blender to a distributor or dealer, by a distributor to a dealer or consumer, or by a dealer to a consumer, as "aviation gasoline," or (2) whether or not invoiced and billed as provided in clause (1) of this subdivision, is received, sold, stored, or withdrawn from storage by any person, to be used for the purpose of producing or generating power for propelling aircraft.

Subd. 16. "Motor vehicle gasoline excise tax" means the tax imposed on gasoline used in producing and generating power for propelling motor vehicles used on the public highways of this state.

Sec. 2. Minnesota Statutes 1945, Section 296.025, is amended to read:

296.025. Excise tax on gasoline substitutes. *Subdivision 1. There is hereby imposed an excise tax of the same rate per gallon as the gasoline excise tax on all special use fuel used in producing and generating power for propelling motor vehicles used on the public highways of this state. This tax shall be payable at the times, in the manner, and by persons specified in this chapter.*

Subd. 2. There is hereby imposed an excise tax of the same rate per gallon as the gasoline excise tax on all special use fuel received, sold, stored or withdrawn from storage in this state, for use as substitutes for aviation gasoline and not otherwise taxed as gasoline.

Subd. 3. The provisions of subdivision 2 of this section do not apply to special use fuel purchased and placed in the fuel tanks of an aircraft outside this state, even though such special use fuel may be consumed within this state.

Subd. 4. The tax imposed by subdivision 2 of this section is expressly declared not to be a tax upon consumption of special use fuel by an aircraft.

Sec. 3. Minnesota Statutes 1945, Section 296.05, is amended to read;

296.05. Specifications. Subdivision 1. No gasoline shall be sold for use in motor vehicles unless it shall conform to the following specifications:

(1) It shall be free from water, suspended matter, and all impurities;

(2) The initial boiling point shall not be higher than 131 degrees Fahrenheit;

(3) When ten per cent has been recovered in the receiver, the temperature shall not be higher than 167 degrees Fahrenheit;

(4) When 50 per cent has been recovered in the receiver, the temperature shall not be higher than 284 degrees Fahrenheit;

(5) When 90 per cent has been recovered in the receiver, the temperature shall not be higher than 392 degrees Fahrenheit;

(6) The end point shall not be higher than 437 degrees Fahrenheit;

(7) The minimum recovery in the receiver shall be 95 per cent of the volume used for the test;

(8) The sulphur content shall not be more than 25 hundredths of one per cent;

(9) The residue shall not be more than two per cent.

Subd. 2. No fuel oil shall be sold unless it shall conform to the following specifications:

(1) It shall be free from water, suspended matter and all impurities;

(2) It shall not flash below 120 degrees Fahrenheit when tested with the Cleveland open cup tester;

(3) When offered for sale or sold as kerosene, it shall be water white and upon complete distillation the end point shall not be higher than 600 degrees Fahrenheit.

Subd. 3. *No farm tractor fuel shall be sold unless it shall conform to the following specifications:*

(1) *It shall be free from water and suspended matter;*

(2) *Upon distillation, when 95 per cent has been recovered in the receiver, the temperature shall not be lower than 464 degrees Fahrenheit;*

(3) *Upon distillation, the end point shall not be higher than 540 degrees Fahrenheit;*

(4) *If, upon distillation, less than 95 per cent is recovered in the receiver, the end point shall not be lower than 464 degrees Fahrenheit nor higher than 540 degrees Fahrenheit;*

(5) *After distillation to the end point, the residue shall not exceed three per cent;*

(6) *It shall be colored in a manner approved by the commissioner.*

Subd. 4. All tests shall be made in accordance with the methods of the American society for testing materials.

Subd. 5. Upon request of a licensed distributor, the shipper shall, at the time of shipment, supply the licensed distributor with the results of tests of each petroleum product shipped to him at destination in Minnesota.

Subd. 6. No aviation gasoline shall be received, sold, stored, or withdrawn from storage in this state unless it shall conform to the specifications set forth in subdivision 1 of this section, and the provisions of subdivision 4 and 5 of this section shall apply to aviation gasoline.

Sec. 4. Minnesota Statutes 1945, Section 296.06, Subdivision 1, as amended by Laws 1947, Chapter 412, Section 5, is amended to read:

296.06. Distributors licensed. Subdivision 1. **Issuance.** No person shall produce, manufacture or refine petroleum products in this state, or receive, distribute, sell or use in this state petroleum products which have not theretofore been received in this state by a licensed distributor, or in any manner act as a distributor as defined in Subdivision 7 of Section 296.01 unless he shall have been licensed by the commissioner as a distributor.

Sec. 5. Minnesota Statutes 1945, Section 296.06, Subdivision 2, as amended by Laws 1947, Chapter 412, Section 6, is amended to read:

296.06. Fees, conditions, bonds. Subd. 2. A distributor's license shall be issued to any responsible person qualifying under this act as a distributor who makes application therefor, and who shall pay to the commissioner at the time thereof and annually thereafter a license fee of \$1.00, and who shall further comply with the following conditions:

(1) A written application shall be made in a manner approved by the commissioner, who shall require the applicant or licensee to deposit with the state treasurer securities of the United States government or the State of Minnesota or to execute and file a bond, with a corporate surety approved by the commissioner, to the State of Minnesota in an amount to be determined by the commissioner and in a form to be fixed by the commissioner and approved by the attorney general, and which shall be conditioned for the payment when due of all excise taxes, inspection fees, penalties, and accrued interest arising in the ordinary course of business or by reason of any delinquent money which may be due the State of Minnesota; the bond shall cover all places of business within the state where petroleum products are received by the licensee; and the applicant or licensee shall designate and maintain an agent in this state upon whom service may be had for all purposes of this section.

(2) An initial applicant for a distributor's license shall furnish a bond in a minimum sum of \$3,000 for the first year;

(3) Whenever it is the opinion of the commissioner that the bond given by a licensee is inadequate in amount to fully protect the state, he shall require an additional bond, in such amount as he deems sufficient;

(4) If any licensee desires to be exempt from depositing securities or furnishing such bond, as hereinbefore provided, he shall furnish an itemized financial statement showing the assets and the liabilities of the applicant and if it shall appear to the commissioner, from the financial statement or otherwise, that the applicant is financially responsible, then the commissioner may exempt such applicant from depositing such securities or furnishing such bonds until the commissioner otherwise orders;

(5) The premium on any bond required under subdivision 2 (1) and (2) and on any additional bond required under subdivision 2 (3) shall be paid by the commissioner out of a bond premium fund which he shall set up from an appropriation by the Legislature from whatever funds are available. All of said bonds required during each license period shall be purchased by the commissioner of administration from the lowest responsible bidder after advertising for competitive bids in the manner prescribed by Laws 1939, Chapter 431, Article II, as amended. The commissioner of administration shall

call for bids within a reasonable period prior to the commencement of license period.

(6) After the present license period expires on May 31, 1947, the next license period shall be for one year ending May 31, 1948, the next license period shall be for thirteen (13) months ending June 30, 1949, and thereafter each license period shall be for one year ending each June 30th.

(7) Upon application to the commissioner and compliance by the applicant with the provisions of this subdivision, the commissioner also shall issue a distributor's license to (a) any person engaged in this state in the bulk storage of petroleum products and the distribution thereof by tank car or tank truck or both, and (b) any person holding an unrevoked license as a distributor since January 1, 1947, and (c) any person holding a license and performing a function under the motor fuel tax law of an adjoining state equivalent to that of a distributor under this act, who desires to ship or deliver petroleum products from that state to persons in this state not licensed as distributors in this state and who agrees to assume with respect to all petroleum products so shipped or delivered the liabilities of a distributor receiving petroleum products in this state, provided, however, that any such license shall be issued only for the purpose of permitting such person to receive in this state the petroleum products so shipped or delivered. Except as herein provided, all persons licensed as distributors under subdivision 2 (7) shall have the same rights and privileges and be subject to the same duties, requirements and penalties as other licensed distributors.

Sec. 6. Minnesota Statutes 1945, Section 296.11 is amended to read:

296.11. Commissioner may revoke licenses. The commissioner may, after hearing, revoke any license or permit if the holder has directly or indirectly violated any of the provisions of sections 296.01 to 296.49 or has failed to comply with any regulation that may be issued. Notice containing a statement of the alleged violation and the time and place of hearing shall be served upon the holder by registered mail at least ten days prior to the day set for hearing. Certification to the attorney general of delinquent tax or fees shall be sufficient cause for immediate revocation without hearing.

Sec. 7. Minnesota Statutes 1945, Section 296.12, is amended to read:

296.12. **Special use fuels.** Subdivision 1. *No person shall use special use fuel in motor vehicles required to be licensed as motor vehicles in this state, or receive, sell, store, or withdraw from storage special use fuel for use as a substitute for aviation gasoline until he shall have made application for and secured from the commissioner a special use fuel user's permit. The application shall be made in a manner approved by the commissioner. The permit shall expire annually on January 30. Each permit shall bear a distinctive number and the permit number, prefixed by the letters "SP," shall be displayed by each motor vehicle in which special use fuel is used, in a manner to be prescribed by the commissioner. It shall be unlawful to display a permit number on a motor vehicle as provided for by this subdivision after such permit has expired or been revoked in the manner provided by section 296.11.*

Subd. 2. *Except as provided in subdivision 3 of this section, special use fuel shall be sold only to holders of valid special use fuel users' permits. Also, except as provided in subdivision 3 of this section, no special use fuel shall be placed in the supply tank of any motor vehicle used on the highways of this state unless such motor vehicle has displayed thereon the permit number provided for in subdivision 1 of this section.*

Subd. 3. *Special use fuel may be sold to a user who does not hold a valid user's permit when such special use fuel is placed in the supply tank of that user's motor vehicle used on the highways of this state and not licensed as a motor vehicle in this state. In such case, the person selling such special use fuel shall collect the excise tax thereon from the user and report and pay such excise tax to the commissioner in the same manner as if the seller were the user thereof.*

Subd. 4. *Persons using special use fuel in motor vehicles, and persons receiving, selling, storing, or withdrawing from storage special use fuel for use as a substitute for aviation gasoline, shall report and pay the tax thereon in a manner approved by the commissioner. The report shall be made by the twenty-third day of each month and shall cover special use fuel used in motor vehicles and special use fuel received, sold, stored, or withdrawn from storage for use as a substitute for aviation gasoline, during the preceding calendar month.*

Subd. 5. The provisions of Section 296.06, subdivision 2, clauses (1), (3), (4), and (5) relating to bonds apply to *special use fuel users*.

Subd. 6. When an application for registration of a motor vehicle discloses that such motor vehicle uses special use fuel, the secretary of state shall not issue a number plate for such motor vehicle until and unless such motor vehicle shall have been registered and a permit issued therefor by the commissioner of taxation as provided in subdivision 1 hereof.

Sec. 8. Minnesota Statutes 1945, Section 296.15, subdivision 2, is amended to read:

296.15. Penalties for nonpayment of taxes. Subd. 2. Upon the failure of any person to pay *any tax or inspection fees* within the time provided by sections 296.01 to 296.49, all *such taxes* and inspection fees shall become immediately due and payable, whether or not the person has previously reported the tax and inspection fees to the commissioner, and after the default in payment the commissioner *may* deliver to the attorney general a certified statement of the amount due from each person hereunder whose excise tax and inspection fees are delinquent. The statement shall give the address of the person owing such tax and inspection fees, the month for which the tax and inspection fees are due, the date of the delinquency, and such other information as may be required by the attorney general. It shall be the duty of the attorney general, upon receipt of the statement, to bring an action in the district court of Ramsey County, or of the county in which the delinquent tax-payer resides, to recover the amount of such *tax and inspection fees*, with penalty, interest and costs and disbursements, and the action may be tried in the county in which it is brought. The judgment of the court when so obtained shall draw interest at the rate of six per cent per year and shall be enforceable in the manner provided by law for the enforcement of judgments obtained in civil actions.

Sec. 9. Minnesota Statutes 1945, Section 296.16, Subdivision 2, is amended to read:

296.16. Seller to collect tax. Subd. 2. If the person directly or indirectly paying either of the taxes provided for by section 296.02 shall not in fact use the gasoline in motor vehicles in this state or receive, store, or withdraw it from stor-

age to be used by himself for the purpose of producing or generating power for propelling aircraft, but shall sell or otherwise dispose of the same, except for use as provided in section 296.14, subdivision 2, he is hereby authorized to collect from the person to whom the gasoline is so sold or disposed of the tax so paid by him, and he is hereby required, upon request, to make, sign, and deliver to such person an invoice of such sale or disposition.

Sec. 10. Minnesota Statutes 1945, Section 296.17, Subdivision 1, is amended to read:

296.17. Reports of gasoline on hand. Subdivision 1. **Liability for payment of tax.** It shall be the duty of every distributor, dealer, and person who sells or uses gasoline manufactured, produced, received or stored by him, and of every person using gasoline in motor vehicles, if the same has not been reported or if the tax on account thereof has not been paid to the commissioner, to report to the commissioner the quantity of such gasoline so sold or used by him, and such person shall become liable for the payment of the tax. All provisions of sections 296.01 to 296.49 relating to the calculation, collection and payment of the tax shall be applicable to any such person, dealer or distributor.

Sec. 11. Minnesota Statutes 1945, Section 296.17, Subdivision 4, is amended to read:

296.17. Users' Licenses. Subd. 4. Every person who regularly or habitually uses or operates motor vehicles upon the highways of this state and is liable to tax under the provisions of subdivision 2 of this section and is not otherwise licensed as a distributor under the provisions of section 296.01 to 296.49 shall apply for and obtain a license as a "user"; which license shall be issued in the same manner and subject to the same limitations and provisions as provided in sections 296.01 to 296.49 for distributors' license.

Sec. 12. Minnesota Statutes 1945, Section 296.17, Subdivision 5, is amended to read:

296.17. Duties of distributor or dealer. Subd. 5. The provisions of subdivision 1 do not apply to aviation gasoline. It shall be the duty of every distributor, dealer, and person who receives, sells, stores, or withdraws from storage in this state aviation gasoline manufactured, produced, received, or

stored by him, if the same has not been reported or if a tax provided for in section 296.02 on account thereof, has not been paid to the commissioner, to report to the commissioner the quantity of such gasoline so received, sold, stored, or withdrawn from storage by him, and such person shall become liable for the payment of the tax.

All provisions of *sections 296.01 to 296.49* relating to the calculation, collections, and payment of the tax shall be applicable to any such person, dealer, or distributor.

Sec. 14. Minnesota Statutes 1945, Section 296.19, is amended to read:

296.19. Construction of sections 296.01 to 296.49. *No provision of sections 296.01 to 296.49 shall apply to, or be construed to apply to, foreign or interstate commerce, except in so far as the same may be permitted under the constitution and the laws of the United States.*

Sec. 15. Minnesota Statutes 1945, Section 296.20, is amended to read:

296.20. Gasoline taxes in lieu of certain taxes. Gasoline excise taxes shall be in lieu of all other taxes imposed upon the business of selling or dealing in gasoline, whether imposed by the state or by any of its political subdivisions, but shall be in addition to all ad valorem taxes now imposed by law. Nothing in sections 296.01 to 296.49 shall be construed as prohibiting the governing body of any city or village of this state from licensing and regulating such business wherever authority therefor is, or may hereafter be, conferred by state law or city or village charter.

Sec. 16. Minnesota Statutes 1945, Section 296.21, is amended to read:

296.21. Dealers and distributors to keep accurate records. Subdivision 1. All distributors and dealers shall keep a true and accurate record of all purchases, transfers, sales and use of petroleum products *and special use fuel* in a manner approved by the commissioner, and shall retain all such records for four years.

Subd. 2. The books and records of all carriers of petroleum products, distributors, dealers, and persons selling or

using special use fuel shall be made accessible to the commissioner or his authorized representative.

Subd. 3. On or before the tenth day of each month, every common and every contract carrier of petroleum products shall file with the commissioner in a manner approved by him a report showing the unloading date of all shipments of petroleum products and such other information as he may require.

Sec. 17. Minnesota Statutes 1945, Section 296.22, Subdivision 1, as amended by Laws 1947, Chapter 412, Section 8, is amended to read:

296.22. **Safety requirements.** Subdivision 1. The out-sides of all barrels, cans or like containers used for storing, shipping or delivering gasoline or other petroleum products having a flash point of less than 100 degrees Fahrenheit when tested with the Tagliabue closed cup tester shall be painted red in their entirety or identified in a manner approved by the commissioner, and such containers shall not be used for any other *petroleum* product. Nothing herein shall prevent the distributor from placing his name, trademark or other identification on such containers.

Sec. 18. Minnesota Statutes 1945, Section 296.25, as amended by Laws 1947, Chapter 412, Section 11, is amended to read:

296.25. **Violations and penalties.** *Subdivision 1.* Any person who fails to comply with any provisions of Sections 296.01 to 296.49, or who makes any false statement in any report required by sections 296.12, 296.14, 296.17, subdivision 5, 296.18, subdivision 2, or 296.49, shall be guilty of a misdemeanor unless other penalties are expressly provided.

Subd. 2. Any person who fails to comply with the provisions of section 296.12, subdivision 1, shall be guilty of a misdemeanor. Each day's operation on the public highways of this state of a motor vehicle using special use fuel without a special use fuel user's permit shall constitute a separate offense under the provisions of section 296.12, subdivision 1, by the special use fuel user.

Sec. 19. Minnesota Statutes 1945, Section 296.27, is amended to read:

296.27. **Rules and regulations.** The commissioner may make rules and regulations relating to the administration and enforcement of laws regulating the sale, distribution, and use of petroleum products *and special use fuel*. The rules and regulations shall be reasonable and not inconsistent with the law.

Sec. 20. Minnesota Statutes 1945, Section 296.46, is amended to read:

296.46. **Farm tractor fuels not subject to tax; exceptions.** Farm tractor fuels may be inshipped into, and sold in, this state and shall not be subject to the gasoline *excise* tax, *except that* when such tractor fuels are used for the operation of machinery for the purpose of constructing, reconstructing, or maintaining the public highways, the product will then be considered gasoline for purposes of taxation and taxed in accordance with existing laws or rules and regulations issued by the commissioner of taxation.

Sec. 21. Minnesota Statutes 1945, Section 296.48, as amended by Laws 1947, Chapter 412, Section 12, is amended to read:

296.48. **Violations and penalties.** Subdivision 1. Any person who shall inship, sell, or blend farm tractor fuels in violation of the provisions of Sections 296.01 to 296.49 shall be guilty of a misdemeanor and such inshipment, sale or blending shall be sufficient cause for cancellation of a distributor's license.

Subd. 2. Any person who operates any motor vehicle on a public highway, except a farm tractor occasionally run on the highway in actual farm operation, on *farm* tractor fuel shall be guilty of a misdemeanor; and, upon conviction thereof, his current motor vehicle license and license plates shall be canceled, forfeited, and surrendered for the balance of the year; and the court in passing sentence shall require surrender of the license plates and fix a period of not less than 60 days, nor more than six months, during which that person shall not be entitled to apply for a new motor vehicle license or plates, and notify the secretary of state thereof.

Sec. 22. **Repeals.** Minnesota Statutes 1945, Sections 296.43, 296.44, and 296.45, are repealed.

Approved March 18, 1949.