

Subd. 45. **Right of way.** "*Right of way*" means the privilege of the immediate use of highway.

Subd. 46. **Gross weight.** "*Gross weight* means the unloaded weight of a vehicle or the unloaded weight of a truck-tractor and semi-trailer combination, plus the weight of the load.

Subd. 47. **Custom service vehicles.** "*Custom service vehicles*" means all vehicles used as well-drilling machine, wood-sawing machine, cement mixer, rock crusher, road grader, ditch digger, or elevating grader, and similar service equipment.

Subd. 48. **Motor vehicle dealer.** "*Motor vehicle dealer*" means 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.

Subd. 49. **Truck.** "*Truck*" means every motor vehicle designed, used or maintained primarily for the transportation of property.

Subd. 50. **Bus.** "*Bus*" means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons, and every motor vehicle other than a taxicab designed and used for the transportation of persons for compensation.

Subd. 51. **Bicycle.** "*Bicycle*" means every device propelled by human power upon which any person may ride, having two tandem wheels either of which is over 20 inches in diameter, and including any device generally recognized as a bicycle though equipped with two front or rear wheels. Approved March 22, 1951.

CHAPTER 115—H. F. No. 891

An act relating to aircraft violations; amending Minnesota Statutes 1949, Section 360.075, Subdivisions 1, 6.

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

Section 1. Minnesota Statutes 1949, Section 360.075, Subdivision 1, is amended to read :

360.075 **Violations, penalties.** Subdivision 1. Every person who :

(1) operates an aircraft either on or over land or water in this state without the consent of the owner of such aircraft; or

(2) operates, or attempts to operate, any aircraft in this state while under the influence of intoxicating liquor or of any narcotic or other habit-forming drug; or

(3) knowingly permits any individual who may be under the influence of intoxicating liquor or of any narcotic or other habit-forming drug to operate any aircraft owned by such person or in his custody or control; or

(4) operates aircraft while in the possession of any federal license, certificate, or permit or any certificate of registration issued by the aeronautics department of this state, or displays, or causes or permits to be displayed, such federal license, certificate, or permit or such state certificate of registration, knowing either to have been cancelled, revoked, suspended, or altered; or

(5) lends to, or knowingly permits the use of by, one not entitled thereto of any federal airman's or aircraft license, certificate, or permit, or any state airman's or aircraft certificate of registration issued to him; or

(6) displays or represents as his own any federal airman's or aircraft license, certificate, or permit or any state airman's or aircraft certificate of registration not issued to him; or

(7) tampers with, climbs upon or into, makes use of, or navigates any aircraft without the knowledge or consent of the owner or person having control thereof, whether while the same is in motion or at rest, or hurls stones or any other missiles at aircraft, or the occupants thereof, or otherwise

damages or interferes with the same, or places upon any portion of any airport any object, obstruction, or other device tending to injure aircraft or parts thereof; or

(8) uses a false or fictitious name, gives a false or fictitious address, knowingly makes any false statement or report, or knowingly conceals a material fact, or otherwise commits a fraud in any application or form required under the provisions of Laws 1945, Chapter 303, or by any rules, regulations, or orders of the commissioner; or

(9) operates any aircraft in such a manner as to indicate either a willful or a wanton disregard for the safety of persons or property; or

(10) carries on or over land or water in this state in an aircraft other than a public aircraft any explosive substance except as permitted by the Federal Explosives Act, being the Act of October 6, 1917, as amended by P. L. 775, 77th Congress, approved November 24, 1942; or

(11) discharges a gun, pistol, or other weapon in or from any aircraft in this state except as the hunting of certain wild animals from aircraft may be permitted by other laws of this state, or unless he is the pilot or officer in command of the aircraft or a peace officer or a member of the military or naval forces of the United States, engaged in the performance of his duty; or

(12) carries in any aircraft, other than a public aircraft, any shotgun, rifle, pistol, or small arms ammunition except in the manner in which such articles may be lawfully carried in motor vehicles in this state, or unless he is a person excepted from the provisions of clause (11) of this subdivision; or

(13) engages in acrobatic or stunt flying without being equipped with a parachute and without providing any other occupants of the aircraft with parachutes and requiring that they be worn; or

(14) while in flying over a thickly inhabited area or over a public gathering in this state, engages in trick or acrobatic flying or in any acrobatic feat; or

(15) except while in landing or taking off, flies at such low levels as to endanger persons on the surface beneath, or

drops any object except loose water or loose sand ballast, or engages in advertising through the playing of music or transcribed or oral announcements, or makes any noise with any siren, horn, whistle, or other audible device which is not necessary for the normal operation of the aircraft, *except that sound amplifying devices may be used in aircraft when operated by or under the authority of any agency of the state or federal government for the purpose of giving warning or instructions to persons on the ground; or*

(16) while in flight in an aircraft, whether as a pilot, passenger, or otherwise, endangers, kills or attempts to kill any birds or animals or uses any aircraft for the purpose of concentrating, driving, rallying, or stirring up migratory waterfowl, except as may be permitted by other laws of this state—shall be guilty of a misdemeanor.

Sec. 2. Minnesota Statutes 1949, Section 360.075, Subdivision 6, is amended to read:

Subd. 6. Additional penalties, certain violations. For any violation of subdivisions 1 and 5 of this section or of any rule or regulation issued pursuant to section 360.015, in addition to the penalties provided in this section, or as a condition to the suspension of a sentence which may be imposed pursuant thereto, the court in its discretion may prohibit the violator from operating an aircraft within the state for such period as it may determine, but not to exceed one year. Violation of the duly imposed prohibition of the court may be punished as a contempt of court. Upon a plea of guilty or conviction under said sections, in any case involving a registrant under section 360.018, the court shall cause a notation of such plea or conviction and of the sentence imposed to be marked upon the airman's certificate issued by the commissioner, and shall notify the commissioner of any action involving a violation under this section by mailing a report to the commissioner showing the name and address of the violator, the offense charged, the time and place of violation, the plea, the finding of the court or jury, and the penalty imposed. If the violator did not possess an airman's certificate at the time of his conviction, the commissioner shall cause a notation of the sentence imposed by the court to be marked on any airman's certificate subsequently issued to the violator.

Approved March 22, 1951.