

application within three months thereafter, may grant one re-examination without additional fee to a person who has been refused a license on a previous application. Refunds permitted by Sections 168.39 to 168.45 shall be made in the manner provided by law for making refunds and paid out of the general revenue fund.

Sec. 3. Badges, loss or destruction. *In the event of the loss or destruction of the original badge the secretary of state, upon receiving a sworn statement from the licensee of such loss or destruction and the payment of the fee of \$1, shall issue a duplicate badge.*

Sec. 4. Effective. *The provisions of Sections 1 and 2 of this act shall become effective for the year 1954 and subsequent years.*

Approved April 16, 1953.

CHAPTER 378—H. F. No. 983

An act relating to the time within which certain actions may be commenced; amending Minnesota Statutes 1949, Sections 541.05, 541.06, 541.07 and 541.071, declaratory of the original purpose of Laws, 1945, Chapter 513, and repealing Minnesota Statutes 1949, Section 541.11.

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

Section 1. Minnesota Statutes 1949, Section 541.05, is hereby amended to read:

541.05 Various cases, six years. The following actions shall be commenced within six years:

- (1) Upon a contract or other obligation, express or implied, as to which no other limitation is expressly prescribed;
- (2) Upon a liability created by statute, other than those arising upon a penalty or forfeiture or where a shorter period is provided by section 541.07;
- (3) For a trespass upon real estate;
- (4) For taking, detaining, or injuring personal property, including actions for the specific recovery thereof;
- (5) For criminal conversation, or for any other injury to the person or rights of another, not arising on contract, and not hereinafter enumerated;
- (6) For relief on the ground of fraud, in which case the

cause of action shall not be deemed to have accrued until the discovery by the aggrieved party of the facts constituting the fraud;

(7) To enforce a trust or compel a trustee to account, where he has neglected to discharge the trust, or claims to have fully performed it, or has repudiated the trust relation;

(8) Against sureties upon the official bond of any public officer, whether of the state or of any county, town, school district, or municipality therein; in which case the limitation shall not begin to run until the term of such officer for which the bond was given shall have expired;

(9) For damages caused by a dam, used for commercial purposes.

Sec. 2. Minnesota Statutes 1949, Section 541.06, is hereby amended to read:

541.06 Sheriffs, coroners, constables; forfeitures, three years. The following actions shall be commenced within three years:

Against a sheriff, coroner, or constable for any act done in his official capacity and in virtue of his office, or for any omission of an official duty, including the non-payment of money collected or received on a judgment or execution.

Sec. 3. Minnesota Statutes 1949, Section 541.07, is hereby amended to read:

541.07 Two year limitations. The following actions shall be commenced within two years:

(1) For libel, slander, assault, battery, false imprisonment, or other tort, resulting in personal injury, and all actions against physicians, surgeons, dentists, hospitals, sanitariums for malpractice, error, mistake or failure to cure, whether based on contract or tort; provided a counterclaim may be pleaded as a defense to any action for services brought by a physician, surgeon, dentist, hospital or sanitarium, after the limitations herein described notwithstanding it is barred by the provisions of this chapter, if it was the property of the party pleading it at the time it became barred and was not barred at the time the claim sued on originated, but no judgment thereof except for costs can be rendered in favor of the party so pleading it;

(2) Upon a statute for a penalty or forfeiture;

(3) For damages caused by a dam, other than a dam used for commercial purposes; but as against one holding

under preemption or homestead laws, such limitations shall not begin to run until a patent has been issued for the land so damaged;

(4) Against a master for breach of an indenture of apprenticeship; the limitation, in such case, to run from the expiration of the term of service;

(5) For the recovery of wages or overtime or damages, fees or penalties accruing under any federal or state law respecting the payment of wages or overtime or damages, fees or penalties, (the term "wages" as used herein shall mean all remuneration for services or employment, including commissions and bonuses and the cash value of all remuneration in any medium other than cash, where the relationship of master and servant exists and the term "damages", as used herein, shall mean single, double or treble damages, accorded by any statutory cause of action whatsoever and whether or not the relationship of master and servant exists).

Sec. 4. Minnesota Statutes 1949, Section 541.071 is hereby amended to read:

541.071 Laws retroactive; limitation. Causes of action accruing prior to the date of Laws 1945, Chapter 513, and barred by the provisions thereof, shall be commenced, as therein provided, and causes of action accruing prior to the date hereof which may be construed not to have been barred by Laws 1945, Chapter 513, but which are barred hereby shall be commenced within three months after the passage of this act, provided that nothing contained in Laws 1945, Chapter 513, shall affect any action or suit for the recovery of wages, overtime, damages, fees, or penalties pending at the time of the passage of said chapter 513 and provided further that nothing contained herein shall affect any action or suit for the recovery of damages, fees or penalties pending at the time of the passage of this act and which may be held was not barred therefore.

Sec. 5. Minnesota Statutes 1949, Section 541.11, is hereby expressly repealed.

Approved April 16, 1953.

CHAPTER 379—H. F. No. 1208

An act relating to firemen's relief associations in certain cities and villages; amending Minnesota Statutes 1949, Section 424.30.