

title, transfer, sick or annual leaves, and separations from the service; and the director shall have access to all public records and papers, the examination of which will aid in the discharge of his duty in connection with the roster;

(5) To prepare, in accordance with the provisions of this chapter and the rules adopted hereunder, examinations, eligible lists, and ratings of candidates for appointment;

(6) To make certifications for appointment within the classified service, in accordance with the provisions of this chapter;

(7) To make investigations concerning all matters touching the enforcement and effect of the provisions of this chapter and the rules and regulations prescribed hereunder;

(8) To make a report and submit the same to the civil service board not later than October first each year; and

(9) To discharge such duties as are imposed upon him by this chapter.

Approved April 29, 1957.

CHAPTER 871—H. F. No. 506

[Coded]

An act relating to abstracting of land titles; creating an abstracters' board of examiners; providing for examination, qualifications, and regulations for abstracters, and providing penalties for violation; repealing Minnesota Statutes 1953, Sections 386.183 and 386.37.

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

Section 1. [386.61] **Definitions.** Subdivision 1. For the purpose of this chapter, unless a different meaning is indicated by the context, the terms defined in this section shall have the meanings ascribed to them as follows:

Subd. 2. "Registered abstracter" means any official, person, firm or corporation obtaining certificates of registration pursuant to the terms of this act; and includes (1) present duly qualified and acting registers of deeds not now prohibited by law from making abstracts; (2) any person, firm or corporation engaged in the business of making abstracts of title and issuing certificates showing ownership of, or interest in, or liens upon any lands in the state of Minnesota, whether registered or not.

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Subd. 3. "Board" means the Minnesota Abstracters' Board of Examiners.

Sec. 2. [386.62] **Certificate of registration required.** No official, person, firm, association or corporation shall advertise or otherwise represent, directly or indirectly, that any abstract of title to any lands in the state of Minnesota, whether registered or not, is made, compiled or issued by a registered, licensed, bonded or official abstracter without first obtaining a certificate of registration pursuant to the provisions of this act.

Sec. 3. [386.63] **Minnesota Abstracters' Board of Examiners.** Subdivision 1. There is hereby created a board to be known as the "Minnesota Abstracters' Board of Examiners", whose duties it shall be to administer the provisions of this act. The board shall consist of five members to be appointed by the governor of the state within 60 days after the effective date of this act. Four persons so appointed shall be residents of this state and actually engaged in the business of making abstracts of title to real estate for at least five years immediately preceding the time of their appointment, but no more than one such member shall be from a county containing a city of the first class. The fifth member of the board shall be an attorney at law admitted to practice in the state of Minnesota. Each member of the board shall qualify by taking the oath provided by law for public officers and shall hold office for six years until his successor shall be appointed and qualified, except that for the first appointments, two members shall be appointed for two years, two for four years, and one for six years, and the term of office in such case shall be designated by the governor at the time of the appointment. Vacancies caused by death, resignation, expiration of the term of public office to which a board member has been appointed or elected, or otherwise shall be filled by the governor for the unexpired term of such member.

Subd. 2. The board shall choose annually one of its members as chairman and one as secretary-treasurer, both of whom shall have power to administer oaths. The board shall adopt an official seal. A majority of the board shall constitute a quorum. The secretary-treasurer shall give such bond as the board shall determine.

Subd. 3. The board shall establish an office in the City of St. Paul and make such rules and regulations as shall be necessary to carry out the purpose of this act except it shall have no power to fix fees for duties performed by abstracters; and it may retain administrative or legal counsel, if deemed necessary; and it may appoint an assistant to the secretary-

treasurer, exempt from civil service, who need not be a member of said board.

Subd. 4. The board shall keep a full record of its proceedings, which shall be open to inspection at all reasonable times, and shall make a biennial report to the governor which shall contain a full statement of its proceedings, receipts and disbursements and such recommendations as it may deem proper.

Subd. 5. Each member of the board shall be paid a per diem of \$5 for attendance of meetings and other service rendered while absent from home upon business connected with and authorized by the board, and in addition mileage not to exceed seven cents for each mile traveled and actual expenses not to exceed \$5 per day, as determined by the board.

Subd. 6. The secretary-treasurer shall collect all fees as provided in this act and shall deposit the same each month with the state treasurer; the fees to be kept in a separate fund called the "Minnesota Abstracters' Board of Examiners Revolving Fund" under the sole control of the board in carrying out the purposes of this act; and the moneys appropriated and used as provided in sections 16 and 17 hereof; and no expenses shall be incurred by the board in excess of the revenue derived from such fees.

Sec. 4. [386.65] **Examination of applicants for certificate of registration.** Subdivision 1. Applications for a certificate of registration shall be made to the board and shall be upon a form to be prepared by the board and contain such information as may be required by it. Upon receiving such application, the board shall fix a time and place for the examination of such applicant. Notice of such examination shall be given to the applicant by registered mail, who shall thereon present himself for examination pursuant to such notice. The examination shall be conducted by the board under such rules and regulations as the board may prescribe, and such rules shall prescribe that the applicant must show he is qualified by experience, education or training to qualify as being capable of performing the duties of an abstracter whose work will be for the use and protection of the public. If application is made by a firm or corporation, one of the members or managing officials thereof shall take such examination. If the applicant successfully passes the examination and complies with all the provisions of this act, the board shall cause its secretary-treasurer to issue a certificate of registration to the applicant.

Subd. 2. No examination shall be required of any person, firm or corporation engaged in the occupation of an ab-

*50¢
per day
+ 50¢ mileage*

stracter of titles and established in the business of abstracting titles at the date this law goes into effect and who shall, within six months after the effective date of this act, file with the secretary-treasurer of said board, affidavits of five real property owners in this state, setting forth the name, place of business and length of time during which and the place where such abstracter has practiced as such and that such abstracter has openly, notoriously and publicly engaged in the business, occupation or profession of making abstracts as an individual owner, member of a firm or corporation or employee of an individual owner, firm or corporation, for a period of at least two years before the effective date of this act.

Subd. 3. Any applicant who can show by affidavits of five real property owners of this state that such applicant has been openly, notoriously and continuously engaged in the business of making abstracts for a period of at least five years prior to his application and who can otherwise comply with the requirements of this act, shall be exempted from the requirements of this section as to an examination.

Sec. 5. [386.66] **Bond or abstracter's liability insurance policy required.** Before a certificate of registration shall be issued, the applicant shall file with the board a bond or abstracter's liability insurance policy to be approved by the president or secretary-treasurer, running to the state of Minnesota in the penal sum of at least \$10,000 conditioned for the payment of such abstracter of any damages that may be sustained by or accrue to any person by reason of or on account of any error, deficiency or mistake arising wrongfully or negligently in any abstract, or continuation thereof, or in any certificate showing ownership of, or interest in, or liens upon any lands in the state of Minnesota, whether registered or not, made by and issued by such abstracter, provided however, that the aggregate liability of the surety to all persons under such bond shall in no event exceed the amount of such bond. In any county having more than 200,000 inhabitants the bond or insurance policy required herein shall be in the penal sum of at least \$25,000. Applicants having cash or securities or deposit with the state of Minnesota in an amount equal to the said bond or insurance policy shall be exempt from furnishing the bond or an insurance policy herein required but shall be liable to the same extent as if a bond or insurance policy has been given and filed. The bond or insurance policy required hereunder shall be written by some surety or other company authorized to do business in this state issuing bonds or abstracter's liability insurance policies and shall be issued for a period of one or more years, and renewed for one or more years at the date of expiration as principal continues in busi-

ness. The aggregate liability of such surety on such bond or insurance policy for all damages shall, in no event, exceed the sum of said bond or insurance policy.

Sec. 6. [386.67] Registered abstractor, seal. A registered abstractor furnishing abstracts of title to real property under the provisions hereof shall provide a seal, which seal shall show by impression the name of such registered abstractor, and shall file with the secretary-treasurer of said board an impression of such seal and the signatures of persons authorized to sign certificates on abstracts and continuations of abstracts and certificates showing ownership of, or interest in, or liens upon any lands in the state of Minnesota, whether registered or not, issued by such registered abstractor.

Sec. 7. [386.69] Certificates of registrations; contents, term. The certificates issued by said board under the provisions hereof shall recite that such bond or insurance policy has been duly filed and approved, and such certificates shall authorize the official, person, firm or corporation named in it to engage in and carry on the business of an abstractor of real estate titles in the county in which said official, person, firm or corporation is authorized to make abstracts. The certificate shall be issued for the term of one year, and expires on July 1 of each year, and shall be renewable annually, as of such date, in each succeeding year.

Sec. 8. [386.71] Registered abstracters, access to public records of register of deeds. Registered abstracters shall have access during ordinary office hours to the public records in the office of the Register of Deeds in the county in which such abstractor is authorized to function, to make such memoranda, microfilm, photostats, photographs, or notations from the records thereof as may be necessary for the purpose of making or compiling abstracts, continuations thereof, or issuing certificates showing ownership of, or interest in, or liens upon any lands in the state, whether registered or not, and the compiling, posting, copying and keeping up their abstract books, indices, or other records necessary to carry on or perform the duties and functions of a registered abstractor, provided that such access during ordinary office hours shall in no manner hinder or interfere with the public officer in the performance of his official duties.

Sec. 9. [386.68] Fees. For the services specified in this act fees shall be charged applicants for registration hereunder, as follows: (1) for original certificate of registration pursuant to Section 4, Subdivision 2 and Subdivision 3, payable with the application, \$50; (2) on annual renewals of

certificate payable with any application for renewal \$5; and (3) on an examination, payable at the time of application for examination, \$25.

Sec. 10. [386.70] Cancellation of abstracter's certificate. The board may at any time require any abstracter holding a certificate under the provisions hereof, upon 30 days' notice, to show cause why any bond or insurance policy should not be held and declared insufficient and invalid or why such certificate should not be recalled or annulled, or why such certificate should not be recalled or annulled for violation of the provisions of this act, or for conviction of the holder of such certificate of a felony, or for habitual carelessness or inattention to business, or for fraudulent practices. If the certificate be held by a firm or corporation, then the provisions hereof shall be applicable to the managing members or officers thereof. The certificate of such firm or corporation may be recalled or annulled pursuant to the provisions of this section for failure to have in its employ competent abstracters. Upon the cancellation of any certificate the holder thereof may appeal to the district court from the decision of the board; such appeal may be taken within 30 days by the service of a written notice of appeal together with a bond in the amount of \$250 to be approved by the secretary-treasurer of the board, conditioned that in case the order is affirmed or the appeal dismissed, that the appellant will pay the cost of the appeal. Minnesota Statutes 1953, Sections 216.25 through 216.27 inclusive shall apply on appeal so far as they are applicable. Such appeal to come on for hearing before the district court of the county in which such certificate holder shall have his place of business at the next regular term of said court.

Sec. 11. [386.72] Abstracters' certificates as prima facie evidence. Any abstract of title, continuation thereof or certificate showing ownership of, or interest in, or liens upon any lands in the state of Minnesota, whether registered or not, certified to be true and correct by any registered abstracter under the signature and seal of such abstracter, shall be received by the courts of this state as prima facie evidence of the existence or nonexistence of records, the content and filing indicated on such abstract, continuation thereof or certificate hereinbefore described.

Sec. 12. [386.76] Violation a misdemeanor. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor.

Sec. 13. [386.75] Practice of attorneys not abridged. Nothing herein shall limit or abridge the rights of a duly

licensed attorney at law in his practice in the State of Minnesota.

Sec. 14. **Severability.** If any provisions of this act is held to be invalid, such invalidation shall not affect other provisions of this act which shall be given effect without the invalid provisions and to this end, the provisions of this act are declared severable.

Sec. 15. [386.73] **Registers of deeds may employ registered abstracters.** Nothing herein shall prohibit any register of deeds who does not hold a certificate of authority pursuant to the provisions hereof from employing a registered abstracter and issuing abstracts pursuant to this act.

Sec. 16. [386.74] **Rights of registers of deeds not abridged.** This act shall not apply to nor abridge the rights of registers of deeds, as set forth in Minnesota Statutes 1953, Section 386.37.

Sec. 17. [386.64] **Minnesota Abstracters' Board of Examiners Revolving Fund.** Subdivision 1. There is hereby created the Minnesota Abstracters' Board of Examiners Revolving Fund, and all moneys therein are hereby appropriated to the Minnesota Abstracters' Board of Examiners for the administration and enforcement of this act.

Subd. 2. Such fund shall consist of any amount appropriated thereto by the legislature from the general revenue fund, together with all receipts derived from the administration of this act, which the board is hereby directed to deposit in the state treasury to the credit of such fund.

Subd. 3. Such fund shall be in the state treasury and the moneys therein shall be paid out in the manner prescribed by law for moneys in the state treasury.

Subd. 4. If at any time in the future there is a sum in the said revolving fund an amount sufficient to reimburse the general revenue fund of any amounts previously appropriated therefrom in accordance with this act over and above any liabilities or encumbered funds, there shall be transferred from such revolving fund an amount sufficient to reimburse the general revenue fund and the state auditor and state treasurer are authorized and directed to make the necessary entries upon their books.

Subd. 5. After the repayment to the general revenue fund referred to in Subdivision 4 above, at the end of any fiscal year thereafter on June 30, there shall be transferred

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to the general revenue fund from said revolving fund an amount equal to the amount of the unencumbered balance of said revolving fund at midnight of the preceding April 30.

Sec. 18. This act shall become effective July 1, 1957.

Approved April 29, 1957.

CHAPTER 872—H. F. No. 564

[Coded]

An act requiring an operator for a structure or place for storage of motor vehicles to report to the bureau of criminal apprehension storage of certain motor vehicles more than 30 days and providing penalty for violation.

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

Section 1. [168.81] Reports of storage of motor vehicle for 30 days made to bureau of criminal apprehension. Every operator of a structure or place where motor vehicles are stored shall report in writing to the bureau of criminal apprehension the fact that any motor vehicle has been continuously stored in such structure or place more than 30 days without having been removed therefrom when the owner thereof is not personally known to such operator and no contract exists between such operator and owner for such term storage. Such report shall be in form prescribed by such bureau, furnishing identification of such vehicle.

Sec. 2. Any person violating section 1 shall be guilty of a misdemeanor.

Approved April 29, 1957.

CHAPTER 878—H. F. No. 590

[Coded in Part]

An act relating to employment security; amending Minnesota Statutes 1953, Section 268.06, as amended, and Section 268.04, Subdivision 12 as amended.

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

Section 1. Minnesota Statutes 1953, Section 268.04,

7-2-1957