

apartment may be made on the person designated in the declaration to receive service of process.

Sec. 28. [515.28] **Personal application.**

(a) All apartment owners, tenants of such owners, employees of owners and tenants, or any other persons that may in any manner use property or any part thereof submitted to the provision of this act shall be subject to this act and to the declaration and bylaws of the association of apartment owners adopted pursuant to the provisions of this act.

(b) All agreements, decisions and determinations lawfully made by the association of apartment owners in accordance with the voting percentages established in the act, declaration or bylaws shall be deemed to be binding on all apartment owners.

Sec. 29. [515.29] **Severability.** If any provision of this act or any section, sentence, clause, phrase or word, or the application thereof in any circumstance is held invalid, the validity of the remainder of the act and of the application of any such provision, section, sentence, clause, phrase or word in any other circumstances shall not be affected thereby.

Approved May 3, 1963.

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CHAPTER 458—S. F. No. 629

*An act to provide for a highway safety account and providing for the supervision and allocation and disbursement thereof; amending Minnesota Statutes 1961, Sections 161.47, Subdivision 5; and 219.40; and appropriating money therefor.*

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

Section 1. [219.401] **Highway Safety Account.** Subdivision 1. *There is hereby created in the treasury of the state a Minnesota highway safety account which shall consist of the moneys hereinafter appropriated and which shall be supervised, regulated and controlled by the Minnesota railroad and warehouse commission as hereinafter provided.*

Sec. 2. Minnesota Statutes 1961, Section 219.40, is amended to read as follows:

219.40 **Determination; order; flagmen or safety device.**

**Changes or additions indicated by italics, deletions by strikeout.**

The commission shall decide the matter set forth in the complaint and make a report in writing thereof, including findings of fact, and make such order as it shall deem proper in the premises and, if the commission shall find the crossing to be dangerous, it may require the railroad company complained of to provide flagmen at such crossing, or adopt such safety device as the commission may deem necessary for the proper protection of the crossing; , or it may require the removal of any structure, ~~or embankment or other obstruction to the view, or it may require the crossing complained of or other crossing in the vicinity thereof closed, from the right-of-way of the railroad company,~~ or it may require the railroad company to construct an overhead or maintain an underground crossing and divide the cost thereof between the railroad company, the town, county, municipal corporation, or state highway department interested, on such terms and conditions as to the commission may seem just and equitable. Where the railroad has been constructed or the grade thereof lowered after the laying out of the highway and the railroad tracks are seven feet or more below the natural surface of the ground, the commission may require the maintenance of an overhead bridge with suitable approaches and require the complaining city, village, town, or county to remove any embankment, ~~or structure or other obstruction to the view from the streets or town or county roads as in the opinion~~ may be reasonable and necessary to properly protect the crossing; provided, that no highway shall be laid out over any railroad so as to cross *at the same grade until such crossing has been approved by the commission. If the railroad and warehouse commission orders the installation of a safety device or the removal of a structure or embankment from the right-of-way of a railroad company or orders the construction, reconstruction or maintenance of an underground or overhead crossing on a state trunk highway, the division of the costs between the railroad and state shall be on the basis of benefit to each and the state's share shall be paid from the state trunk highway fund. If the railroad and warehouse commission orders the installation of a safety device, gates, flagmen or other type of special protection, or the removal of a structure, embankment or other obstruction to the view, or orders the construction, reconstruction or maintenance of an underground or overhead crossing on any public road, street, or highway, the costs of such removal of a structure, embankment or other obstruction to the view and the cost of installation of a safety device, gates, flagmen or other type of special protection or the construction, reconstruction, and maintenance of an underground or overhead crossing shall be divided between the railroad company and the public authority involved on such basis as the parties may agree, or, if they fail to agree, then as determined by the railroad and warehouse commission after notice and hearing on the basis of benefit to the users of each. Where a state*

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*trunk highway is involved, the state's share of the costs shall be paid from the state trunk highway fund. In all other cases the public's share of the costs shall be paid from available federal highway allocations, from highway user taxes allocated to a road authority as defined in Minnesota Statutes, Section 160.02, from the Minnesota highway safety account, or from any combination of the above or other available funds, as the railroad and warehouse commission shall by order determine; provided that any highway, street or road fund shall only be expended for such costs on a highway, street or road within the political subdivision charged with the maintenance and care thereof and only upon the highways, streets or roads for which the fund was allocated, or for which the fund was created.*

Sec. 3. Minnesota Statutes 1961, Section 161.47, Subdivision 5, is hereby amended to read as follows:

Subd. 5. **Fines and forfeited bail money.** All fines and forfeited bail money, from traffic and motor vehicle law violations, collected from persons apprehended or arrested by such employees, shall be paid by the justice of the peace, or such other person or officer collecting such fines, forfeited bail money or installments thereof, within 15 days after the last day of the month in which such moneys were collected, to the county treasurer of the county where the violation occurred. Three-eighths of such receipts shall be credited to the general revenue fund of the county. The other five-eighths of such receipts shall be transmitted by that officer to the state treasurer and shall be credited to a separate account. All costs of participation in a nation-wide police communication system chargeable to the state of Minnesota shall next be paid from such account. *Thereafter commencing July 1, 1963, the sum of \$16,000 shall be credited on the first day of each month from such account to the Minnesota highway safety account, which sum shall be disbursed only as provided for in section 2 of this act. Thereafter* on the first day of each calendar month the money remaining in such account, not needed for the purposes specified in this subdivision, shall be credited to that part of the trunk highway fund which is set apart for maintenance purposes, and so much of the maintenance fund as shall be necessary for the salaries and maintenance of such employees is hereby appropriated for that purpose.

Approved May 3, 1963.

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Changes or additions indicated by *italics*, deletions by ~~strikeout~~.