

under the contract. The 90 day requirement, and the interest provisions provided for herein, shall not apply if delay is caused by the contractor; nor shall the 90 day requirement apply to contracts over one million dollars if the contract provides specifically for a different period of time in which to make such final estimate.

Approved May 6, 1963.

CHAPTER 516—H. F. No. 602

An act relating to juvenile courts; amending Minnesota Statutes 1961, Sections 260.015, by adding a subdivision; 260.125, Subdivision 1; 260.131, Subdivision 2; 260.135, Subdivision 3; 260.141, Subdivisions 1 and 2; 260.161, Subdivision 1; 260.165, Subdivision 1; 260.181, Subdivision 4; 260.193; and 260.211, Subdivision 1.

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

Section 1. Minnesota Statutes 1961, Section 260.015 is amended by adding a subdivision to read:

Subd. 14. Juveniles. "Custodian" means any person who is under a legal obligation to provide care and support for a minor or who is in fact providing care and support for a minor.

Sec. 2. Minnesota Statutes 1961, Section 260.125, Subdivision 1, is amended to read:

260.125 Reference for prosecution. Subdivision 1. When a child is alleged to have violated a state or local law or ordinance after becoming 14 years of age the juvenile court may enter an order referring the alleged violation to the appropriate prosecuting authority for action under laws in force governing the commission of and punishment for violations of statutes or local laws or ordinances. ~~The order of reference terminates the jurisdiction of the juvenile court in the matter.~~ *The prosecuting authority to whom such matter is referred shall within the time specified in such order of reference, which time shall not exceed 90 days, file with the court making such order of reference notice of intent to prosecute or not to prosecute. If such prosecuting authority files notice of intent not to prosecute or fails to act within the time specified, the court shall proceed as if no order of reference had been made. If such prosecuting authority files with the court notice of intent to prosecute the jurisdiction of the juvenile court in the matter is terminated.*

Changes or additions indicated by italics, deletions by strikeout.

Sec. 3. Minnesota Statutes 1961, Section 260.131, Subdivision 2, is amended to read:

Subd. 2. The petition shall be verified by the person having knowledge of the facts and may be on information and belief. ~~If requested by the petitioner, upon the showing of reasonable grounds to support the petition, or if requested by the court, the county attorney shall draft the petition.~~ *Unless otherwise provided by rule or order of the court, the county attorney shall draft the petition upon the showing of reasonable grounds to support the petition.*

Sec. 4. Minnesota Statutes 1961, Section 260.135, Subdivision 3, is amended to read:

Subd. 3. If a petition alleging ~~delinquency~~, neglect, or dependency, or a petition to terminate parental rights is initiated by a person other than a representative of the department of public welfare or county welfare board, the clerk of the court shall notify the county welfare board of the pendency of the case and of the time and place appointed.

Sec. 5. Minnesota Statutes 1961, Section 260.141, Subdivision 1, is amended to read:

260.141 **Service of summons; notice.** Subdivision 1. (a) Service of summons or notice required by section 260.135 shall be made in the same manner in which personal service of summons in civil actions is made. Personal service shall be effected at least 24 hours before the time of the hearing; however, it shall be sufficient to confer jurisdiction if service is made at any time before the day fixed in the summons *or notice* for the hearing, except that the court, if so requested, shall not proceed with the hearing earlier than the second day after the service. *If personal service cannot well be made within the state, a copy of the summons or notice may be served on the person to whom it is directed by delivering a copy thereof to such person personally outside the state. Such service if made personally outside the state shall be sufficient to confer jurisdiction; providing however it be made at least five days before the date fixed for hearing in such summons or notice.*

(b) If the court is satisfied that personal service of the summons or notice cannot well be made, it shall make an order providing for the service of summons or notice by certified mail addressed to the last known addresses of such persons, and by one week published notice as provided in section 645.11. A copy of the notice shall be sent by certified mail at least five days before the time of the hearing or 14 days if mailed to addresses outside the state.

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(c) Notification to the county welfare board required by section 260.135, subdivision 3, shall be in such manner as the court may direct.

Sec. 6. Minnesota Statutes 1961, Section 260.141, Subdivision 2, is amended to read:

Subd. 2. Service of summons, notice, or subpoena required by sections 260.135 to 260.231 shall be made by any suitable person under the direction of the court, and upon request of the court shall be made by a probation officer or any peace officer. *The fees and mileage of witnesses shall be paid by the county if the subpoena is issued by the court on its own motion or at the request of the county attorney. All other fees shall be paid by the party requesting the subpoena unless otherwise ordered by the court.*

Sec. 7. Minnesota Statutes 1961, Section 260.161, Subdivision 1, is amended to read:

260.161 **Records.** Subdivision 1. The juvenile court judge shall keep a **minute book in which he shall enter minutes of all proceedings of the court in each case, including findings, orders, decrees, and judgments, and any evidence which he feels it is necessary and proper to record.** Juvenile court legal records shall be deposited in files and shall include the petition, summons, notice, clerk's certificate of mailing or publication, minutes of the court, findings, orders, decrees, judgments, and motions. *such minutes and in such manner as he deems necessary and proper. The court shall also keep an index in which files pertaining to juvenile matters shall be indexed under the name of the juvenile. After the name of each file shall be shown the file number and, if ordered by the court, the book and page of the register in which the documents pertaining to such file are listed. The court shall also keep a register properly indexed in which shall be listed under the name of the juvenile all documents filed pertaining thereto and in the order filed. Such list shall show the name of the document and the date of filing thereof. The juvenile court legal records shall be deposited in files and shall include the petition, summons, notice, findings, orders, decrees, judgments, and motions and such other matters as the court deems necessary and proper.* The legal records maintained in this file shall be open at all reasonable times to the inspection of any minor to whom the records relate, and to his parent and guardian.

Sec. 8. Minnesota Statutes 1961, Section 260.165, Subdivision 1, is amended to read:

260.165 **Taking child into custody.** Subdivision 1. No child may be taken into immediate custody except:

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(a) With an order issued by the court in accordance with the provisions of section 260.135, subdivision 5, or by a warrant issued in accordance with the provisions of section 260.145; or

(b) In accordance with the laws relating to arrests; or

(c) By a peace officer.

(1) when it is ~~reasonably believed that a child has run away~~ from his ~~parents~~ *parent*, guardian, or custodian, *or when the peace officer reasonably believes such child has run away from his parent, guardian, or custodian;* or

(2) when a child is found in surroundings or conditions which endanger the child's health or welfare *or which such peace officer reasonably believes will endanger such child's health or welfare;* or

(d) By a peace officer or probation or parole officer when it is reasonably believed that the child has violated the terms of his probation, parole, or other field supervision.

Sec. 9. Minnesota Statutes 1961, Section 260.181, Subdivision 4, is amended to read:

Subd. 4. **Termination of jurisdiction.** The court may dismiss the petition or otherwise terminate its jurisdiction *on its own motion or on the motion or petition of any interested party* at any time when it feels it is in the best interest of the minor to do so. Unless otherwise terminated by the court, the jurisdiction of the court terminates when the individual is no longer a minor.

Sec. 10. Minnesota Statutes 1961, Section 260.193, is amended to read:

260.193 **Juvenile traffic offender; procedures; dispositions.**
Subdivision 1. A child who violates a state or local traffic law, ordinance, or regulation, *or who violates a federal, state, or local water traffic law* shall be adjudicated a "juvenile *highway* traffic offender" *or a "juvenile water traffic offender," as the case may be,* and shall not be adjudicated delinquent, unless, as in the case of any other child alleged to be delinquent, a petition is filed in the manner provided in section 260.131, summons issued, notice given, a hearing held, and the court finds as a further fact that the child is also delinquent within the meaning and purpose of the laws relating to juvenile courts.

Subd. 2. When a child is alleged to have violated any state or local traffic law, ordinance, or regulation, the peace officer making the charge shall file a signed copy of the notice to appear, as provided in ~~Minnesota Statutes~~, section 169.91, with the juvenile court of the

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county in which the violation occurred, and the notice to appear has the effect of a petition and gives the juvenile court jurisdiction. *Filing with the court of a notice to appear containing the name and address of the child allegedly violating a federal, state, or local water traffic law and specifying the offense charged, the time and place of the alleged violation shall have the effect of a petition and give the juvenile court jurisdiction.* Any reputable person having knowledge of a child who violates a state or local traffic law, ordinance, or regulation or a federal, state, or local water traffic law, ordinance, or regulation may petition the juvenile court in the manner provided in section 260.131. Whenever a notice to appear or petition is filed alleging that a child is a juvenile *highway* traffic offender or a *juvenile water traffic offender*, the court shall summon and notify the persons required to be summoned or notified as provided in sections 260.135 and 260.141. However, it is not necessary to (1) notify more than one parent, or (2) publish any notice, or (3) *personally serve outside the state.*

Subd. 3. Before making a disposition of any child found to be a juvenile *highway* traffic offender, the court shall obtain from the department of highways information of any previous traffic violation by this juvenile. *In the case of a juvenile water traffic offender, he shall obtain from the office where such information is now or hereafter may be kept information of any previous water traffic violation by such juvenile.*

Subd. 4. If after a hearing the court finds that the welfare of a juvenile *highway* traffic offender or a *juvenile water traffic offender* or the public safety would be better served under the laws controlling adult traffic violators, the court may transfer the case to any court of competent jurisdiction presided over by a salaried judge if there is one in the county. The juvenile court transfers the case by forwarding to the appropriate court the documents in the court's file together with an order to transfer. The court to which the case is transferred shall proceed with the case as if the jurisdiction of the juvenile court had never attached.

Subd. 5. If the juvenile court finds that the child is a juvenile *highway or water* traffic offender, it may make any one or more of the following dispositions of the case:

(a) Reprimand the child and counsel with the child and his parents;

(b) Continue the case for a reasonable period under such conditions governing the child's use and operation of any motor vehicles or *boat* as the court may set;

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(c) Require the child to attend a driver improvement school if one is available within the county;

(d) Recommend to the highway department suspension of the child's driver's license as provided in ~~Minnesota Statutes~~, section 171.16;

(e) If the child is found to have committed two moving *highway traffic* violations or to have contributed to ~~an~~ *a highway* accident involving death, injury, or physical damage in excess of \$100, the court may recommend to the commissioner of highways or to the licensing authority of another state the cancellation of the child's license until he reaches the age of 18 years, and the commissioner is hereby authorized to cancel the license without hearing. At any time before the termination of the period of cancellation, the court may, for good cause, recommend to the commissioner of highways, or to the licensing authority of another state, that the child's license be returned to him, and the commissioner is authorized to return the license;

(f) Place the child under the supervision of a probation officer in his own home under conditions prescribed by the court including reasonable rules relating to his operation and use of motor vehicles *or boats* directed to the correction of his driving habits.

Subd. 6. The juvenile court shall report the disposition of all juvenile *highway* traffic cases to the commissioner of highways, as provided in section 171.16, on the standard form provided by the highway department under section 169.95.

Subd. 7. The juvenile court records of juvenile *highway* traffic offenders *and juvenile water traffic offenders* shall be kept separately *separate from delinquency matters*.

Sec. 11. Minnesota Statutes 1961, Section 260.211, Subdivision 1, is amended to read:

260.211 **Effect of juvenile court proceedings.** Subdivision 1. No adjudication upon the status of any child in the jurisdiction of the juvenile court shall operate to impose any of the civil disabilities imposed by conviction, nor shall any child be deemed a criminal by reason of this adjudication, nor shall this adjudication be deemed a conviction of crime. The disposition of the child or any evidence given by the child in the juvenile court shall not be admissible as evidence against ~~the child~~ *him* in any case or proceeding in any other court, nor shall the disposition or evidence disqualify a ~~child~~

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him in any future civil service examination, appointment, or application.

Approved May 6, 1963.

CHAPTER 517—H. F. No. 666

An act relating to accident and health insurance; providing certain provisions for policies; amending Minnesota Statutes 1961, Section 62.002, Subdivision 1.

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

Section 1. Minnesota Statutes, Section 62.002, Subdivision 1, is amended to read:

62.002 Accident and health insurance; medical expense benefits; provisions of policy. Subdivision 1. No policy of individual accident and sickness insurance shall be delivered or issued for delivery to any person in this state unless:

(1) the entire money and other considerations therefor are expressed therein; and

(2) the time at which the insurance takes effect and terminates is expressed therein; and

(3) it purports to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any two or more eligible members of that family, including:

(a) husband

(b) wife

(c) dependent children

(d) any children under a specified age which shall not exceed 19 years

(e) any other person dependent upon the policyholder; and

(4) the style, arrangement and over-all appearance of the policy give no undue prominence to any portion of the text, and unless every printed portion of the text of the policy and of any endorsements or attached papers is plainly printed in light-face type of a style in general use, the size of which shall be uniform and not less than

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