

“Shall Article IV of the Minnesota Constitution be amended to alter the manner of determining the length of legislative sessions, permitting variations in the times for meetings of the legislature?”

Yes

No”

Approved August 3, 1971.

EXTRA SESSION
CHAPTER 27—S.F.No.116

[Coded in Part]

An act relating to judicial powers and procedure in the administration of highway traffic laws and municipal ordinances; creating a new classification of offenses punishable by fine only termed petty misdemeanors, and restricting the right to trial by jury for offenses not punishable by imprisonment; amending Minnesota Statutes 1969, Chapter 169, by adding a section; Sections 169.02; 169.073; 169.09, Subdivisions 1 and 2, and by adding a subdivision; 169.121, Subdivision 1; 169.13; 169.15; 169.305, Subdivision 2; 169.345, Subdivision 4; 169.47; 169.471; 169.672; 169.80, Subdivision 1; 169.89; 169.90, Subdivision 1; 169.91, Subdivision 1; 169.965, Subdivision 2; 169.966, Subdivision 2; 169.99, by adding a subdivision; 170.50, Subdivisions 1 and 3; 171.16; 171.17; 171.24; 171.40; 484.63; 488.04, Subdivision 5; 488.17, Subdivisions 3 and 6; 488.20; 488A.10, Subdivisions 3, 6, and 7; 488A.18, Subdivision 12; 488A.27, Subdivisions 3, 6, and 7; 488A.35, Subdivision 3; 488A.52; 609.02, Subdivision 1, and by adding a subdivision; 609.025; 609.04; 629.31; 629.42; 633.02; and repealing Minnesota Statutes 1969, Sections 169.14, Subdivision 6; 169.202, Subdivision 3; 169.42, Subdivision 2; and 169.91, Subdivision 2.

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

Section 1. Minnesota Statutes 1969, Section 169.02, is amended to read:

169.02 HIGHWAY TRAFFIC; JUDICIAL ADMINISTRATION OF LAWS; SCOPE. Subdivision 1. The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways, and upon highways, streets, private roads, and roadways situated on property owned, leased, or occupied by the

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Regents of the University of Minnesota, or the University of Minnesota, except:

(1) Where a different place is specifically referred to in a given section;

(2) The provisions of sections 169.09 to 169.13 shall apply upon highways and elsewhere throughout the state.

~~Subd. 2. It is unlawful and, unless otherwise declared in this chapter with respect to particular offenses, it is a misdemeanor, for any person to do any act forbidden or fail to perform any act required in this chapter.~~

~~Subd. 3. No person shall~~ It is a misdemeanor for any person to willfully fail or refuse to comply with any lawful order or direction of any peace officer invested by law with authority to direct, control, or regulate traffic.

Sec. 2. Minnesota Statutes 1969, Section 169.073, is amended to read:

169.073 RED LIGHTS FORBIDDEN. No person or corporation shall place, maintain or display any red light or red sign, signal, or lighting device or maintain the same in view of any highway or any line of railroad on or over which trains are operated in such a way as to interfere with the effectiveness or efficiency of any highway traffic-control device or signals or devices used in the operation of a railroad. Upon written notice from the commissioner of highways such person or corporation maintaining or owning or displaying said prohibited light shall promptly remove the same, or change the color thereof to some other color than red. Where such prohibited light or sign interferes with the effectiveness or efficiency of the signals or devices used in the operation of a railroad, the railroad and warehouse commission shall have authority to cause the removal of the same and the commission shall have authority to issue notices and orders for such removal. The commission shall proceed as provided in sections 216.13, 216.14, 216.15, 216.16, and 216.17, with a right of appeal to the aggrieved party as provided in section 216.25.

~~It shall be a misdemeanor for any~~ No person or corporation to ~~shall~~ maintain or display any such light after written notice thereof from the commissioner of highways or the railroad and warehouse commission that such light constitutes a traffic hazard and has ordered the removal thereof.

Sec. 3. Minnesota Statutes 1969, Section 169.09, Subdivision 1, is amended to read:

169.09 ACCIDENTS. Subdivision 1. **DRIVER TO STOP.** The driver of any vehicle involved in an accident resulting in injury to or

Changes or additions indicated by underline, deletions by ~~strikeout~~.

death of any person shall immediately stop the vehicle at the scene of the accident, or as close thereto as possible, but shall then return to and in every event, shall remain at, the scene of the accident until he has fulfilled the requirements of this chapter as to the giving of information. The stop shall be made without unnecessarily obstructing traffic.

~~Any person failing to stop or to comply with these requirements under such circumstances shall, upon conviction, be punished by imprisonment for not less than ten, nor more than 90, days, or by a fine of not less than \$10, nor more than \$100.~~

Sec. 4. Minnesota Statutes 1969, Section 169.09, Subdivision 2, is amended to read:

Subd. 2. **DRIVER TO STOP.** The driver of any vehicle involved in an accident to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident, or as close thereto as possible, but shall forthwith return to, and in every event shall remain at, the scene of the accident until he has fulfilled the requirements of this chapter as to the giving of information. Every such stop shall be made without obstructing traffic more than is necessary. ~~Any person failing to stop or to comply with these requirements under such circumstances shall be guilty of a misdemeanor.~~

Sec. 5. Minnesota Statutes 1969, Section 169.09, is amended by adding a subdivision to read:

Subd. 14. PENALTY. Any person failing to comply with any of the requirements of this section, under the circumstances specified, shall be guilty of a misdemeanor.

Sec. 6. Minnesota Statutes 1969, Section 169.121, Subdivision 1, is amended to read:

169.121 MOTOR VEHICLE DRIVERS UNDER INFLUENCE OF DRUGS OR ALCOHOLIC BEVERAGES. Subdivision 1. It shall be ~~unlawful and punishable as provided in this section a misdemeanor~~ for any of the following persons to drive, operate or be in actual physical control of any vehicle within this state:

(a) A person who is under the influence of an alcoholic beverage or narcotic drug;

(b) A person who is an habitual user of narcotic drugs;

(c) A person who is under the influence of a combination of any two or more of the elements named in subsections (a) and (b) hereof.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

The provisions of this subdivision apply, but are not limited in application, to any person who drives, operates, or who is in actual physical control of any vehicle in the manner prohibited by this subdivision upon the ice of any lake, stream, or river, including but not limited to the ice of any boundary water.

Sec. 7. Minnesota Statutes 1969, Section 169.13, is amended to read:

169.13 RECKLESS OR CARELESS DRIVING. Subdivision 1. Any person who drives any vehicle in such a manner as to indicate either a wilful or a wanton disregard for the safety of persons or property is guilty of reckless driving and such reckless driving is a misdemeanor.

~~Subd. 2. Any person convicted of reckless driving shall be punished upon a first conviction by imprisonment for not less than ten days or by a fine of not less than \$10 and, upon a second or subsequent conviction, by imprisonment for not less than 30 days or by a fine of not less than \$25.~~

~~Subd. 3. No Any person who shall operate or halt any vehicle upon any street or highway carelessly or heedlessly in disregard of the rights or the safety of others, or in a manner so as to endanger, or be likely to endanger, any person or property is guilty of a misdemeanor .~~

Subd. 4 **3. APPLICATION.** The provisions of this section apply, but are not limited in application, to any person who drives any vehicle in the manner prohibited by this section upon the ice of any lake, stream, or river, including but not limited to the ice of any boundary water.

Sec. 8. Minnesota Statutes 1969, Section 169.15, is amended to read:

169.15 IMPEDING TRAFFIC. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law or except when the vehicle is temporarily unable to maintain a greater speed due to a combination of the weight of the vehicle and the grade of the highway .

~~Police officers are hereby authorized to enforce this provision by directions to drivers, and, in the event of apparent wilful disobedience of this provision and refusal to comply with direction of an officer in accordance herewith, the continued slow operation by a driver shall be a misdemeanor.~~

Sec. 9. Minnesota Statutes 1969, Section 169.305, Subdivision 2, is amended to read:

Changes or additions indicated by underline, deletions by strikeout.

Subd. 2. Any person violating the provisions of subdivision 1 or any order or ordinance promulgated or enacted by the commissioner of highways or a public authority pursuant thereto is guilty of a petty misdemeanor.

Sec. 10. Minnesota Statutes 1969, Section 169.345, Subdivision 4, is amended to read:

Subd. 4. **REVOCATION, PENALTY.** If the police of the state or any city, or other local government shall find that such certificate or insignia is being improperly used, they may report to the motor vehicles division in the department of public safety any such violation and the commissioner of public safety may, in his discretion, remove the privilege.

~~Any~~ It is unlawful and punishable as hereinafter provided for any person who is not physically handicapped and who exercises to exercise the privilege granted a physically handicapped person under subdivision 1 is guilty of a misdemeanor.

Sec. 11. Minnesota Statutes 1969, Section 169.47, is amended to read:

169.47 UNSAFE EQUIPMENT. ~~It is a misdemeanor unlawful and punishable as hereinafter provided for any person to drive or for the owner to cause or knowingly permit to be driven on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter.~~ It is a misdemeanor unlawful and punishable as hereinafter provided for any person to drive or for the owner to cause or knowingly permit to be driven on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter.

The provisions of this chapter with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors, except as herein made applicable. For purposes of this section, a specialized vehicle resembling a low-slung two wheel trailer having a short bed or platform shall be deemed to be an implement of husbandry when such vehicle is used exclusively to transport implements of husbandry, provided, however, that no such vehicle shall operate on the highway before sunrise or after sunset unless proper lighting is affixed to the implement being drawn.

Sec. 12. Minnesota Statutes 1969, Section 169.471, is amended to read:

169.471 TELEVISION. No television screen shall be installed or used in any motor vehicle at any point forward of the back of the driver's seat, or which is visible to the driver while operating the

Changes or additions indicated by underline, deletions by ~~strikeout~~.

motor vehicle. ~~A violation of any of the provisions of this section is a misdemeanor.~~

Sec. 13. Minnesota Statutes 1969, Section 169.672, is amended to read:

169.672 BRAKE FLUID; COMMISSIONER'S APPROVAL REQUIRED. ~~From and after July 1, 1953, No person shall have for sale, sell or offer for sale for use in motor vehicle brake systems in this state any hydraulic brake fluid unless of a type and brand approved by the commissioner of highways. Any person violating the provisions of this section shall be guilty of a misdemeanor.~~

Sec. 14. Minnesota Statutes 1969, Section 169.80, Subdivision 1, is amended to read:

169.80 SIZE, WEIGHT, LOAD. Subdivision 1. **LIMITATIONS.** ~~It is a misdemeanor unlawful and punishable as hereinafter provided~~ for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in sections 169.80 to 169.88, or otherwise in violation of sections 169.80 to 169.88, and the maximum size and weight of vehicles herein specified shall be lawful throughout this state, and local authorities shall have no power or authority to alter these limitations except as express authority may be granted in sections 169.80 to 169.88.

When all the axles of a vehicle or combination of vehicles are weighed separately the sum of the weights of the axles so weighed shall be evidence of the total gross weight of the vehicle or combination of vehicles so weighed.

When each of the axles of any group that contains two or more consecutive axles of a vehicle or combination of vehicles have been weighed separately the sum of the weights of the axles so weighed shall be evidence of the total gross weight on the group of axles so weighed.

When, in any group of three or more consecutive axles of a vehicle or combination of vehicles any axles have been weighed separately and two or more axles consecutive to each other in said group have been weighed together, the sum of the weights of the axles weighed separately and the axles weighed together shall be evidence of the total gross weight of the group of axles so weighed.

The provisions of sections 169.80 to 169.88 governing size, weight, and load shall not apply to fire apparatus, or to implements of husbandry temporarily moved upon a highway, or to loads of loose hay or corn stalks if transported by a horse-drawn vehicle or drawn by a farm tractor, or to a vehicle operated under the terms of a special permit issued as herein provided. For purposes of sections

Changes or additions indicated by underline, deletions by ~~strikeout~~.

169.80 to 169.88, a specialized vehicle resembling a low-slung two wheel trailer having a short bed or platform shall be deemed to be an implement of husbandry when such vehicle is used exclusively to transport implements of husbandry.

Sec. 15. Minnesota Statutes 1969, Section 169.89, is amended to read:

169.89 PENALTIES. Subdivision 1. **VIOLATION.** ~~It is a misdemeanor for any person to violate any provision of this chapter unless the violation is a gross misdemeanor or a felony. Unless otherwise declared in this chapter with respect to particular offenses, it is a petty misdemeanor for any person to do any act forbidden or fail to perform any act required by this chapter; except that: (a) a violation which is committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property; or (b) exclusive of violations relating to the standing or parking of an unattended vehicle, a third or subsequent violation of any of the provisions of this chapter, classified therein as a petty misdemeanor, within the immediate preceding 12 months period; is a misdemeanor to which the provisions of subdivision 2 of this section shall not apply.~~

Subd. 2. PENALTY; JURY TRIAL. A person charged with a petty misdemeanor shall not be entitled to a jury trial but shall be tried by a judge without a jury. If convicted, he shall be punished by a fine of not more than \$100.

Subd. 3. RETROACTIVITY. The provisions of this section and section 45 of this act, defining a petty misdemeanor, shall operate not only prospectively but retroactively to include therein all acts and violations, committed prior to the effective date of this act, which are pending before the courts of this state but not to include any matter which has been heard, tried and determined by the courts.

Subd. 2. 4. DRIVER'S RECORD. When a person is arrested for a violation of any provision of this chapter, or a violation of any provision of a city or village ordinance regulating traffic, the court before whom the matter is heard shall determine the driver's record of the person from the commissioner of public safety before pronouncing sentence and the expense incident to the procurement of this information is taxable as costs upon the conviction.

Subd. 3. 5. DRIVER IMPROVEMENT CLINICS; ATTENDANCE. In conjunction with or in lieu of other penalties provided by law for violation of this chapter or a municipal ordinance enacted in conformance thereto, the trial court may in its judgment of conviction order the convicted person to attend and satisfactorily complete a course of study at an approved driver improvement clinic. ~~Any person who fails to comply with such an order may be adjudged in contempt of court.~~ The commissioner of public safety may, upon his

Changes or additions indicated by underline, deletions by ~~strikeout~~.

own motion or upon recommendation of the court, suspend, for a period of not to exceed 30 days, the operator's license or permit or nonresident operating privilege of any person who fails or refuses to comply with an order to attend a driver improvement clinic. The requirement of attendance at a driver improvement clinic is not a fine, imprisonment, or sentence within the meaning of section 609.02. The court may not order a convicted person to attend a driver improvement clinic which is located more than 35 miles from the person's residence. For the purposes of this section "an approved driver improvement clinic" means a clinic whose curriculum and mode of instruction conform to standards promulgated by the commissioner of public safety.

Sec. 16. Minnesota Statutes 1969, Chapter 169, is amended by adding a section to read:

[169.891] JURISDICTION; LIMITATION OF ACTIONS. Subdivision 1. Courts which heretofore have had jurisdiction over misdemeanors have the same jurisdiction over petty misdemeanors.

Subd. 2. The period for commencing an action against any person for a petty misdemeanor shall be the same as that for a misdemeanor.

Sec. 17. Minnesota Statutes 1969, Section 169.90, Subdivision 1, is amended to read:

169.90 OFFENSES. Subdivision 1. Every person who commits or attempts to commit, conspires to commit, or aids or abets in the commission of, any act declared herein to be ~~a crime~~ an offense, whether individually or in connection with one or more other persons or as principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly, or wilfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this chapter, is likewise guilty of such offense.

Sec. 18. Minnesota Statutes 1969, Section 169.91, Subdivision 1, is amended to read:

169.91 ARRESTS. Subdivision 1. **PROCEDURE.** When any person is arrested for any violation of this chapter punishable as a petty misdemeanor, misdemeanor, gross misdemeanor, or felony, the arrested person shall be taken into custody and immediately taken before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of such offenses and is nearest or most accessible with reference to the place where the arrest is made, in any of the following cases:

(1) When a person arrested demands an immediate appearance before a magistrate;

Changes or additions indicated by underline, deletions by ~~strikeout~~.

(2) When a person is arrested and charged with an offense under this chapter causing or contributing to an accident resulting in injury or death to any person;

(3) When the person is arrested upon a charge of negligent homicide;

(4) When the person is arrested upon a charge of driving or operating or being in actual physical control of any motor vehicle while under the influence of intoxicating liquor or drugs;

(5) When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injuries, or damage to property;

(6) When there is reasonable cause for believing that the person arrested may leave the state;

(7) In any other event when the person arrested refused to give his written promise to appear in court, as hereinafter provided.

Sec. 19. Minnesota Statutes 1969, Section 169.965, Subdivision 2, is amended to read:

Subd. 2. Any person violating such rule, regulation or ordinance shall be guilty of a ~~misdemeanor and upon conviction shall be punished by imprisonment in jail or the workhouse for not more than 90 days, or by a fine of not more than \$100~~ petty misdemeanor and subject to the provisions of sections 16 and 17 of this act.

Sec. 20. Minnesota Statutes 1969, Section 169.966, Subdivision 2, is amended to read:

Subd. 2. Any person violating such rule, regulation, or ordinance shall be guilty of a ~~misdemeanor and upon conviction shall be punished by imprisonment in jail or the workhouse for not more than 90 days, or by a fine of not more than \$100~~ petty misdemeanor and subject to the provisions of sections 16 and 17 of this act.

Sec. 21. Minnesota Statutes 1969, Section 169.99, is amended by adding a subdivision to read:

Subd. 1a. In every charge of a violation of any provision of this chapter, the uniform traffic ticket shall contain a blank or space wherein the officer shall specify his opinion as to whether or not an offense which is otherwise a petty misdemeanor was committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property.

Sec. 22. Minnesota Statutes 1969, Section 170.50, Subdivision 1, is amended to read:

Changes or additions indicated by underline, deletions by strikeout.

170.50 GROSS MISDEMEANOR; MISDEMEANOR. Subdivision 1. It is a misdemeanor for any person whose license or nonresident's operating privilege has been suspended under this chapter to operate willfully disobey such order by operating any motor vehicle upon any highway except as permitted under this chapter during such suspension.

Sec. 23. Minnesota Statutes 1969, Section 170.50, Subdivision 3, is amended to read:

Subd. 3. It is a misdemeanor for any person to willfully violate any of the provisions of this chapter unless such violation is by this chapter or other law of this state declared to be a gross misdemeanor or a felony.

Sec. 24. Minnesota Statutes 1969, Section 171.16, is amended to read:

171.16 COURT MAY RECOMMEND SUSPENSION. Subdivision 1. COURTS TO REPORT TO COMMISSIONER. Every court, including district, municipal, and justice of the peace courts, having jurisdiction over offenses committed under any law of this state or ordinance of a political subdivision regulating the operation of motor vehicles ~~on streets or highways~~, shall forward to the department, within ten days, a record of the conviction or plea of guilty or forfeiture of bail of any person in the court for a violation of any such laws or ordinances, except parking violations and except defective vehicle equipment or vehicle size or weight violations committed by a licensed chauffeur while driving a vehicle for which a chauffeur's license is required, ~~and may recommend the suspension of the driver's license of the person so convicted, and the commissioner is hereby authorized to suspend such license as recommended by such court, without a hearing as provided herein.~~

~~Every court having jurisdiction over offenses committed under any city or village ordinance regulating the operation of motor vehicles on streets or highways shall forward to the department, within ten days, a record of the conviction or plea of guilty or forfeiture of bail of any person in the court for a violation of any of the ordinances, except parking ordinances, and except defective vehicle equipment or vehicle size or weight violations committed by a licensed chauffeur while driving a vehicle for which a chauffeur's license is required, and may recommend the suspension of the driver's license of the person so convicted, and the commissioner is hereby authorized to suspend such license as recommended by such court, without a hearing.~~

Subd. 2. COMMISSIONER SHALL SUSPEND. The court may recommend the suspension of the driver's license of the person so convicted, and the commissioner shall suspend such license as recommended by the court, without a hearing as provided herein.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Subd. 3. SUSPENSION FOR FAILURE TO PAY FINE. When any court shall report to the commissioner that any person has been convicted of violating any law of this state, or ordinance of a political subdivision regulating the operation of motor vehicles, has been sentenced to the payment of a fine only, has refused or failed to comply with that sentence and the court having determined such person has the ability to pay such fine the commissioner shall suspend the driver's license of such person for 30 days or until notified by the court that the fine has been paid.

Subd. 4. SURRENDER OF DRIVER'S LICENSE. When any person is convicted of any offense for which this chapter makes mandatory the revocation of the driver's license of such person by the department, or when any person is convicted of any offense for which the court in which such conviction is had recommends the suspension of the driver's license of such person, the court in which such conviction is had shall require the surrender to it of all driver's licenses then held by the person so convicted, and the court shall thereupon forward the same, together with a record of such conviction, to the department.

Subd. 5. JUVENILE COURT. When any judge of a juvenile court, or any of its duly authorized agents, shall determine formally or informally that any person under the age of 18 years has violated any of the provisions of any law of this state, or ordinances of political subdivisions thereof, regulating the operation of motor vehicles on streets and highways, except parking violations, such judge, or duly authorized agent, shall immediately report such determination to the department and may recommend the suspension of the driver's license of such person, and the commissioner is hereby authorized to suspend such license, without a hearing.

Sec. 25. Minnesota Statutes 1969, Section 171.17, is amended to read:

171.17 REVOCATION. The department shall forthwith revoke the license of any driver upon receiving a record of such driver's conviction of any of the following offenses:

(1) Manslaughter or criminal negligence resulting from the operating of a motor vehicle;

(2) Operating a motor vehicle while under the influence of intoxicating liquor or narcotic drug;

(3) Any felony in the commission of which a motor vehicle was used;

(4) Failure to stop and disclose identity and render aid, as required under the laws of this state, in the event of a motor vehicle accident resulting in the death or personal injury of another;

Changes or additions indicated by underline, deletions by ~~strikeout~~.

(5) Perjury or the making of a false affidavit or statement to the department under any law relating to the ownership or operation of a motor vehicle;

~~(6) Conviction~~ Except as this section otherwise provides, conviction, plea of guilty, or forfeiture of bail not vacated, upon three charges of ~~careless or reckless driving, or illegal speeding committed violating~~, within a period of 12 months any of the provisions of chapter 169, or of the rules, regulations, or municipal ordinances enacted in conformance therewith for which the accused may be punished upon conviction by imprisonment;

(7) Conviction of an offense in another state which, if committed in this state, would be grounds for the revocation of the driver's license;

When any judge of a juvenile court, or any of its duly authorized agents, shall determine, formally or informally, that any person under the age of 18 years has committed any offense defined in this section, such judge, or duly authorized agent, shall immediately report such determination to the department, and the commissioner shall immediately revoke the license of that person.

Upon revoking the license of any person, as hereinbefore in this chapter authorized, the department shall immediately notify the licensee, in writing, by depositing in the United States post-office a notice addressed to the licensee at his last known address, with postage prepaid thereon.

Sec. 26. Minnesota Statutes 1969, Section 171.24, is amended to read:

171.24 VIOLATIONS, MISDEMEANORS; EXCEPTIONS. Any person whose driver's license or driving privilege has been canceled, suspended or revoked as provided in this chapter ~~who operates~~ disobeys such order by operating any motor vehicle, the operation of which requires a driver's license, upon the highways in this state while such license or privilege is canceled, suspended, or revoked is guilty of a misdemeanor; ~~and, upon conviction, for a first offense shall be punished by a fine of not less than \$10 or by imprisonment for not less than ten days, and for a second and each subsequent offense shall be punished by a fine of not less than \$50 or by imprisonment for not less than 30 days.~~

It is a misdemeanor for any person to willfully violate any of the provisions of this chapter unless such violation is by any law declared to be a felony or a gross misdemeanor.

Sec. 27. Minnesota Statutes 1969, Section 171.40, is amended to read:

Changes or additions indicated by underline, deletions by strikeout.

171.40 **PENALTIES.** A violation of any provision of sections 171.33 to 171.41 or any regulation issued or adopted pursuant thereto shall be a petty misdemeanor.

Sec. 28. Minnesota Statutes 1969, Section 484.63, is amended to read:

484.63 APPEAL, JURY TRIAL ON APPEAL. Any person convicted of a petty misdemeanor or a violation of a municipal ordinance in any court except the municipal court of Hennepin county, St. Paul or Duluth, may appeal from the conviction to the district court in the same manner and with the same effect as provided by Minnesota Statutes, Chapter 633, except that the appellant shall not have the right to a jury trial if unless he was convicted of the violation of a municipal ordinance, charter provision, rule or regulation for which a sentence to imprisonment is authorized and he was not tried by jury in the municipal court.

Sec. 29. Minnesota Statutes 1969, Section 488.04, Subdivision 5, is amended to read:

Subd. 5. (a) The municipal court has jurisdiction to hear, try, and determine any charge of violation of:

(1) A criminal law of this state constituting a misdemeanor, and in which the offense is committed in a county of the court's jurisdiction;

(2) *Any ordinance, charter provision, rule, or regulation of the city, village, or borough in which the court is situated or of any other city, village, or borough in the county of the court's jurisdiction, if no municipal court has been organized at such place.*

(b) The municipal court has jurisdiction to conduct preliminary hearings and to exercise all judicial powers incident to preliminary hearing proceedings on the charge of violation of any criminal law committed within a county of the court's jurisdiction.

(c) The jurisdiction of a municipal court is exclusive to hear, try, and determine a violation of a criminal law, or ordinance, charter provision, or rule, or regulation of the city, village, or borough in which the court is situated. Its jurisdiction is likewise exclusive to conduct preliminary hearings and to exercise all judicial powers incident to preliminary hearings on a charge of violating a criminal law which violation is committed within the city, village, or borough in which the court is situated.

Cases arising under a petty misdemeanor law of this state, or an ordinance, charter, rule or regulation of a city, village, or borough shall be tried by the court without a jury, except as provided by other laws in cases of appeals to district court.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Sec. 30. Minnesota Statutes 1969, Section 488.17, Subdivision 3, is amended to read:

Subd. 3. Complaints charging violation of a criminal law or a municipal ordinance, charter provision, rule, or regulation shall be sworn to before ~~the clerk or any judge of the court~~ and shall be filed with the clerk. Provided, however, the clerk and deputy clerks of court may also perform such duties when the offense alleged to have been committed is a violation of a petty misdemeanor law of this state or of a municipal ordinance which is punishable, upon conviction, by a sentence to the payment of a fine only.

Sec. 31. Minnesota Statutes 1969, Section 488.17, Subdivision 6, is amended to read:

Subd. 6. The judge, ~~clerk, or deputy clerk~~ of a municipal court may issue warrants. Provided, however, the clerk and deputy clerks of court may also perform such duties when the offense alleged to have been committed is a violation of a petty misdemeanor law of this state or of a municipal ordinance which is punishable, upon conviction, by a sentence to the payment of a fine only.

Sec. 32. Minnesota Statutes 1969, Section 488.20, is amended to read:

488.20 APPEALS TO DISTRICT COURT. Appeals may be taken to the district court of the county from the judgments of municipal courts in the same cases, upon the same procedure, and with the same effect as provided by law respecting appeals from justice courts, and all laws relating to such last named appeals shall be adapted and applied to appeals from the municipal courts. The time for appeal shall not start to run until the judgment has been perfected, the costs taxed, and notice of entry of judgment served upon the adverse party. On appeal to district court the appellant shall not be entitled to a trial by jury if trial by jury was held in municipal court or if the offense for which convicted is punishable by a sentence to the payment of a fine only.

Sec. 33. Minnesota Statutes 1969, Section 488A.10, Subdivision 3, is amended to read:

Subd. 3. **COMPLAINTS.** Complaints charging violations of a criminal law of this state or a municipal ordinance shall be sworn to before any judge of the court and shall be filed with the clerk, or deputy clerk. Provided, however, the clerk and deputy clerks of court may also perform such duties when the offense alleged to have been committed is a violation of a petty misdemeanor law of this state or of a municipal ordinance which is punishable, upon conviction, by a sentence to the payment of a fine only.

Sec. 34. Minnesota Statutes 1969, Section 488A.10, Subdivision 6, is amended to read:

Changes or additions indicated by underline, deletions by strikeout.

Subd. 6. **TRIALS BY JUDGE WITHOUT JURY.** A charge of a violation of any petty misdemeanor law of this state or municipal ordinance, charter provision, rule or regulation, other than a violation dealing with driving while under the influence of an alcoholic beverage or narcotic drug, speeding that is a third or further offense occurring in one year, or careless or reckless driving where a personal injury is involved, shall be heard, tried and determined by a judge without a jury, and the defendant shall have no right to a jury trial on such a charge, except as required by section 169.03 or otherwise required by law. In the event of such trial without jury, there shall be a right of appeal as provided in section 488.20; ~~and provided further that where there has been a conviction in a trial without jury as provided above, the commissioner of highways shall not by reason thereof revoke or suspend the defendant's driver's license.~~

Sec. 35. Minnesota Statutes 1969, Section 488A.10, Subdivision 7, is amended to read:

Subd. 7. **WARRANTS.** Any judge of the court may issue warrants. The clerk of the court may issue warrants when the offense alleged to have been committed is a violation of a petty misdemeanor law of this state or of a municipal ordinance which is punishable, upon conviction, by a sentence to the payment of a fine only.

Sec. 36. Minnesota Statutes 1969, Section 488A.18, Subdivision 12, is amended to read:

Subd. 12. **REMOVAL OF CAUSES TO SUPREME COURT.** All causes may be removed from the municipal court to the supreme court of the state of Minnesota in the same manner, upon like proceedings and with like effect as from district court. ~~However, in the case of a conviction for violation of an ordinance, appeal may be made to the district court whereupon the defendant shall be entitled to a trial de novo therein, with or without a jury, but otherwise with all the rights and subject to the procedures prescribed by Minnesota Statutes, Section 488.20.~~

Sec. 37. Minnesota Statutes 1969, Section 488A.27, Subdivision 3, is amended to read:

Subd. 3. **COMPLAINTS.** Complaints charging violation of a statute, ordinance, charter provision, rule or regulation shall be sworn to before any judge of the court and such complaints and warrants relating to such complaints shall be filed with the clerk. Provided, however, the clerk and deputy clerks of court may also perform such duties when the offense alleged to have been committed is a violation of a petty misdemeanor law of this state or of a municipal ordinance which is punishable, upon conviction, by a sentence to the payment of a fine only.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Sec. 38. Minnesota Statutes 1969, Section 488A.27, Subdivision 6, is amended to read:

Subd. 6. **TRIALS BY JUDGE WITHOUT JURY.** A charge of violation of any petty misdemeanor law of this state, ordinance, charter provision, rule or regulation shall be heard, tried and determined by a judge without a jury and the defendant shall have no right to a jury trial on such a charge, except for those offenses where the defendant is otherwise entitled to a trial by jury as required by section 169.03 or otherwise required by law. In the event of such trial without jury, there shall be a right of appeal as provided in section 488.20.

Sec. 39. Minnesota Statutes 1969, Section 488A.27, Subdivision 7, is amended to read:

Subd. 7. **PROCESS.** All warrants and other criminal process issued by this court shall be tested in the name of the chief judge may be issued by any judge of the court. Provided, however, the clerk and deputy clerks of court may also perform such duties when the offense alleged to have been committed is a violation of a petty misdemeanor law of this state or of a municipal ordinance which is punishable, upon conviction, by a sentence to the payment of a fine only.

Sec. 40. Minnesota Statutes 1969, Section 488A.35, Subdivision 3, is amended to read:

Subd. 3. **POWERS, CRIMINAL CASES, BAIL, CONTEMPT.** ~~To hear all complaints and conduct all examinations and trials in criminal cases under the general laws of the state of Minnesota, arising or triable in the county of St. Louis and cognizable before a justice of the peace, or arising under the charter, ordinances, regulations, or bylaws of the said city of Duluth, and said court shall have the power to fix bail in all cases where bail is allowed to be given under the laws of this state; and in all such cases the person required to give bail may in lieu thereof deposit in said court a sum of money—legal tender of the United States—equal the amount of the bail so fixed. Said court shall have power to punish for contempt of court by a fine not exceeding \$100 or by imprisonment for a period not exceeding 85 days.~~

(a) Said court shall have jurisdiction to hear, try, and determine any charge of violation of:

(1) A criminal law in which the punishment does not exceed 90 days imprisonment or a fine of \$300, or both, and in which the offense is committed within the county of St. Louis;

(2) Any ordinance, charter provision, rule, or regulation of the city of Duluth or of any other city, village or borough in the county of St. Louis, if no municipal court has been organized at such place;

Changes or additions indicated by underline, deletions by ~~strikeout~~.

(b) The court has jurisdiction to conduct preliminary hearings and to exercise all judicial powers incident to preliminary hearing proceedings on the charge of violation of any criminal law committed within the county of St. Louis;

(c) The court may punish for contempt of court by a fine of not exceeding \$100 or by imprisonment for a period not exceeding 90 days;

(d) Any judge may set the amount of bail for any violation of a law of this state or a municipal ordinance, charter provision, rule, or regulation for which bail is allowed under the laws of the state. A bail bond in such amount may be posted or the person to give bail, in lieu of bail bond, may deposit with the clerk a sum of money equal to the amount of the bail so fixed;

(e) Cases arising under a petty misdemeanor law of this state, an ordinance, charter, rule or regulation of a city, village, or borough shall be tried by the court without a jury, unless required by section 169.03 or otherwise required by law. In the event of such trial without jury, there shall be a right of appeal as provided in section 488.20;

(f) All causes may be removed from the municipal court to the supreme court in the same manner, upon like proceedings and with the same effect as from district court.

Sec. 41. Minnesota Statutes 1969, Section 488A.52, is amended to read:

488A.52 COMPLAINTS IN CRIMINAL ACTIONS. Complaints in criminal cases, where the defendant is not in custody, may be made to the court, or a judge, or a clerk and shall be made in writing, or be reduced to writing by the Judge or clerk and sworn to by the complainant before any judge of the court and shall be filed with the clerk, whether the offense charged be a violation of the criminal laws or petty misdemeanor laws of the state or of the ordinances, regulations, or bylaws of said city. Any judge of the court may issue warrants. Complaints, warrants and other process in criminal cases may follow substantially the forms heretofore in use by justices of the peace, with such alterations as may be convenient to adapt the same to the style of this court, or may be in such other form as the court may prescribe, sanction or approve. Provided, however, the clerk and deputy clerks of court may also perform such duties when the offense alleged to have been committed is a violation of a petty misdemeanor law of this state or of a municipal ordinance which is punishable, upon conviction, by a sentence to the payment of a fine only.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

In cases where alleged offenders shall be in custody and be brought before the court or the clerk without process, the clerk shall enter upon the records of the court a brief statement of the offense with which the offender is charged, which statement shall stand in place of a complaint, unless the court shall direct a formal complaint to be made. The plea of the defendant shall be "guilty" or "not guilty." In case of a failure to plead the clerk shall enter a plea of "not guilty," and a former acquittal or conviction for the same offense may be proved under the plea of "not guilty" with like effect as if formally pleaded.

In the examination of offenders charged with indictable offenses, such minutes of the examination shall be kept as the court may direct, and be properly returned to said court before which the party charged with the offense may be bound to appear.

Sec. 42. Minnesota Statutes 1969, Section 609.02, Subdivision 1, is amended to read:

609.02 DEFINITIONS. Subdivision 1. **CRIME.** "Crime" means conduct which is prohibited by statute and for which the actor may be sentenced to imprisonment ~~or fine or both~~, with or without a fine.

Sec. 43. Minnesota Statutes 1969, Section 609.02, is amended by adding a subdivision to read:

Subd. 4a. **PETTY MISDEMEANOR.** "Petty misdemeanor" means a petty offense which is prohibited by statute, which does not constitute a crime and for which a sentence of a fine of not more than \$100 may be imposed.

Sec. 44. Minnesota Statutes 1969, Section 609.025, is amended to read:

609.025 JURISDICTION OF STATE. A person may be convicted and sentenced under the law of this state if:

- (1) He commits ~~a crime~~ an offense in whole or in part within this state; or
- (2) Being without the state, he causes, aids or abets another to commit a crime within the state; or
- (3) Being without the state, he intentionally causes a result within the state prohibited by the criminal laws of this state.

It is not a defense that the defendant's conduct is also a criminal offense under the laws of another state or of the United States or of another country.

Sec. 45. Minnesota Statutes 1969, Section 609.04, is amended to read:

Changes or additions indicated by underline, deletions by ~~strikeout~~.

609.04 CONVICTION OF LESSER OFFENSE. Subdivision 1. Upon prosecution for a crime, the actor may be convicted of either the crime charged or an included-~~crime offense~~ offense, but not both. An included-~~crime offense~~ offense may be any of the following:

- (1) A lesser degree of the same crime; or
- (2) An attempt to commit the crime charged; or
- (3) An attempt to commit a lesser degree of the same crime; or
- (4) A crime necessarily proved if the crime charged were proved-
; or

(5) A petty misdemeanor necessarily proved if the misdemeanor charge were proved.

Subd. 2. A conviction or acquittal of a crime is a bar to further prosecution of any included-~~crime offense~~ offense, or other degree of the same crime.

Sec. 46. Minnesota Statutes 1969, Section 629.31, is amended to read:

629.31 TIME OF ARREST. If the offense charged be a felony, arrest may be made on any day and at any time of the day or night; if it be a misdemeanor, arrest shall not be made on Sunday or ~~at night,~~ between the hours of 9:00 o'clock p.m. and 9:00 o'clock a.m. on any other day unless upon the direction of the magistrate endorsed upon the warrant.

Sec. 47. Minnesota Statutes 1969, Section 629.42, is amended to read:

629.42 PROCEEDINGS ON COMPLAINT; WARRANT. Upon complaint made to any such magistrate that a criminal offense has been committed, he shall examine, on oath, the complainant and any witnesses who shall appear before him, reduce the complaint to writing, and cause it to be subscribed by the complainant; and, if it shall appear that such offense has been committed, he shall issue a warrant, reciting the substance of the complaint, and requiring the officer to whom it is directed to forthwith bring the accused before ~~him~~ the magistrate issuing the warrant, or some other court or magistrate of the county, to be dealt with according to law, and in such warrant require him to summon the witnesses therein named to ~~appear and give evidence on the examination.~~ Provided, however, the clerk and deputy clerks of court may also perform such duties when the offense alleged to have been committed is a violation of a petty misdemeanor law of this state or of a municipal ordinance which is punishable, upon conviction, by a sentence to the payment of a fine only.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Sec. 48. Minnesota Statutes 1969, Section 633.02, is amended to read:

633.02 TRIAL POWERS; LIMITATION. Justices have power to hold a court, subject to the provisions hereinafter contained, to hear, try, and determine all charges for offenses arising within their respective counties and constituting misdemeanors. A charge of a violation of any petty misdemeanor law of this state shall be heard, tried, and determined by a judge without a jury, and the defendant shall have no right to a jury trial on such a charge.

Sec. 49. Minnesota Statutes 1969, Sections 169.14, Subdivision 6; 169.202, Subdivision 3; 169.42, Subdivision 2; and 169.91, Subdivision 2, are repealed.

Approved August 3, 1971.

EXTRA SESSION
CHAPTER 28—S.F.No.143

An act relating to unemployment compensation; determination of validity of claims; amending Minnesota Statutes 1969, Section 268.10, Subdivision 2.

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

Section 1. Minnesota Statutes 1969, Section 268.10, Subdivision 2, is amended to read:

Subd. 2. UNEMPLOYMENT COMPENSATION; VALIDITY OF CLAIMS; DETERMINATION OF VALIDITY; REDETERMINATION; ISSUES OF ELIGIBILITY AND DISQUALIFICATION.

(1) An official, designated by the commissioner, shall promptly examine each claim for benefits filed to establish a benefit year pursuant to this section, and, on the basis of the facts found, shall determine whether or not such claims are valid, and if valid, the weekly benefit amount payable, the maximum benefit amount payable during the benefit year, and the date the benefit year terminates, and such determination shall be known as the determination of validity. Notice of any such determination of validity or any redetermination as provided for in clause (2) of this subdivision shall be promptly given the claimant and all other interested parties. Unless the claimant or such other interested party or parties within

Changes or additions indicated by underline, deletions by ~~strikeout~~.