

suitable toilet facilities, cupolas, or bay windows, platforms, guard rails, grab irons, and steps for the safety of persons in alighting or getting on the caboose cars and the caboose cars shall be equipped with at least two four-wheeled trucks. Shatter-proof glass shall be used in the door or doors of the caboose when the present glass in the door or doors is replaced. Each caboose, when placed in service, shall be provided with paper cups and potable water in an amount of not less than one gallon to be supplied by a water cooler, the same to be kept in a sanitary, clean and operating condition. In the event a failure of the required equipment or standards of maintenance occurs after a caboose has commenced to move in service, the railroad operating that caboose shall not be deemed in violation of this section if said failure of equipment or standards of maintenance is corrected at the next initial terminal as defined in section 219.551, subdivision 2. All caboose cars built or purchased after January 1, 1968, shall have the underframing and superstructure thereof, constructed of steel or a material of equivalent strength and, after January 1, 1972, shall also be equipped with a cushioned underframe or cushioned draft gears and shatter-proof glass in all doors and windows, and when said caboose cars are operated at the rear of a train, shall be equipped with a marker or markers which may consist of flags, lamps, flashing lights or reflectorized devices.

Sec. 2. This act is effective January 1, 1974.

Approved April 19, 1973.

CHAPTER 116—S.F.No.244

[Coded]

An act relating to a uniform act for recognition of acknowledgments; repealing Minnesota Statutes 1971, Sections 358.12, 358.13, 358.22, 358.23, 358.24, 358.26, and 358.27.

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

Section 1. **[358.32] UNIFORM RECOGNITION OF ACKNOWLEDGMENTS ACT.** For the purposes of this act, "notarial acts" means acts which the laws and regulations of this state authorize notaries public of this state to perform, including the administering of oaths and affirmations, taking proof of execution and acknowledgments of instruments, and attesting documents. Notarial acts may be performed outside this state for use in this

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state with the same effect as if performed by a notary public of this state by the following persons authorized pursuant to the laws and regulations of other governments in addition to any other person authorized by the laws and regulations of this state:

(1) a notary public authorized to perform notarial acts in the place in which the act is performed;

(2) a judge, clerk, or deputy clerk of any court of record in the place in which the notarial act is performed;

(3) an officer of the foreign service of the United States, a consular agent, or any other person authorized by regulation of the United States Department of State to perform notarial acts in the place in which the act is performed;

(4) a commissioned officer in active service with the armed forces of the United States and any other person authorized by regulation of the armed forces to perform notarial acts if the notarial act is performed for one of the following or his dependents; a merchant seaman of the United States, a member of the armed forces of the United States, or any other person serving with or accompanying the armed forces of the United States; or

(5) any other person authorized to perform notarial acts in the place in which the act is performed.

Sec. 2. [358.33] AUTHENTICATION OF AUTHORITY OF OFFICER. Subdivision 1. If the notarial act is performed by any of the persons described in clauses 1 to 4 of section 1, other than a person authorized to perform notarial acts by the laws or regulations of a foreign country, the signature, rank, or title and serial number, if any, of the person are sufficient proof of the authority of a holder of that rank or title to perform the act. Further proof of his authority is not required.

Subd. 2. If the notarial act is performed by a person authorized by the laws or regulations of a foreign country to perform the act, there is sufficient proof of the authority of that person to act if:

(a) either a foreign service officer of the United States resident in the country in which the act is performed or a diplomatic or consular officer of the foreign country resident in the United States certifies that a person holding that office is authorized to perform the act;

(b) the official seal of the person performing the notarial act is affixed to the document; or

(c) the title and indication of authority to perform notarial acts of the person appears either in a digest of foreign law or in a list customarily used as a source of such information.

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Subd. 3. If the notarial act is performed by a person other than one described in subdivisions 1 and 2, there is sufficient proof of the authority of that person to act if the clerk of a court of record in the place in which the notarial act is performed certifies to the official character of that person and to his authority to perform the notarial act.

Subd. 4. The signature and title of the person performing the act are prima facie evidence that he is a person with the designated title and that the signature is genuine.

Sec. 3. [358.34] **CERTIFICATE OF PERSON TAKING ACKNOWLEDGMENT.** The person taking an acknowledgment shall certify that:

(1) the person acknowledging appeared before him and acknowledged he executed the instrument; and

(2) the person acknowledging was known to the person taking the acknowledgment or that the person taking the acknowledgment had satisfactory evidence that the person acknowledging was the person described in and who executed the instrument.

Sec. 4. [358.35] **RECOGNITION OF CERTIFICATE OF ACKNOWLEDGMENT.** The form of a certificate of acknowledgment used by a person whose authority is recognized under section 1 shall be accepted in this state if:

(1) the certificate is in a form prescribed by the laws or regulations of this state;

(2) the certificate is in a form prescribed by the laws or regulations applicable in the place in which the acknowledgment is taken; or

(3) the certificate contains the words "acknowledged before me," or their substantial equivalent.

Sec. 5. [358.36] **CERTIFICATE OF ACKNOWLEDGMENT.** The words "acknowledged before me" mean

(1) that the person acknowledging appeared before the person taking the acknowledgment,

(2) that he acknowledged he executed the instrument,

(3) that, in the case of:

(a) a natural person, he executed the instrument for the purposes therein stated;

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(b) a corporation, the officer or agent acknowledged he held the position or title set forth in the instrument and certificate, he signed the instrument on behalf of the corporation by proper authority, and the instrument was the act of the corporation for the purpose therein stated;

(c) a partnership, the partner or agent acknowledged he signed the instrument on behalf of the partnership by proper authority and he executed the instrument as the act of the partnership for the purposes therein stated;

(d) a person acknowledging as principal by an attorney in fact, he executed the instrument by proper authority as the act of principal for the purposes therein stated;

(e) a person acknowledging as a public officer, trustee, administrator, guardian, or other representative, he signed the instrument by proper authority and he executed the instrument in the capacity and for the purposes therein stated; and

(4) that the person taking the acknowledgment either knew or had satisfactory evidence that the person acknowledging was the person named in the instrument or certificate.

Sec. 6. [358.37] **SHORT FORMS OF ACKNOWLEDGMENT.** The forms of acknowledgment set forth in this section may be used and are sufficient for their respective purposes under any law of this state. The forms shall be known as "Statutory Short Forms of Acknowledgment" and may be referred to by that name. The authorization of the forms in this section does not preclude the use of other forms.

(1) For an individual acting in his own right:
State of
County of
The foregoing instrument was acknowledged
before me this... (date)... by... (name of person
acknowledged.)
(Signature of person taking acknowledgment)
(Title or rank)
(Serial number, if any)

(2) For a corporation:
State of
County of
The foregoing instrument was acknowledged
before me this... (date)... by... (name of officer or
agent, title of officer or agent)..... of... (name of
corporation acknowledging)..... a (state or place of
incorporation)..... corporation, on behalf of the
corporation.

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(Signature of person taking acknowledgment)
 (Title or rank)
 (Serial number, if any)
 (3) For a partnership:
 State of
 County of
 The foregoing instrument was acknowledged
 before me this... (date)... by... (name of acknowledging
 partner or agent), partner (or agent) on behalf of
 ... (name of partnership), a partnership.

(Signature of person taking acknowledgment)
 (Title or rank)
 (Serial number, if any)
 (4) For an individual acting as principal by
 an attorney in fact:
 State of
 County of

The foregoing instrument was acknowledged
 before me this... (date)... by... (name of attorney in
 fact)... as attorney in fact on behalf of... (name of
 principal).

(Signature of person taking acknowledgment)
 (Title or rank)
 (Serial number, if any)

(5) By any public officer, trustee, or
 personal representative:

State of
 County of
 The foregoing instrument was acknowledged
 before me this... (date)... by... (name and title of position).
 (Signature of person taking acknowledgment)
 (Title or rank)
 (Serial number, if any)

Sec. 7. [358.38] ACKNOWLEDGMENTS NOT AFFECTED BY THIS ACT. A notarial act performed prior to the effective date of this act is not affected hereby. This act provides an additional method of proving notarial acts. Nothing herein diminishes or invalidates the recognition accorded to notarial acts by other laws or regulations of this state.

Sec. 8. [358.39] UNIFORMITY OF APPLICATION AND CONSTRUCTION. This act shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this act among those states which enact it.

Sec. 9. [358.40] CITATION. This act may be cited as the uniform recognition of acknowledgments act.

Sec. 10. Minnesota Statutes 1971, Sections 358.12, 358.13, 358.22, 358.23, 358.24, 358.26, and 358.27 are repealed.

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Sec. 11. **EFFECTIVE DATE.** This act takes effect July 1, 1973.

Approved April 19, 1973.

CHAPTER 117—S.F.No.1229

An act relating to natural resources; state parks and recreational areas; permits and fees; exempting Fort Snelling Memorial Chapel island from permit and fee requirements; amending Minnesota Statutes 1971, Section 85.05, Subdivision 2.

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

Section 1. Minnesota Statutes 1971, Section 85.05, Subdivision 2, is amended to read:

Subd. 2. **STATE PARKS; FORT SNELLING CHAPEL; PERMITS FOR MOTOR VEHICLES.** (a) Except as provided in clauses (b) ~~and~~, (c) ~~and~~ (d) of this subdivision, no motor vehicle shall enter or be permitted to enter any state park, state monument, state recreation area or state wayside over 50 acres in area unless it has affixed to its windshield in the lower right corner thereof a permit which is provided for hereinafter. The commissioner of natural resources shall procure permits in such form as he shall prescribe for each calendar year which by appropriate language shall grant permission to use any state park, state monument, state recreation area or state wayside over 50 acres in area. Permits for each calendar year shall be provided and placed on sale before October 1 next preceding, and may be affixed and used on or at any time after said date until the end of the calendar year for which issued. Such permits in each category shall be numbered consecutively for each year of issue. A fee of \$3 shall be charged for each permit issued, except that permits of appropriate special design may be sold individually at \$1 covering the use of state parks, state monuments, state recreation areas or state waysides under such conditions as the commissioner may prescribe for a designated period of not more than two days. The fee collected shall be deposited in the state park development account in the state treasury. Such permits shall be issued by such employees of the division of parks and recreation as the commissioner of natural resources may designate in writing and as hereinbefore provided.

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