

this chapter, shall be the usual going wage paid at the time of such injury or death for similar services in institutions where such services are performed by paid employees;

(8) a voluntary uncompensated worker engaged in peace time in the civil defense program when ordered to training or other duty by the state or any political subdivision thereof, shall be employees. The daily wage of the worker for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of such injury or death for similar services where such services are performed by paid employees.;

(9) a voluntary uncompensated worker participating in a program established by a county welfare board shall be an employee within the meaning of this subdivision. In the event of injury or death of any such voluntary uncompensated worker, the wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid in the county at the time of such injury or death for similar services where such services are performed by paid employees working a normal day and week.;

(10) a voluntary uncompensated worker accepted by the commissioner of natural resources who is rendering services as a volunteer pursuant to section 1 of this act shall be an employee. The daily wage of the worker for the purpose of calculating compensation payable under Minnesota Statutes, Chapter 176, shall be the usual going wage paid at the time of injury or death for similar services where such services are performed by paid employees.

In the event it is difficult to determine the daily wage as herein provided, then the commission may determine the wage upon which the compensation is payable.

Sec. 3. This act is effective July 1, 1973.

Approved May 19, 1973.

CHAPTER 421—S.F.No.54

An act relating to courts, procedure and penalties in petty misdemeanor and traffic violation cases; amending Minnesota Statutes 1971, Sections 169.121, Subdivision 1; 169.89, Subdivision 1;

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

171.01, Subdivision 13; 171.16, Subdivisions 1 and 3; 484.63; 488.20; and 488A.18, Subdivision 12.

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

Section 1. Minnesota Statutes 1971, Section 169.121, Subdivision 1, is amended to read:

169.121 COURTS; TRAFFIC VIOLATION CASES; PROCEDURE AND PENALTIES. Subdivision 1. It shall be a misdemeanor for any of the ~~following persons~~ person described in clauses (a), (b), (c) or (d) 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;

(d) A person whose blood contains 0.10 percent or more by weight of alcohol.

When a police officer has reason to believe from the manner in which a driver is driving, operating, or actually controlling, or has driven, operated, or actually controlled, a vehicle that such driver may be violating this subdivision he may require the driver to provide a sample of his breath for an immediate preliminary screening test or analysis before an arrest is made, using a device approved by the commissioner for this purpose. The results of such a preliminary screening test or analysis shall be used only for the purpose of guiding the officer in deciding whether an arrest should be made, and shall not be used as evidence in any court action.

The driver of any motor vehicle shall furnish such a sample of his breath when required to do so. The provisions of Minnesota Statutes, Section 169.123, shall apply to any driver who refuses to furnish a sample of his breath; provided that the license or permit of a driver shall not be revoked pursuant to Minnesota Statutes, Section 169.123, Subdivision 4, for refusal to provide a sample of his breath for preliminary screening purposes, if he submits to a blood, breath or urine test to determine the alcoholic content of his blood pursuant to section 169.123, subdivision 2. Another test may be required of the driver following the screening test pursuant to the provisions of this chapter, which shall be admissible evidence in accordance therewith.

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Nothing in this subdivision authorizing such preliminary screening test or analysis shall be construed as changing, limiting, or otherwise modifying the procedures, safeguards, and other provisions of sections 169.121 to 169.123 or ordinances in conformity therewith.

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. 2. Minnesota Statutes 1971, Section 169.89, Subdivision 1, is amended to read:

169.89 **PENALTIES.** Subdivision 1. **VIOLATION.** 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, when preceded by two or more convictions within the immediate preceding 12 months period; is a misdemeanor to which the provisions of subdivision 2 shall not apply.

Sec. 3. Minnesota Statutes 1971, Section 171.01, Subdivision 13, is amended to read:

Subd. 13. **CONVICTION.** The term "conviction" means a final conviction either after trial or upon a plea of guilty; also a forfeiture of cash or collateral deposited to guarantee a defendant's appearance in court, which forfeiture has not been vacated, or a breach of a condition of release without bail, is equivalent to a conviction.

Sec. 4. Minnesota Statutes 1971, Section 171.16, Subdivision 1, 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, 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

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equipment or vehicle size or weight violations committed by a licensed chauffeur while driving a vehicle for which a chauffeur's license is required.

Sec. 5. Minnesota Statutes 1971, Section 171.16, Subdivision 3, is amended to read:

Subd. 3. **SUSPENSION FOR FAILURE TO PAY FINE.** When any court ~~shall report~~ reports to the commissioner that any a person: (1) has been convicted of violating any a law of this state, or an ordinance of a political subdivision regulating which regulates the operation or parking of motor vehicles, (2) has been sentenced to the payment of a fine only, and (3) has refused or failed to comply with that sentence and notwithstanding the fact that the court having has determined such that the person has the ability to pay such the fine, the commissioner shall suspend the driver's license of such person for 30 days for a refusal or failure to pay or until notified by the court that the fine has been paid.

Sec. 6. Minnesota Statutes 1971, 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, punishable by a fine only~~ may appeal from the conviction to the district court upon questions of law only. Any person convicted of a violation of a municipal ordinance for which a sentence of imprisonment is authorized may appeal to the district court in the same manner and with the same effect as provided by chapter 633, except that the appellant shall not have the right to a jury trial 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. 7. Minnesota Statutes 1971, 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~~

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~~by a sentence to the payment of a fine only. Appeals from a conviction of a petty misdemeanor or an ordinance violation punishable by a fine only shall be upon questions of law only.~~

Sec. 8. Minnesota Statutes 1971, Section 488A.18, Subdivision 12, is amended to read:

Subd. 12. **REMOVAL OF CAUSES TO SUPREME COURT.** All causes except petty misdemeanors and violation of municipal ordinances punishable by fine only 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.

Sec. 9. This act is in effect the day following final enactment.

Approved May 19, 1973.

CHAPTER 422—S.F.No.122

An act relating to public records; accessibility for research; amending Minnesota Statutes 1971, Section 15.17, Subdivision 4.

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

Section 1. Minnesota Statutes 1971, Section 15.17, Subdivision 4, is amended to read:

Subd. 4. **PUBLIC RECORDS; ACCESSIBILITY FOR RESEARCH.** Every custodian of public records shall keep them in such arrangement and condition as to make them easily accessible for convenient use. Photographic, photostatic, microphotographic, or microfilmed records shall be considered as accessible for convenient use regardless of the size of such records, ~~provided that a suitable means for public inspection of the records is provided by the agency maintaining the records.~~ Except as otherwise expressly provided by law, he shall permit all public records in his custody to be inspected, examined, abstracted, or copied at reasonable times and under his supervision and regulation by any person; and he shall, upon the demand of any person, furnish certified copies thereof on payment in advance of fees not to exceed the fees prescribed by law. Full convenience and comprehensive accessibility shall be allowed to researchers including historians, genealogists and other scholars to carry out extensive research and complete

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