

Sec. 2. **Treasurer may select depositories.**—Whenever a town board so requested shall fail to act as provided in section 1 hereof within 30 days after request is filed with the town clerk, the town treasurer may select one or more depositories, not exceeding four in number, for the safe keeping of town funds and deposit town funds therein to the extent of not more than \$2000 in each depository so selected, without requiring security therefor.

Sec. 3. **Treasurer not liable for loss.**—The town treasurer, in the absence of negligence, shall not be liable for the loss of moneys while so deposited, within the limits above specified, occasioned by the closing or insolvency of a designated depository.

Sec. 4. **Interest received to be credited to funds.**—All interest received on funds deposited under the provisions of this Act shall be credited to the respective town funds.

Approved April 20, 1931.

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#### CHAPTER 217—H. F. No. 881

*An act to amend Section 2672 Mason's Minnesota Statutes 1927, as amended by Chapter 432, Laws 1929, and amending Section 2686, Mason's Minnesota Statutes 1927.*

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

Section 1. **Definitions.**—That Section 2672, Mason's Minnesota Statutes 1927, as amended by Chapter 432, Laws 1929, be amended so as to read as follows:

"2672. Wherever in this act the following terms are used they shall be construed to have the meaning herein ascribed to them:

'Application for Registration' shall have the same meaning as 'listing for taxation,' and when a motor vehicle is registered it is also listed.

Trucks used for transporting things other than passengers shall be classified and taxed as follows:

Class T shall include all trucks used for transporting agricultural, horticultural, dairy, and other farm products from the place of production to the point of shipment, sale, or consumption, and shall pay a tax of 2.4% on the base value. Trucks registered in this

class may be employed in hauling from the place of delivery of the products specified herein a return load of supplies required for use or consumption on the farm of the owner of the truck.

Class Y shall include all trucks, trailers and semi-trailers used in the business of transporting goods for compensation as common carriers over any public highway in this state between fixed termini or over a regular route, and shall pay a tax of 10% on the base value.

Class X shall include all trucks, trailers, or semi-trailers not included under Class T or Class Y, and shall pay a tax of 3.4% of the base value.

'Commercial Passenger Transportation' shall mean the carriage of passengers for hire between points not wholly within the limits of the same city, village or borough, or of two or more contiguous cities, provided that local bus lines carrying passengers from a railroad station from or to places in the vicinity thereof shall not be construed to be engaged in commercial passenger transportation.

'Highway.' Any public thoroughfare for vehicles, including streets in cities, villages and boroughs.

'Motor Vehicles.' Any self-propelled vehicle not operated exclusively upon railroad tracks, and any vehicle propelled or drawn by a self-propelled vehicle.

'Owner.' Any person, firm, association or corporation owning or renting a motor vehicle, or having the exclusive use thereof, under a lease or otherwise, for a period greater than 30 days.

'Tractor.' Any motor vehicle designed or used for drawing other vehicles but having no provision for carrying loads independently.

'Trailer.' Any vehicle designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.

'Semi-trailer.' A vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight or that of its load rests upon and is carried by the towing vehicle.

'Truck.' Any motor vehicle designed or used principally for carrying things other than passengers and includes a motor vehicle to which has been added a cabinet box, platform, rack or other equipment for the purpose of carrying merchandise other than the person or effects of the passenger.

'Registrar.' The registrar of motor vehicles designed in this act.

'Sworn Statement.' Any statement required by or made pursuant to the provisions of this act, made under oath administered by an officer authorized to administer oaths.

'Dealer.' Any person, firm or corporation *regularly engaged in the business of manufacturing, or selling, purchasing and generally dealing in new and unused motor vehicles having an established place of business for the sale, trade and display of new and unused motor vehicles and having in its, his or their possession new and unused motor vehicles for the purpose of sale or trade.*"

Sec. 2. **Manufacturers and dealers numbers.**—That Section 2686, Mason's Minnesota Statutes of 1927, be amended so as to read:

"2686. (a) *The Registrar of Motor Vehicles is hereby authorized and empowered to issue licenses to dealers in motor vehicles as above defined. Applicants shall make application for such license, and for the renewal thereof, to said Registrar in writing, and shall submit such information as said Registrar may require, and upon blanks provided by the Registrar for such purpose. Upon proof satisfactory to the Registrar that the applicant is a dealer in motor vehicles as defined herein, said Registrar shall license such dealer for the remainder of the calendar year, and issue a certificate of license therefor as the Registrar may provide upon which shall be placed a distinguishing number of identification of such dealer. The applications for such license, and applications for the renewal thereof, shall be accompanied by the sum of \$20.00 which shall be paid into the State Treasury and credited to the General Revenue Fund. Such license, unless sooner revoked as hereinafter provided, shall be renewed by the Registrar annually upon application by the dealer and upon the making of all listings, registrations, notices and reports required by the Registrar, and upon the payment of all taxes, fees, and arrears due from such dealer.*

(b) *Such license may be revoked by the Registrar of Motor Vehicles upon proof satisfactory to him of either of the following:*

(1) *Violations of any of the provisions of Sections 2672 to 2683 inclusive, and of Sections 2685 to 2694 inclusive, Mason's Minnesota Statutes of 1927.*

(2) *Violation of or refusal to comply with the requests and orders of the Motor Vehicle Registrar.*

(3) *Failure to make or provide to the Registrar all listings, notices and reports required by him.*

(4) *Failure to pay to the Registrar all taxes, fees and arrears due from and by such dealer.*

(5) *Failure to duly apply for renewal of license provided for herein.*

(6) *Revocation of previous license, of which the records of the Registrar relating thereto shall be prima facie evidence of such previous revocation.*

(7) *The fact that the licensee has ceased to engage in the business of a dealer as above defined. Exception: The operation of the business of a dealer as above defined by the administrator or executor of a licensed dealer is hereby exempted from the provisions of this sub-section.*

(c) *The Registrar shall issue to every dealer, upon a request from such dealer licensed as provided in sub-section (a) hereof, one pair of number plates displaying a general distinguishing number upon the payment of \$5.00 to the Registrar of Motor Vehicles. The Registrar shall also issue to such dealer such additional pairs of such number plates as said dealer may request; upon the payment by such dealer to the Registrar of the sum of \$5.00 for each additional pair. Motor vehicles, new or used, bearing such number plates owned by such dealer, may be driven upon the streets and highways of this state by such dealer, or any employee of such dealer. Motor Vehicles, new or used, owned by such dealer and bearing such number plates, may be driven upon the streets and highways for demonstration purposes by any prospective buyer thereof for a period of forty-eight hours. Any motor truck, new or used, owned by such dealer and bearing said dealer's number plates may be driven upon the streets and highways of this state, for demonstration purposes by any prospective buyer for a period of seven days. Upon the delivery of such motor vehicle or motor truck, new or used, to said prospective buyer for said demonstration purposes, said dealer shall deliver to said prospective buyer a card or certificate giving the name and address of said dealer, the name and address of such prospective buyer, and the date and hour of such delivery. Such card or certificate shall be in such form as the Registrar may provide to the dealer for such purpose, and shall be carried by such prospective buyer while driving said motor vehicle or motor truck.*

(d) *Every licensed dealer in motor vehicles, as above defined, may make application upon a blank provided by the Registrar for that purpose for a general distinguishing number for use upon all new motor vehicles being transported from the dealer's source of supply, or other place of storage, to his place of business, or to another place of storage, or from one dealer to another. A general distinguishing number shall be assigned by the Registrar to such dealer for such purpose, and the Registrar shall then issue to said dealer such number of pairs of such plates as the dealer may re-*

quest, upon the payment by said dealer to said Registrar of the sum of \$2.00 per pair. Such plates shall be known as "in transit" plates. The Registrar may issue such "in transit" plates, upon the payment of the sum of \$2.00 to said Registrar, to dealers duly licensed in States or Provinces bordering upon the State of Minnesota upon information furnished him in such manner as he may prescribe, and which satisfies him that persons or companies applying therefor are duly licensed dealers under the laws of such States or Provinces.

(e) *Procedure for Revocation.* The Registrar of Motor Vehicles, upon his own motion or upon the complaint of another, shall prepare and cause to be served upon the dealer complained of, a written notice or complaint setting forth, in substance, the violations charged, and shall require said dealer to appear at the time and place fixed therein before said Registrar or authorized deputy, and show cause why his license should not be revoked.

The Registrar shall, at the time and place fixed in said notice, proceed to hear and determine the matter on its merits. If the said Registrar shall find the existence of any of the causes for revocation as set forth in Section (b) above, and shall determine that said dealer's license should be revoked, he shall make a written order to that effect, and a copy of such order shall be served upon such dealer in the manner provided by law for the service of summons in a civil action. Upon such revocation, such dealer shall immediately return to the Registrar all number plates, including "in transit" plates, in his possession.

(f) *Procedure for Appeal.* Any party or person aggrieved by such order of revocation may appeal therefrom to any District Court of the state within fifteen days after the service of a copy of such order upon the dealer complained of by the service of a written notice of appeal upon said Registrar. The person serving such notice of appeal shall, within five days after the service thereof, file the same, with proof of service thereof, with the Clerk of the Court to which such appeal is taken, and thereupon said District Court shall have jurisdiction over said appeal and the same shall be entered upon the records of said District Court and shall be tried therein according to the rules relating to the trial of civil actions insofar as the same are applicable. The complainant before the Registrar, if there was one, otherwise the Registrar of Motor Vehicles, shall be designated as the "Complainant," and the dealer complained of shall be designated as the "Defendant." No further pleadings than those filed before the Registrar shall be necessary. The findings of fact of the Registrar shall be prima facie evidence of the matters therein stated, and the order shall be prima facie reasonable, and the burden of proof upon all issues raised by the

*appeal shall be on the appellant. If said Court shall determine that the order appealed from is lawful and reasonable, it shall be affirmed and the order enforced as provided by law. If it shall be determined that the order is unlawful or unreasonable it shall be vacated and set aside. Such appeal shall not stay or supersede the order appealed from unless the Court, upon an examination of said order, and the return made on said appeal, and after giving the defendant notice and opportunity to be heard, shall so direct. When no appeal is taken from such order, the parties affected thereby shall be deemed to have waived the right to have the merits of such controversy reviewed by a court, and there shall thereafter be no trial of the merits or re-examination of the facts by any district court to which application may be made from a writ to enforce the same.*

(g) *Any party to an appeal or other proceeding in the District Court under the provisions of this Act may appeal from the final judgment, or from any final order therein, to the Supreme Court in the same cases and manner as in civil action.*

**Sec. 3. Inconsistent acts repealed.**—All acts, or parts of acts, inconsistent herewith, are hereby repealed, except it is expressly understood Section 2695 Mason's Statutes of 1927, providing for penalties for violation of the Motor Vehicle Registration law shall also apply to Sections 2672 and 2686 Mason's Statutes of 1927 as hereby amended.

**Sec. 4. Provisions separable.**—The various provisions of this Act shall be severable and if any part or provision shall be held to be invalid, it shall not be held to invalidate any other part or provision hereof.

**Sec. 5. Effective January 1, 1932.**—This act shall take effect and be in force from and after January 1st, 1932, except the provisions of sub-section (d) of Section 2 relating to "in transit" plates which shall be in force and effect from and after its passage.

Approved April 20, 1931.

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CHAPTER 218—H. F. No. 943

*An act to amend Mason's Minnesota Statutes 1927, Section 9468 as amended by Chapter 13, Laws 1929 relating to the selection of jurors.*