

motor vehicles, their registration or the operation thereof, or the use of the highways, punishable as a misdemeanor, and is not taken into custody and immediately taken before a magistrate, the arresting officer shall prepare, in duplicate, written notice to appear in court. The notice shall contain the name and address of the person arrested, his drivers license, or chauffeur's license number, the license number of his vehicle, the offense charged, and the time when and the place he is to appear in court. This place must be before a magistrate within the county in which the offense charged is alleged to have been committed who has jurisdiction and is nearest or most accessible with reference to the place of arrest.

In order to secure release, as provided in this section, the arrested person must give his written promise so to appear in court by signing, in duplicate, the written notice prepared by the arresting officer. The officer shall retain the original of the notice and deliver a copy thereof to the person arrested. Thereupon, the officer shall release the person arrested from custody.

Approved April 25, 1955.

CHAPTER 846—S. F. No. 1283

An act relating to wholesale produce dealers, fees and bonds thereof; amending Minnesota Statutes 1953, Section 27.04.

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

Section 1. Minnesota Statutes 1953, Section 27.04, is amended to read:

27.04 Licenses; fees; bonds. License to engage in the business of a dealer at wholesale within the state shall be issued by the commissioner to such reputable persons as apply therefor, pay the prescribed fee, and comply with the conditions herein specified.

The application shall be in writing, accompanied by the prescribed fee and under oath, and shall set forth the place or places where the applicant intends to carry on the business for which the license is desired, the estimated amount of business to be done monthly, the amount of business done during the preceding year, if any, the full names of the persons constituting the firm, in case the applicant is a copartnership, the names of the officers of the corporation and where incorporated, if a corporation, and a financial statement showing the value

and character, in a general way, of the assets and the amount of liabilities of the applicant.

The applicant shall execute and file with the commissioner a *Corporate Surety* bond to the State of Minnesota to be approved by the commissioner, the amount and form thereof to be fixed by the commissioner, conditioned for the faithful performance of his duties as a dealer at wholesale; provided, that any and all bonds heretofore executed and filed with the commissioner by dealers at wholesale containing substantially the requirements of section 27.04 and 27.05 are hereby confirmed and approved, for the observance of all laws relating to the carrying on of the business of a dealer at wholesale, for the payment when due of the purchase price of produce purchased by him when notice of default is given the commissioner within 30 days after the due date; provided, that the bond shall not cover transactions wherein it appears to the commissioner that a voluntary extension of credit has been given on the produce by the seller to the licensee beyond the due date, for the prompt settlement and payment of all claims and charges due the state for services rendered or otherwise, for the prompt reporting of sales, as required by law, to all persons consigning produce to the licensee for sale on commission, and the prompt payment to the persons entitled thereto of the proceeds of such sales less lawful charges, disbursements, and commissions. The bond shall cover all wholesale produce business transacted, in whole or in part, within the state, and the license, or a certified copy thereof, shall be kept posted in the office of the licensee at each place within the state where he transacts business. All licenses shall expire May 31st of each year. The fee for each license shall be \$12.50, and for each certified copy thereof \$1. When the licensee shall sell, dispose of, or discontinue his business during the lifetime of his license he shall, at the time such action is taken, notify the commissioner, in writing; and shall upon demand produce before the commissioner a full statement of all assets and liabilities as of the date of transfer or discontinuance of the business.

The applicant shall file with the commissioner a schedule of his commissions and charges for services in connection with produce handled on account of or as agent for another.

All moneys collected from license fees shall be deposited in the state treasury in a separate fund known as the wholesale dealers' enforcement fund and used by the produce inspection division of the department of agriculture, dairy, and food for the purpose of supervising and regulating the provisions of sections 27.01 to 27.15. Such moneys shall only be expended upon the order of the commissioner.

Approved April 25, 1955.