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Sec. 114. This act shall take effect and be in force from and after its passage.

Approved April 25, 1925.

CHAPTER 416—S. F. No. 776.

An act to regulate traffic and the operation of vehicles upon streets and highways; to appropriate moneys therefor, to provide penalties; and to repeal Sections 2621, 2625, 2626, 2627, 2632, 2633, 2634, 2635, 2636, 2701, 2702, 2705, 2706, 2707, 2708, 2709, 2710, 2711, 2714, 2716, and 2718, General Statutes 1923, and all other acts and parts of acts inconsistent herewith.

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

Section 1. **Definitions.**—Unless the language or context clearly indicates that a different meaning is intended, the follow-

ing words and terms shall, for the purposes of this act, be given the meaning hereinafter subjoined to them:

(a) "Highway" means any public thoroughfare for vehicles in this state.

(b) "Motor Vehicle" includes all vehicles propelled by any other than muscular power, except traction engines, road rollers, fire apparatus, police patrol vehicles, ambulances, and such vehicles as run only upon rails or tracks.

(c) "Operator" means every person driving or operating a motor vehicle upon the highways.

(d) "Owner" means 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.

(e) "Municipality" means cities, villages and boroughs in this state.

(f) "Local authorities" means the governing bodies and all officers of counties, cities, villages, boroughs or towns.

Sec. 2. Motor vehicles must be registered.—No person shall operate or drive a motor vehicle on any highway unless such vehicle shall have been registered in accordance with the laws of this state and shall have the number plates assigned to it by the registrar of motor vehicles conspicuously displayed thereon in such manner that the view thereof shall not be obstructed. If the vehicle be a motorcycle, motorcycle side car, trailer or semi-trailer, one such plate shall be displayed on the rear thereof; if it be any other kind of motor vehicle, one such plate shall be displayed on the front and one on the rear thereof, securely fastened so as to prevent the same from swinging. It shall be the duty of the person driving the motor vehicle to keep said plate legible and unobstructed and free from grease, dust, or other blurring material so that the lettering thereon shall be plainly visible at all times. No person shall display on such vehicle at the same time any number plate of more than one state or more than two number plates of any one state.

Sec. 3. Minors under sixteen years of age not to operate motor vehicles.—No person shall operate or drive a motor vehicle on any highway in this state who is under 16 years of age unless such person is accompanied at the time by a duly licensed chauffeur, or by the owner of the motor vehicle being operated, provided that such owner must be 16 years of age or over.

Sec. 4. Limit of size and length of motor vehicle load.—No motor vehicle shall be operated on the highways of a width, including load, greater than 96 inches, except traction engines whose width shall not exceed 108 inches or of a greater height than 12 feet 6 inches or a greater length than 30 feet, and no combination of vehicles coupled together shall be so operated whose

total length, including load, shall be greater than 85 feet, nor shall there be more than two trailers in any combination of vehicles, provided that in special cases vehicles whose dimensions exceed the foregoing limitations may be operated under permits granted as hereinafter provided.

Sec. 5. Limit of weight of motor vehicle load.—No vehicle of four wheels or less whose gross weight, including load, is more than 28,000 pounds, and no vehicle having a greater weight than 22,400 pounds on one axle, and no vehicle having a load of over 800 pounds per inch width of tire upon any wheel concentrated upon the surface of the highway (said width in the case of rubber tires to be measured between the flanges of the rim), shall be operated on the highways; provided that in special cases vehicles whose weight, including load, exceeds those herein prescribed may be operated under special permits granted as hereinafter provided. The provisions of this section shall not apply to horse-drawn vehicles in cities of the first class.

Sec. 6. Special permits may be issued.—The special permit required by Sections 4 and 5 of this act for the operation of a vehicle whose size or weight with load exceeds the limits prescribed in this act shall be in writing and be issued at the discretion of the authorities charged with the maintenance of the highways over which such vehicle is to operate. Such permit may be issued for a single trip or for a definite period not beyond the date of expiration of the vehicle registration, may designate the highways to be used, and may contain such reasonable restrictions as the authorities issuing the same shall prescribe.

Sec. 7. Mud hooks may not be used on highways.—No motor or traction engine equipped with so-called "mud hooks" shall be operated upon any public highway; and no motor vehicle or traction engine shall be operated upon any highway with lugs or other hard protuberances upon the bearing surface of the wheels in such manner as to substantially damage the surface of such highway, except in particular places where and at times when the same are necessary.

Sec. 8. Bridges to be planked.—Every person in charge of a traction engine shall, before taking such engine across a culvert or bridge, place extra planking thereon for the protection of the same, and failure to do so shall render him and the owner of such engine liable for one-half the expenses of repairing any damage resulting therefrom, but not to exceed \$50.00, to be recovered in a civil action and to be applied to the cost of such repair.

Sec. 9. Commissioner to have authority over highways.—The commissioner of highways and the governing body of any political subdivision having jurisdiction of roads therein shall have the authority to restrict the character and weight of motor

traffic upon earth or gravel roads under their jurisdiction when in their judgment weather or soil conditions are such that such traffic will destroy or excessively damage such roads. When such commissioner or governing body restrict the character or weight of motor traffic on such roads, the road shall be posted with plainly printed notices at both ends of the section thereof on which traffic is restricted, at intermediate points where said restricted section is intersected by crossroads, and also at the points where such restricted roads leave the nearest municipality. All such notices shall state the character and weight of traffic prohibited on such roads.

Sec. 10. Limitation of speed.—No person shall operate or halt any vehicle upon any public highway so as to interfere with other traffic thereon, or so as to jeopardize or endanger life, limb, or property; and no person shall drive a motor vehicle upon any highway at a speed greater than is reasonable and proper, having regard to the traffic and the use of the highway. If the rate of speed of any motor vehicle operated on any highway where the same passes through the closely-built-up portions of any municipality, or where the traffic is congested, exceeds 15 miles an hour for a distance of one-tenth of a mile, or if the rate of speed of any motor vehicle operated on any highway where the same passes through the residence portion of any municipality exceeds 20 miles an hour for a distance of one-tenth of a mile, or if the rate of speed of any motor vehicle operated on any highway outside the closely-built-up business portions and the residence portions of any municipality exceeds 35 miles an hour for a distance of one-quarter of a mile, such rate of speed shall be prima facie evidence that the person operating such motor vehicle is driving at a rate of speed greater than is reasonable and proper, having regard to the traffic and the use of the highway.

Sec. 11. Vehicles to be provided with adequate brakes.—Every motor vehicle operated upon a highway shall be provided with adequate brakes, sufficient to control the vehicle at all times, and an adequate bell, horn, or other device for signalling, and all motor trucks shall, in addition thereto, be equipped with a mirror so adjusted as to reveal the road behind from the operator's seat.

Sec. 12. Lights or flags to be displayed on projecting loads.—Every motor vehicle operated upon a highway and carrying poles or other objects which project more than eight feet from the rear shall, during the period when motor vehicles are required to display lights, carry a red light, and during other periods, a red flag at least 12 inches square (at the rear end of the object so projecting. Every motor vehicle operated upon a highway carrying objects which project more than 12 inches) beyond the body or running board on the left-hand side of the vehicle shall

display at both front and rear the same warning signal as required in this section for objects projecting from the rear.

Sec. 13. Vehicles must have lights.—Every motor vehicle operated upon a highway shall, during the period from one-half hour after sunset to one-half hour before sunrise, display at least two lighted lamps of not to exceed 32 candle power, each visible from the front, and one in the rear of such vehicle, which shall also display a red light, visible from the rear for a distance of at least 150 feet. The rear of two or more joined vehicles shall likewise display a rear lamp. The white rays of such rear lamp shall shine upon the number plate carried on the rear of such vehicle in such manner as to make the lettering on said plate clearly discernible. The light of the front lamps shall be sufficient to render discernible on a level road, a person, vehicle or other substantial object at least distant 150 feet in the direction in which the motor vehicle is proceeding. No person shall use or cause to be used on any motor vehicle operated on any highway any electric headlights equipped with a reflector unless the reflector or the glass in front of such light be so constructed that the lighted filament shall appear blurred or all light emitted therefor and projected and projected above the level of the lighted filament shall be free from brilliant luster. No so-called spotlight or searchlight shall be used upon vehicles upon highways except when such spotlight or searchlight is of such construction as to make it impossible to make the center of the beam of light strike the level highway at a greater distance than 100 feet in front of the motor vehicle; except that when such light is permanently fixed so that the beam of light is swung 30 degrees to the right or to the left of the straight ahead position, no limitation is placed on the height to which the beam is raised.

In place of the rear light required by this section to be displayed, there may be substituted and used a plate or placard of glass, or metal enameled, or other material not less than eight and one-half inches, nor more than 16 inches long and not more than six inches wide, which shall display in cut out or stencil form, or in other effective manner, the digits and characters of the license number assigned to such motor vehicle, this illuminated light to be placed and displayed in such manner that it will not interfere with the display of the official number plates required to be displayed upon such vehicle. The design and spacing of the characters or numerals shall be such that the stroke shall be not less than one-half inch in width and the space between the digits or characters not less than one-half inch; the space following the third digit shall be not less than three-quarters of an inch in width, and the openings in such digits as three, five, six and nine shall be made wide enough to avoid confusion with each other and with the digit eight.

The plate or placard, which shall have a ruby-red glass plate of the same dimensions immediately back of and adjacent to it, together with a suitable light placed immediately back of and illuminating them, or shall have a ruby-red electric light or lights immediately back of, and illuminating said plate or placard in such a manner that the said red light efficiently outlines the said numbers and characters on said plate or placard, shall be securely attached to the rear of the motor vehicle. The license plate shall be illuminated between the hours of one-half hour after sunset and one-half hour before sunrise while the vehicle is being operated or parked upon the public highway, and further or other illumination of the official rear number plate than as herein provided shall not be required.

Sec. 14. Standing vehicles to be parked on right of highway.—All vehicles on highways and not in motion shall be placed as near the right-hand side of the highway as practicable and in such manner as not to obstruct public travel; provided, however, that any municipality may, by ordinance, require or permit parking elsewhere. No vehicle shall be parked on the traveled or paved portion of any highway outside the limits of any municipality. No motor vehicle shall be permitted to stand unattended, and with the motor running, on any highway.

Sec. 15. Drivers to slacken pace when meeting other vehicles.—Whenever a person riding, driving or leading a horse or other animal, or driving or operating a motor or other vehicle, on any highway shall meet another person thus riding, driving, or leading a horse or other animal, or thus driving or operating a motor or other vehicle, if such persons are moving in opposite directions, each shall slacken his pace, if necessary, and seasonably turn to the right so as to give half of the traveled road, if practicable, and a fair and equal opportunity to pass, to the other; or, if they are moving in the same direction, the person overtaking shall pass on the left side of the person overtaken, and the person overtaken after being adequately and audibly signalled, shall promptly turn to the right side so as to give half of the traveled road to the other. No person driving a motor or other vehicle shall overtake and pass another traveling in the same direction at any highway intersection, unless the vehicle so overtaken has slowed down at the center of the street as provided in Section 23 of this act, in which case the vehicle overtaken may be passed on its right side.

Sec. 16. Not to pass horse drawn vehicles at a greater speed than 15 miles per hour.—No person operating a motor vehicle or tractor on a highway shall, upon meeting or overtaking any horse or other draft animal driven or in charge of a woman, child, or aged person, or upon meeting or overtaking any other domestic animal except dogs and poultry being upon the highway, pass

said animal at a rate of speed greater than 15 miles per hour; and in case said animal exhibits any signs of fright, the operator shall bring his vehicle to a stop, and, upon request or raising of the hand of the person in charge of said animal, or in case said animal continues to exhibit signs of fright, or in case the person riding, driving or leading said animal cannot control the same, the said operator shall stop the motor of such vehicle or tractor so long as shall be reasonably necessary to prevent damage to property or to the life or limb of such person or animal.

Sec. 17. Slow moving vehicles to drive near curb.—In all municipalities and in other places where the traffic is dense, all motor and other vehicle shall at all times keep to the right of the center of the street, and slow moving vehicles shall keep near to the right-hand curb, except as provided in Section 23.

Sec. 18. Driver to signal pedestrians or cyclists.—Every person operating a motor vehicle shall, upon approaching a pedestrian or cyclist who is upon the traveled part of any highway and not upon a sidewalk, slow down and give a timely signal with his signalling device; provided, however, that no person shall unreasonably obstruct or impede the right of travel upon a highway of a motor or other vehicle.

Sec. 19. Motor vehicles to pass to right of street cars.—The operator of a motor vehicle, when passing a car of a street railway running in the same direction, shall pass only to the right thereof, and in approaching a car of a street railway which has been stopped or is about to stop to allow passengers to alight or embark, he shall bring said vehicle to a full stop not less than ten feet behind said street car and shall remain so stopped until all gates of said street car are closed; provided that such operator may pass a standing street car where a safety zone is established by the proper authorities by slowing down and proceeding cautiously.

Sec. 20. Certain motor vehicles to come to full stop at railroad crossings.—The driver of every motor vehicle which is used at the time for the transportation of school children or other passengers for hire shall, before crossing any grade railroad crossing at which there is at the time no flagman actually on duty, cause such vehicle to come to a full stop not less than 25 feet from such crossing. Every person who shall violate the provisions of this section shall be guilty of a gross misdemeanor.

Sec. 21. Warning signals.—Every person operating a motor vehicle on a highway shall, when approaching a steep descent, a cross road outside the limits of a municipality, a concealed turn, or a point where the view ahead is not clear, or when rounding a curve, sound his signalling device in such manner as to give ample warning of his approach, and shall drive at such speed and keep his vehicle under such control as to prevent accident or

collision. No person operating a motor vehicle on a highway shall pass or attempt to pass another motor vehicle on a curve while moving in the same direction.

Sec. 22. Same.—An operator intending to turn to the left shall drive along the center of the roadway and slow down, and shall extend his left arm in a horizontal position or give some other adequate signal in such a manner as to be clearly visible to operators of vehicles traveling in the same or opposite direction, and if there are not other vehicles approaching which will be obstructed or endangered by such turning, he may so turn and drive to the left. Any operator intending to turn to the right at an intersection shall drive to the extreme right side of the highway when approaching the intersection but shall not make a right turn when another vehicle traveling in the same direction is on his right.

Sec. 23. Right of way.—The driver of any vehicle, including a street car approaching or crossing a street or highway intersection shall give the right of way to any other vehicle approaching from his right on the intersecting street or highway, and shall have the right of way at such intersection over any vehicle including a street car approaching from his left on such intersecting street or highway, except at intersections where and when a police or traffic officer shall be in actual charge of the regulation of traffic, or where automatic traffic signals are in operation and except at intersections which by the commissioner of highways, or by ordinance of the local authorities shall have been designated as through traffic streets and are plainly marked by signs, at which intersections all vehicles approaching such through traffic streets or highways shall come to a full stop before crossing or turning into such street or highway.

Sec. 24. Persons engaged in road work not to be subject to right of way provisions.—Persons, teams, and motor and other equipment shall not be subject to the provisions of this act relating to right of way while actually engaged in road work of such nature as make the observance of such provisions impractical or inconvenient.

Sec. 25. Motor vehicles to use muffler.—Every motor vehicle using gasoline for motive power shall use a "muffler," so-called, and the same shall not be cut out or disconnected within the limits of any municipality or at the time of passing any horse or animal being led, ridden or driven.

Sec. 26. Municipalities not to pass conflicting ordinances.—No city, town, village or other municipality shall make or pass any ordinance, rule or regulation limiting or restricting the speed of motor vehicles, and no ordinance, rule or regulation heretofore or hereafter made by any city, town, village or other municipality in respect of or limiting the use or speed of motor vehicles shall have any force, effect or validity; provided, however, that nothing in this act shall be construed as limiting or preventing local authorities

from regulating motor vehicles offered to the public for hire; and provided, further, that local authorities may exclude motor vehicles from any cemetery or ground used for the burial of the dead, and may, by general ordinance or regulation, exclude motor vehicles used solely for commercial purposes, from any part or part of a park system.

Sec. 27. Driver of vehicle to stop after accident.—Every operator after knowingly having an accident by collision, or otherwise knowingly injuring any person, horse, or vehicle, shall forthwith bring his motor vehicle to a full stop, return to the scene of the accident, and give to any proper person his name, the number of his chauffeur's license if he have a license, and the registration number of his motor vehicle, and the names and residences of each and every occupant of said motor vehicle. Every person violating any provisions of this section shall be guilty of a gross misdemeanor.

Sec. 28. Physicians to be permitted to exceed speed limit in certain cases.—If a licensed physician driving a motor vehicle, shall, while in the act of responding to an emergency call, be stopped for violation of Section 10 hereof, he shall, upon giving his name and address and the registration number of the vehicle, be permitted to proceed in the vehicle to his destination, and thereafter such proceedings shall be had as would have been proper had he not been a physician.

Sec. 29. Driving motor vehicles while intoxicated—Penalties.—Any person who operates a motor vehicle while in an intoxicated condition shall be guilty of a misdemeanor, and upon the second and each subsequent conviction shall be guilty of a gross misdemeanor. Any person convicted under this section shall forfeit any license which he may have to operate a motor vehicle under the laws of this state, and shall also be prohibited from operating any motor vehicle upon the highways for a period of three months after the date of such conviction, for the first offense and for such period, not less than three months and not to exceed one year as shall be fixed by the court, upon each subsequent conviction.

Sec. 30. Animals not to be turned loose on any highway.—It shall be unlawful for an itinerant person or persons to hitch or turn loose on any public highway in this state any horses, cattle or other animals for the purpose of feeding the same or for the purpose of temporarily camping on such public highway for a period to exceed 12 hours or within six miles of the previous camping place of said person or persons.

Sec. 31. Violations of act to be misdemeanor.—Any person violating any of the provisions of this act shall be guilty of a misdemeanor, except in cases where a greater degree of offense is specified; provided, that if any licensed chauffeur is convicted or found guilty of violating any of the provisions of this act, it shall be the duty of the magistrate before whom said conviction is had to make

at once a certified report thereof to the secretary of state. Said report shall contain the name and address of the offender, the number of his license, a statement of the charge made against said chauffeur, a brief statement of the evidence and the verdict or decision of the jury or judge trying the same. If any conviction is reversed on appeal, the person convicted may serve on the secretary of state a certified copy of such reversal, whereupon the secretary of state shall enter the same in the proper book or index in connection with the record of such conviction.

Sec. 32. Disposition of fines.—All fines collected for violations of this act committed upon a state trunk highway shall be paid into the county treasury of the county where the offense was committed and be credited to the county revenue fund. No person shall be employed by any city, village, township or county, as a traffic officer and be paid as such, directly or indirectly, upon the basis of the number of arrests or convictions obtained.

Sec. 33. Not to affect right to recover for damages.—Nothing in this act shall be construed to curtail or abridge the right of any person to prosecute a civil suit for damages by reason of injuries to persons or property resulting from the negligent use of the highways by the operator of a motor vehicle and in all actions and proceedings against the registered owner of a motor vehicle, for negligence in the operation of such vehicle, or for any violation of this act, the fact that such motor vehicle has upon it the registration number assigned to such owner under this act shall be prima facie evidence that such motor vehicle belonged to such registered owner.

Sec. 34. Person charged with violation to have immediate hearing.—In case any person shall be taken into custody because of any violation of any of the provisions of this act, he shall forthwith be taken before any magistrate or justice of the peace in any city, village or county, and be entitled to an immediate hearing, and if such hearing cannot be had, be released on giving his personal undertaking to appear and answer for such violation at such time or place as shall then be indicated, secured by a deposit of a sum of money not exceeding twenty-five dollars (\$25.00), or in lieu thereof, in case the person taken into custody is the owner, by leaving the motor vehicle, and in case the person taken into custody is not the owner, by leaving the motor vehicle, with a written consent given at the time by the owner, who must be present with such judicial officer.

Sec. 35. Highway Traffic Act of Minnesota.—This act may be referred to and cited as "The Highway Traffic Act of Minnesota."

Sec. 36. Laws repealed.—Sections 2621, 2625, 2626, 2627, 2632, 2633, 2634, 2635, 2636, 2701, 2702, 2705, 2706, 2707, 2708, 2709, 2710, 2711, 2714, 2716, 2718, General Statutes 1923, and all

other acts and parts of acts inconsistent herewith, are hereby repealed.

Sec. 37. **Effective June 1, 1925.**—This act shall take effect and be in force from and after June 1st, 1925.

Approved April 25, 1925.

CHAPTER 417—S. F. No. 993.

An act amending Sections 1553, 1554, 1555, 1558 and 1563 General Statutes 1923, relating to the acquisition of lands for streets, parks and parkways in cities of the first class and the improvement and government thereof, and the improvement and government of existing streets, parks and parkways.

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

Section 1. **Proceedings for acquisition of land.**—That Section 1, 1553, General Statutes 1923, be and the same is hereby amended so that it shall read as follows:

“1553. After the adoption of the resolution it shall be the duty of the city engineer to make and present to the council a plat and survey of such proposed improvement, showing the character, course and extent of the same and the property necessary to be taken or interfered with thereby, with the name of the owner of each parcel of such property so far as the engineer can readily ascertain the same, and such statement as may in the opinion of the engineer be proper to explain such plat and survey and the character and extent of the proposed improvement.

When such plat and survey shall be finally adopted by the city council, it shall be filed with the city clerk, and it shall be held to show correctly the character and extent of the improvement actually agreed upon and ordered by the city council.

Said plat shall also show the amount of land taken from each owner, so far as the owners may be known, and the lands contiguous to such improvements.

The city council shall then or afterwards appoint five freeholders of said city, no two of whom shall reside in the same ward, as commissioners, to view the premises and to ascertain and award the amount of damages and compensation to be paid to the owners of property which is to be taken or injured by such improvement, and to assess the amount of such damages and compensation and the expense of the improvement upon the lands and property to be benefited by such improvement, and in proportion to the benefits to be received by each parcel and without regard to a cash valuation.

Three or more commissioners shall constitute a quorum and be competent to perform any duty required of such commissioners; and they shall be notified of their appointment, and vacancies in